

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

Marine Licence: 12/45/ML

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

**NNB Genco
Barnett Way,
Barnwood,
Gloucester,
GL4 3RS
Company No: 06937084**

(Hereinafter referred to as "the Licence Holder") to deposit in the sea the substances or articles the particulars of which are set out at paragraph 1 of the attached Schedule of Conditions. 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 **11 July 2014**, (hereinafter referred to as the start date of this Licence) to the end of the day of **04 March 2019**, (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: 11 July 2014

SCHEDULE of CONDITIONS

1. Particulars of the Deposit Operation

1.1. Place of production of the substances or articles:

Hinkley Point C development site, Bridgewater Bay, on the West Somerset Coast

Cooling water intake and outfall sites

Temporary jetty berthing pocket

Within the areas bounded by joining the points given in Annexe 1 of this licence

1.2. Description of the substances or articles for deposit:

Arisings from the capital dredge (and secondary dredge during construction) associated with the preparation of the offshore site for the cooling water infrastructure for the proposed new nuclear power station at Hinkley Point. These arisings as described in Marine License Application dated 06 August 2012.

Arisings from the capital dredge of the berthing pocket for the Hinkley Point C Project Temporary Jetty. These arisings as described in Marine Licence Application dated 13 September 2012.

1.3. The Licence Holder or any Agent or Contractor acting on their behalf under this Licence is permitted to deposit a quantity not exceeding 304,885 tonnes of the substances or articles specified at sub-paragraph 1.2 of this Schedule, at the Deposit Area(s) detailed at paragraph 1.4.

1.4 The Deposit Areas authorised under this licence are:

1.4.1 Deposit Area Name and Code: **Cardiff Grounds, LU110**
at:-

Within the area bounded by joining the points:

51°25.60 N 03° 06.40 W

51°25.60 N 03° 06.70 W

51°26.50 N 03° 07.10 W

51°27.40 N 03° 05.90 W

1.5. Tank/hopper washings may only be discharged in the area(s) specified at paragraph 1.4

2. Agents or Contractors Responsible for the Loading, Transportation, Storage or Deposit of the Substances or Articles

2.1 The Licence Holder must ensure that details of the contractors 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 prior to the commencement of the works.
- 2.3 Only those Agent(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 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record shall include the following details:
 - 2.4.1 date and time each load was received or dispatched and the quantity;
 - 2.4.2 general description of the substances or articles and the name of the producer(s) or holder(s);
 - 2.4.3 registration numbers of vehicles delivering loads;
 - 2.4.4 consignment note numbers (if any);
 - 2.4.5 the reference number of the Licence issued under Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
 - 2.4.6 name(s) of vessel or identification code and type of container into which substances or articles are loaded;
 - 2.4.7 signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
 - 2.4.8 the results of any checks carried out on the substances or articles prior to authorisation of loading.
- 2.5 The Licence Holder and any Agent or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 2.6 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. Details of the vessels that may operate under this Licence are as submitted in accordance with sub-paragraph 2.2.
- 2.7 The Master or the Officer of the Watch of each vessel, details as submitted in accordance with in sub-paragraph 2.2 of this Schedule, undertaking the deposit of any substances or articles specified in sub-paragraph 1.2 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
 - 2.7.1 the name of the vessel;
 - 2.7.2 the quantity and type of each substance or article loaded for deposit;
 - 2.7.3 the date and time of departure from the port or site at which the substances or

articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;

- 2.7.4 latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
 - 2.7.5 the time taken to complete the deposit operation and a statement of the reasons for any delays;
 - 2.7.6 courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 2.7.7 the rate of discharge or deposit, together with any variations, throughout deposit operations;
 - 2.7.8 weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
 - 2.7.9 the signature of the Master at the foot of each log sheet or page of the record.
- 2.8 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as detailed in sub-paragraph 1.4, should be marked.

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 any Agent or Contractor, details as submitted in accordance with sub-paragraph 2.1 of this Schedule, responsible for the loading, transport storage or deposit of the substances or articles for deposit as described in sub-paragraph 1.2 of this Schedule; and
 - 3.1.2 the Master of any vessel employed in pursuance of this licence.
- 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, agent(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed in paragraph 1.2 of this Schedule; and,
 - 3.2.3 at the office of the transport manager with responsibility for any vehicle(s) from which licensed deposits are to be made.
 - 3.2.4 on board each vessel from which deposits are to be made.

4. Inspection of the Operation

- 4.1 The written record referred to in paragraph 2.3 shall be available for inspection by officers appropriately authorised by NRW acting on behalf of the Licensing Authority and/or authorised Marine Enforcement Officers at all reasonable time at the premises where the substances or articles are stored prior to loading for deposit at sea.
- 4.2 This written log referred to in paragraph 2.6 of the Schedule and all other relevant documents shall be available on board the vessel(s) to which they relate at all reasonable times for inspection by appropriately authorised officers of NRW and/or Marine Enforcement Officers.
- 4.3 The documents referred to in paragraph 3 shall be available for inspection at all reasonable times by appropriately authorised officers of NRW and/or Marine Enforcement Officers at the locations stated in that paragraph.
- 4.4 The Licence Holder must advise NRW acting on behalf of the Licensing Authority and Marine Enforcement Officers **10 days** before the licensed operation, or an individual phase of the operation is expected to commence.
- 4.5 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. Returns to be made to NRW acting on behalf of the Licensing Authority

- 5.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted on the attached disposal return form by 31 January and 31 July each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.
- 5.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the works specified in paragraph 1, a certified return of quantities of substances or articles deposited under this Licence, shall be submitted not later than 28 working days after the expiry date of this Licence.

