



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

Marine Licence: CRML1806

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

STENA LINE LIMITED
Suite 4,
First Floor Pluto House,
Station Road,
Ashford,
Kent,
TN23 1PP
Company No: 01402237

(Hereinafter referred to as “the Licence Holder”) to carry out construction works and deposit in the sea the 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 **08 November 2018**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **08 October 2021** (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 decimal degrees

Signed: 

For and on behalf of the Licensing Authority

Date of issue: 08th November 2018

SCHEDULE of CONDITIONS

1. Particulars of the works

- 1.1 The type of works for which the deposit and removal of the substances or articles as specified in paragraph 1.4 of this Schedule are:

**Removal of existing linkspan and associated structures
Installation of a replacement linkspan and associated works**

- 1.2 Details of the works requiring the deposit and removal of the substances or articles as specified at paragraph 1.1 of this Schedule are:-

Demolition and removal of concrete bankseat, dolphins and open piled deck (600-800m³), together with the removal of the existing jack-up structure, piles, linkspan and ramp.

Removal of a maximum of 10,000m³ of soft sediment below a new area of land reclamation.

Land reclamation to construct the approach area.

Construction of rock armour revetment (approximately 100m in length).

Construction of new dolphins and bankseat.

Installation of replacement linkspan and ramp.

- 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 23 May 2018.

Drawing reference:

M0680-RPS-XX-DR-C-9004 – works seaward of MHWS

M0680-RPS-00-XX-DR-C-9000 – site location

M0680-RPS-00-XX-DR-C-1004 – single tier linkspan layout plan

M0680-RPS-00-XX-DR-C-2000 – demolition and site clearance

M0680-RPS-00-XX-DR-C-1003 - site compound

- 1.4 The substances or articles authorised for deposit and removal at sea are:

Removal: steel, concrete, stone, seabed sediment

Deposit: steel, concrete, silt, sand, seabed sediment, geotextile membrane, rock, stone

- 1.5. The Licence Holder and any Operator and Contractor acting on their behalf is permitted to deposit the substances or articles specified at paragraph 1.4 of this Schedule, at the following location(s):

Fishguard Port, within the area bounded by joining the following points;

Latitude	Longitude
52.0090	-4.9869
52.0090	-4.9867
52.0090	-4.9866
52.0090	-4.9865
52.0091	-4.9863
52.0091	-4.9861

52.0092	-4.9859
52.0093	-4.9858
52.0094	-4.9857
52.0096	-4.9856
52.0098	-4.9855
52.0100	-4.9861
52.0099	-4.9862
52.0098	-4.9862
52.0097	-4.9863
52.0096	-4.9863
52.0094	-4.9864
52.0092	-4.9867

- 1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated 23 May 2018, and as detailed in the following:

Replacement Linkspan, Fishguard Port, Environmental Statement Volume 1: Main Statement submitted 13 February 2018, subject to updated chapters submitted 19 April 2018 – full list of chapters and date received are detailed in Appendix 1.

Replacement Linkspan, Fishguard Port, Environmental Statement Volume 2: Figures

Replacement Linkspan, Fishguard Port, Environmental Statement Volume 3: Appendices – full list of appendices are detailed in Appendix 1.

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

- 2.1 The Licence Holder must ensure that details of the Operator(s) and Contractor(s) utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority prior to the commencement of works.
- 2.2 The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority and Welsh Government Enforcement Officers prior to the commencement of the works.
- 2.3 Only those Operator(s) or Contractor(s) and vehicles whose details have been notified to NRW acting on behalf of the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by NRW acting on behalf of the Licensing Authority in writing prior to operating under this Licence.
- 2.4 All vessels employed to perform the deposit operation permitted by this Licence shall be so constructed and equipped as to be capable of the proper performance of these operations in compliance with the conditions set out in the Schedule to this licence.

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:

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- 3.1.1. All Operator(s) and Contractor(s) whose names have been provided to NRW acting on behalf of the Licensing Authority, and,
 - 3.1.2 The Masters of all vessels and transport managers responsible for the vehicles employed in the pursuance of this Licence whose details have been submitted to NRW as detailed at paragraph 2.2.
- 3.2 Copies of this Licence shall also be available at the following locations:
- 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, operator(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1.4 of this Schedule; and,
 - 3.2.3 on board each vessel or at the office of any transport manager with responsibility for vehicles from which licensed deposits 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 officers appropriately authorised by NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.
- 4.2 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised 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 notify NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the works.
- 4.4 The Licence Holder must allow officers of the Maritime and Coastguard Agency, Welsh Government Marine Enforcement Officer or any other person authorised by 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
Permitting Service**

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**29 Newport Road
Cambria House
Cardiff
CF24 0TP**

Email: marinelicensing@naturalresourceswales.gov.uk

- 5.2 For the purposes of this Licence any references to 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: 03000253500

Email: milfordhavenfisheryoffice@wales.gsi.gov.uk

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 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 NRW acting on behalf of 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

