

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

Marine Licence: CRML1327

The Natural Resources Body for Wales (“NRW”) acting on behalf of the Licensing Authority hereby authorise:

Isle of Anglesey County Council
Structures Section
Council Offices
LLangefni
LL77 7TW

(Hereinafter referred to as “the Licence Holder”) to remove from the seabed any substances or articles, the particulars of which are set out at paragraph 1.1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This Licence shall be valid from the beginning of the day of **3rd December 2013**, (hereinafter referred to as the start date of this Licence) to the end of the day of **2nd December 2018** (hereinafter referred to as the end or expiry date of this Licence).

For the purposes of this Licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

Signed:



For and on behalf of the Licensing Authority

Date of issue: 3rd December 2013

SCHEDULE of CONDITIONS

1. Particulars of the Works

- 1.1 The type of works for which the removal of the substances or articles as specified in paragraph 1.4 of this Schedule are for the:
- Alleviation of flood risk**
- 1.2 Details of the works requiring the removal of the substances or articles as specified at paragraph 1.1 of this Schedule are:-
- Removal of between 5 – 20 tonne of beach material from the mouth of the Afon Lleniog, and depositing the material at a location adjacent to the river so as to alleviate the risk of flooding upstream.**
- 1.3. Such works are as detailed in the drawing(s) and sectional plan(s) detailed below which were submitted in support of the Licence Holder's application to NRW acting on behalf of the Licensing Authority dated **8th July 2013**.
- 1.4 The substances or articles authorised for removal from the seabed are:
- Sand and shingle**
- 1.5. The Licence Holder and any Agent and Contractor acting on their behalf is permitted to remove the substances or articles specified at paragraph 1.4 of this Schedule, at the following locations, which were detailed in the Licence Holder's application dated **8th July 2013** and **site meeting notes dates 2nd October 2013**.

2. Additional Persons Responsible for the Deposit of the Substances or Articles

- 2.1. The Agents and Contractors permitted to engage in activities subject to the terms and conditions of this Licence are:-

<u>Name of Agent or Contractor</u>	<u>Function</u>
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- 2.2. The Licence Holder must ensure that details of the vehicles utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority prior to the commencement of works

3. Distribution of copies of this Licence

- 3.1 The Licence Holder is required to ensure that a copy of this Licence and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:
- 3.1.1. All Agent(s) and Contractor(s) as detailed at paragraph 2.1; and
- 3.2 Copies of this Licence shall also be available at the following locations:

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- 3.2.1 at the address of the Licence Holder;
- 3.2.2 at any site office, located at or adjacent to the site of the works, used by the Licence Holder, agent(s) or contractor(s) responsible for the loading, transportation or removal of those substances or articles detailed at paragraph 1.4 of this Schedule; and,
- 3.2.3 at the office of any transport manager with responsibility for vehicles from which licensed removals are to be made.

4. Inspection of the Operation

- 4.1 The documents referred to in paragraph 3 shall be available at all reasonable times for inspection by appropriately authorised officers of NRW and/or Marine Enforcement Officers at the locations stated in that paragraph.
- 4.2 The Licence Holder must advise NRW acting on behalf of the Licensing Authority and Marine Enforcement Officers, at least, **10 days** before the licensed operation, or an individual phase of the operation is expected to commence.
- 4.3 The Licence Holder must allow officers of the Maritime and Coastguard Agency, Welsh Government Marine Enforcement Officer or any other person authorised by the Licensing Authority or NRW acting on behalf of the Licensing Authority to inspect the works at any reasonable time.

5. Contacts

- 5.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

**Marine Licensing Team
Natural Resources Wales
Cardiff Permitting Centre
29 Newport Road
Cambria House
Cardiff
CF24 0TP**

Email: marinelicensing@naturalresourceswales.gov.uk

- 5.2 For the purposes of this Licence any references to the Marine Enforcement Officers shall mean the relevant officers located at:-

**Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS**

Tel: 01646 693412

Email: milfordhavenfisheryoffice@wales.gsi.gov.uk

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles specified at subparagraph 1.4 of this Schedule, are deposited otherwise than in the area authorised by this Licence at paragraph 1.5, full details of the circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

"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.

7. Changes to this Licence

- 7.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this Licence was based has changed or is likely to change, he/she shall notify NRW acting on behalf of the Licensing Authority at the earliest opportunity of the details.
- 7.2 Similarly in the event that the Licence Holder wishes any of the particulars set down in the Schedule to be altered he/she shall inform NRW acting on behalf of the Licensing Authority at the earliest opportunity before taking any further action.