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles as specified at sub-paragraph 1.2 of this Schedule are deposited otherwise than at the authorised deposit area specified at paragraph 1.4 of this schedule, full details of the circumstances shall be notified within 48 hours to NRW acting on behalf of the Licensing Authority.

"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 immediately notify NRW acting on behalf of the Licensing Authority of the details.
- 7.2 Should the Licence Holder wish any of the particulars set down in paragraph 1 of the Schedule to be altered he/she shall immediately inform NRW acting on behalf of the Licensing Authority and receive written consent to the change before taking any further action.

8. Contacts

- 8.1 Except where otherwise indicated, the primary point of contact with NRW acting on behalf of 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

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

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

Tel: 01646 693412

Email: milfordhavenfisheryoffice@wales.gsi.gov.uk

9. Project Specific Conditions

- 9.1. The Licence Holder must submit a proposal for a monitoring programme of the disposal site and immediate environs to Natural Resources Wales acting on behalf of the Licensing Authority for written approval at least **12 weeks** before any disposal operation. The scheme will include details of pre, during and post disposal operation surveys, and any actions to be taken as a consequence of the survey findings. The purpose of the scheme will be to enable the avoidance of significant build up of material and any consequent shallowing.
- 9.2. The Licence holder must ensure the programme, and any consequent actions are undertaken in line with the agreed programme. Reports of the monitoring must be

submitted to Natural Resources Wales acting on behalf of the Licensing Authority within the timescales agreed within the programme.

- 9.3. The Licence Holder must submit a proposal for a sediment sampling scheme of the source sites and immediate environs to Natural Resources Wales acting on behalf of the Licensing Authority for written approval at least 6 months before any disposal operation to occur after 4th March 2016. The scheme will include details of sampling grid, analyses suites (including any appropriate radiological assessment) and proposed format of a report determining the suitability of the material for disposal at site LU110 along with timescales for carrying out these actions.
- 9.4. The Licence holder must ensure the sediment sampling must be undertaken in line with the agreed scheme, as referenced in paragraph 9.3. Sampling scheme reports must be submitted to Natural Resources Wales acting on behalf of the Licensing Authority within the timescales agreed within the scheme.
- 9.5. The Licence Holder must ensure that no material is deposited after 4th March 2016 without written confirmation from NRW, acting on behalf of the Licensing Authority, that they are satisfied the material is suitable for deposit at site LU110.
- 9.6. The Licence Holder must ensure a notice to mariners is issued at least **10 days** prior to works commencing to notify local mariner's and fishermen of the presence of the works.
- 9.7. The Licence Holder must notify the UK Hydrographic Office of the timetable and location of the works, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications, where necessary.
- 9.8. The Licence Holder must ensure bunding and storage facilities are installed onboard any vessels used to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and equipment into the marine environment.
- 9.9. The Licence Holder must ensure that any oil, fuel or chemical spill is reported to NRW acting on behalf of the Licensing Authority by telephone to 0800 807060 and by email to marine.licensing@naturalresourceswales.gov.uk
- 9.10. The Licence Holder must ensure that the works do not encroach on any recognised anchorage, either charted or noted in nautical publications within the proposed consent area.
- 9.11. The Licence Holder must ensure that best practice is used to minimise re-suspension of sediment during these works.
- 9.12. The Licence Holder must ensure that material is deposited as evenly as operationally possible over disposal site LU110 (excluding the area south of 51° 25.8N).
- 9.13. The Licence Holder must ensure that no material is deposited south of 51° 25.8N.
- 9.14. The Licence Holder must ensure that no deposit activities are undertaken at the same time as deposit activities undertaken by other licensed users of disposal site LU110.
- 9.15. The Licence Holder must advise the Marine Enforcement Officers within **10 days** of completion of the works.

Annexe 1

Place of production of the substances or articles:
Within the areas bounded by joining the points:

Outfalls

51°13.32N 03°09.60W
51°13.27N 03°09.60W
51°13.27N 03°09.56W
51°13.24N 03°09.56W
51°13.24N 03°09.48W
51°13.29N 03°09.48W
51°13.29N 03°09.52W
51°13.32N 03°09.52W
51°13.32N 03°09.60W

Hinkley Intake 1

51°13.99N 03°10.10W
51°14.01N 03°10.00W
51°13.96N 03°09.98W
51°13.95N 03°10.09W
51°13.99N 03°10.10W

Hinkley Intake 2

51°14.08N 03°10.20W
51°14.09N 03°10.10W
51°14.05N 03°10.08W
51°14.03N 03°10.19W
51°14.08N 03°10.20W

Hinkley Intake 3

51°13.91N 03°10.49W
51°13.92N 03°10.39W
51°13.88N 03°10.37W
51°13.86N 03°10.48W
51°13.91N 03°10.49W

Hinkley Intake 4

51°13.99N 03°10.06W
51°14.01N 03°10.49W
51°13.96N 03°10.48W
51°13.95N 03°10.58W
51°13.99N 03°10.60W

Temporary Jetty Berthing Pocket

51°12.70N 03°09.43W
51°12.72N 03°09.30W
51°12.69N 03°09.43W
51°12.70N 03°09.29W

EXPLANATORY NOTES

This page does not form part of this Licence 12/45/ML 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 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 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.