- 8.1 The Licence Holder must submit a Piling Activity Mitigation Plan to NRW acting on behalf of the Licensing Authority for written approval at least 6 weeks prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.
- 8.2 The Licence Holder must submit a Written Scheme of Investigation to NRW acting on behalf of the Licensing Authority for written approval at least 6

weeks prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

- 8.3 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 8.1 and 8.2 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 8.4 The Licence Holder must ensure all equipment, materials, machinery and PPE used are in a clean condition prior to their arrival on site, and upon removal from site, to minimise risk of introducing non-native species into the marine environment.
- 8.5 The Licence Holder must ensure that the works are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.
- 8.6 The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners 5 days prior to the commencement of the works.
- 8.7 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.
- 8.8 The Licence Holder must ensure bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment
- 8.9 The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to Natural Resources Wales using their hotline number **0300 065 3000**; NRW acting on behalf of the Licensing Authority must also be notified at the earliest possible date.
- 8.10 The Licence Holder must not dispose at sea any dredged seabed sediment, without prior written approval from NRW acting on behalf of the Licensing Authority.
- 8.11 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.
- 8.12 The Licence Holder must ensure that rock material to be imported must be fit for purpose, and comes from an uncontaminated inert source.
- 8.13 The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works 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.

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- 8.14 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 before the next high tide.
- 8.15 The Licence Holder must ensure all precautionary recommendations outlined in **JNCC Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise August 2010** are implemented. Any proposed changes to the actions outlined in this document must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 8.16 The Licence Holder must ensure there is a 12-hour break in piling activities in any 24 hour period
- 8.17 The Licence Holder must ensure that vibro-piling is used when inserting piles where operationally possible. Where this isn't possible, percussive piling may be used.
- 8.18 The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.
- 8.19 The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the proposed dates and locations and nature of the percussive piling at least 10 days prior to the commencement of works.
- 8.20 The Licence Holder must amend the marine noise registry proposed activity form should the timing of the percussive piling alter or no longer remain part of the project.
- 8.21 The Licence Holder must complete an entry into the marine noise registry detailing the actual dates and locations and nature of the percussive piling within 8 weeks of completion of the noisy activity.
- 8.22 The Licence Holder must complete an entry into the marine noise registry detailing the actual dates and locations and nature of the percussive piling every six months following the commencement of percussive piling until the completion of percussive piling.
- 8.23 The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the works are removed within 2 weeks of completion of the works.

Appendix 1 – detail of documents referred to in condition 1.6

Replacement Linkspan, Fishguard Port, Environmental Statement Volume 1: Main Statement – consisting of the following chapters;

- 1.0 Introduction - received 13 February 2018
- 2.0 Project Description- received 19 April 2018
- 3.0 Need for the Project and alternatives- received 13 February 2018
- 4.0 Coastal Processes- received 19 April 2018
- 5.0 Flood Risk- received 13 February 2018
- 6.0 Water Quality- received 19 April 2018
- 7.0 Marine Biodiversity- received 19 April 2018
- 8.0 Terrestrial Biodiversity- received 13 February 2018
- 9.0 Transportation- received 13 February 2018
- 10.0 Air Quality and Climate- received 19 April 2018
- 11.0 Noise and Vibration- received 19 April 2018
- 12.0 Waste Management- received 19 April 2018
- 13.0 Soils and contamination- received 19 April 2018
- 14.0 Cultural Heritage- received 19 April 2018
- 15.0 Landscape and Visual- received 13 February 2018
- 16.0 Population and Human Environment- received 13 February 2018
- 17.0 Interactions- received 13 February 2018
- Non Technical Summary – received 19 April 2018

Replacement Linkspan, Fishguard Port, Environmental Statement Volume 3: Appendices;

- Appendix 1.1 Screening Correspondence – received 13 February 2018
- Appendix 1.2 Pembrokeshire County Council Correspondence – received 13 February 2018
- Appendix 5.1 Development Advice Map – received 13 February 2018
- Appendix 5.2 Flood Risk Map – received 13 February 2018
- Appendix 5.3 Surface Water Map – received 13 February 2018
- Appendix 7.1 Marine Biodiversity Survey Report – received 13 February 2018
- Appendix 7.2 Habitat Regulations Assessment – received 13 February 2018
- Appendix 9.1 Existing Traffic Flows 2017 – received 13 February 2018
- Appendix 11.1 Baseline Noise Monitoring Results – received 13 February 2018
- Appendix 13.1 Preliminary Risk Assessment – received 13 March 2018
- Appendix 13.2 Waste Classification Report – received 13 March 2018
- Appendix 14.1 – Photographic Plates – received 13 February 2018

EXPLANATORY NOTES

*This page does not form part of this Licence **CRML1806** 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, NRW acting on behalf of the Licensing Authority may vary or revoke this Licence if it appears to the NRW that the Licence Holder is in breach of any conditions in it or for any other reason that appears to NRW 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 NRW acting on behalf of 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.