8. Project Specific Conditions

- 9.1 The Licence Holder must submit details of the method statement for the removal and deposit of material, having regard to the meeting notes of 2nd October 2013, to NRW acting on behalf of the Licensing Authority for our written approval at least **8 weeks** before the activity is to take place.
- 9.2 Site accesses must be kept clean of mud and dusts.
- 9.3 All work equipment, machinery and contractor PPE should be in a clean condition prior to arrival on-site in order to reduce the risk of the introduction of non-native invasive species to the local area.
- 9.4 The Licence Holder must only access the site within a defined and marked out area thereby limiting personnel and plant access to the site and ensure suitable measures are put in place to keep disturbance of the foreshore to a minimum.
- 9.5 The Licence Holder must ensure bunding and/or storage facilities are installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment i.e. secondary containment should be used with a capacity of not less than 110% of the containers storage capacity.
- 9.6 The Licence holder must ensure Environment Agency Pollution Prevention Guidelines – works and maintenance in or near water: PPG5 - are adhered to at all times. Any incidents should be reported immediately to Natural Resources Wales using their hotline number: 0800 807060 and the Welsh Government Marine Enforcement Officers.

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- 9.7 Emergency spill kits should be available to deal with any spillages of oil etc from plant and equipment used on site.
- 9.8 A contingency plan must be put in place to contain any accidental spillage of oil, fuel or any other chemical used during the course of the works. Any refuelling of works machinery should take place away from the foreshore.
- 9.9 Works must be done in a manner to cause the least discolouration to the Watercourse.
- 9.10 The Licence Holder must ensure appropriate steps are taken to minimise damage to the river bank and foreshore.
- 9.11 The Licence Holder must ensure that the material to be placed must be shingle and sand of similar size and nature to that existing at the deposit site and obtained only from the mouth of the River Afron Lleiniog in North Wales.
- 9.12 The Licence Holder must ensure that the material excavated should be deposited downstream of the natural coastal drift at the mouth of the River Afron Lleiniog.
- 9.13 The Licence Holder must ensure that all machinery leaving the site should be in a clean condition to ensure that any Himalayan Balsam seeds are not carried away from the site to other locations.
- 9.14 The Marine Enforcement Office must also be notified within 10 days of completion of the works.
- 9.15 The works should not be carried out during the spawning season (16th October - 16th April). Consultation with Natural Resources Wales Fisheries Officer to discuss alternatives should be undertaken if this is not possible.
- 9.16 The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.
- 9.17 The Licence Holder must ensure the Environmental Protection (Duty of Care) Regulations 1991, for dealing with waste materials, is adhered to at all times for any off-site movements of wastes.
- 9.18 If in the opinion of NRW acting on behalf of the Licensing Authority the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the Licence Holder responsible for the works will be liable for any expense incurred in securing such assistance.
- 9.19 The Licence Holder must notify the UK Hydrographic Office of the works, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.

EXPLANATORY NOTES

*This page does not form part of this Licence **CRML1327** or its associated schedule but the Licence Holder is recommended to read the following guidance notes.*

1. The granting of this Licence does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 72 of the Marine and Coastal Access Act 2009, the Licensing Authority may vary or revoke this Licence if it appears to the Authority that the Licence Holder is in breach of any conditions in it or for any other reason that appears to the Authority to be relevant.
3. A person who contravenes Section 65 (1) of the Marine and Coastal Access Act 2009, or fails to comply with any condition of a Marine Licence, commits an offence under Part 4, Chapter 3, Section 85 of the Marine and Coastal Access Act 2009.
4. It is a defence, Under Part 4, Chapter 3, Section 86 of the Marine and Coastal Access Act 2009, for a person charged with an offence under Section 85 (1) to prove that:
 - a) the activity was carried out for the purpose of securing the safety of a vessel, aircraft or marine structure or for the purpose of securing life, and,
 - b) that he/she took steps within reasonable time following the incident to inform the Licensing Authority of:
 - (i) the fact that the activity was carried out,
 - (ii) the locality and circumstances in which it was carried out, and
 - (iii) any substance or objects concerned.
5. If the works authorised by this Licence are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence **at least 4 months** prior to the expiry date of this Licence.