

# LICENCE

To conduct dredging  
operations within an  
area protected by The  
St Ives Bay Coast  
Protection Order 2003

Between

**Penwith District Council acting as  
the Coast Protection Authority**

And

**Hayle Harbour Management  
Limited**

Solicitor  
Penwith District Council  
St Clare  
Penzance  
Cornwall  
TR18 3QW

000277

**LICENCE**  
**GRANTED UNDER THE**  
**COAST PROTECTION ACT 1949 (Section 18) and the STIVES BAY**  
**COAST**  
**PROTECTION ORDER 2003**

**LICENCE TO DREDGE**

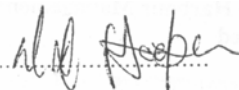
**The District Council of Penwith** (hereinafter called the 'Council') of Council Offices, St Clare, Penzance, Cornwall TR18 3QW acting in its capacity as the Coast Protection Authority for the District of Penwith

**Grants this Licence to**

**Hayle Harbour Management Ltd** (Co No 4906053) (hereinafter called the 'Company') of 9th Floor 33 Cavandish Square London W19 OBQ

This Licence authorises the Company to conduct Dredging of the Seashore within the limits of the Harbour in accordance with the Schedule of Conditions and allows the licence holder to appropriate or dispose of materials removed from the Seashore in accordance with the Schedule of Conditions of this Licence.

This Licence shall come in force on the Effective Date shown below and shall remain in force until the Date of Expiry as shown below.

Signed 

WD Hooper  
Proper Officer

Date of issue: 5<sup>th</sup> December 2003

Effective Date: 1<sup>st</sup> January 2004

Expiry Date: 31<sup>st</sup> December 2004

**LICENCE HOLDERS;** please read the Schedule of Conditions as set out below, they set out important conditions relating to the operation of this Licence.

## **SCHEDULE OF CONDITIONS**

### **1. Definitions**

- 1.1 Act  
Shall mean the Hayle Harbour Act 1989 and all associated plans, documents, maps and charts
- 1.2 Excluded Area  
Shall be the area hatched red on Plan B annexed to this licence
- 1.3 Dredging  
Shall mean the removal by mechanical or natural means of material from the Seashore
- 1.4 Harbour  
Shall be the Seashore within the limits of jurisdiction of the Company as set out in the Act, Section 15(1) and Section 15(2) a and b more particularly edge blue on Plan A annexed to this licence
- 1.5 Review Meeting  
Shall be the quarterly meeting held between the Council and the Company at a date to be on the 1st Working Day of each quarter, with each quarter starting on 1st October, 1st January, 1st April and 1st July, or such other date as may be mutually agreed
- 1.6 Seashore  
Shall mean the bed and shore of the sea and of every channel, creek, bay or estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore within the Harbour
- 1.7 Secondary Area  
Shall be the SSSI areas, edged red on Plan B annexed to this licence and the Excluded Area
- 1.8 Writing  
Shall mean by 1<sup>st</sup> class post with a deemed delivery date of two Working Days after the date of posting or by facsimile with a deemed delivery date of that Working Day if sent before 17.00, if sent later deemed delivery will be the next Working Day.
- 1.9 Working Day  
Shall mean any day(s) on which clearing banks in the City of London are, (or would be but for a strike, lockout or other stoppage affecting particular banks or banks generally) open for business excepting Saturdays and Sundays

## **2. Area and Purpose of Dredging**

2.1 Notwithstanding Clause 8 below Dredging is to be confined to the Harbour and such Dredging is subject to quarterly scrutiny by the Council in accordance with Clause below.

### 2.2 Purpose of Dredging

2.2.1 The primary purpose of Dredging is to maintain the depth of the Harbour in accordance with the depths as show on the Admiralty Chart No 1168 Edition No 2 dated 28th June 2001

2.2.2 The secondary purpose of Dredging is to remove hazards to the navigation of the main channel and to allow for safe transit of the Harbour by vessels using the Harbour

## **3. Application to Dredge**

3.1 The Company is to submit to the Council at the Review Meeting of the preceding quarter a quarterly plan for Dredging for the next quarter.

3.2 The quarterly plan shall indicate the areas so far as is possible where it is intended Dredging will be conducted within the Harbour and confirm the times of Dredging in relation to local tide tables issued by the Admiralty Hydrographic Office.

3.3 The Council is to approve the quarterly plan in Writing by the 1st of each quarter, such approval not be unreasonably delayed or withheld.

3.4 The Company is to report substantive changes to the quarterly plan to the Council as soon as is practicable and the Council shall not unreasonably withhold or delay approval of and such changes.

## **4. Method of Dredging**

4.1 Dredging of the Main Channel is to be conducted by one of the following methods or such other method as may be approved by the Council;

4.1.1 By excavator or similar tracked vehicle and truck

4.1.2 By ship borne crane or bucket or cutter suction

4.1.3 By pontoon trail dredging

4.1.4 By trail dredging

4.1.5 By scouring through the release of water

## **5. Dredging not Permitted**

5.1 Without prejudice to Clause 9 below Dredging is not permitted throughout the calendar month of August

## **6. Blasting with explosives not Permitted**

6.1 Blasting of rock with explosives as a method of Dredging is not permitted under this Licence.

## **7. Records**

7.1 The Company is to record by a mutually agreed means the estimate tonnage of materials removed from the Seashore during Dredging and this information relating to the previous quarter is to be made available to the Council at the Review Meeting

## **8. Secondary Area/Excluded Area**

8.1 Dredging is only allowed in the Secondary Area and the Excluded Area by prior written approval of the Council to be given by the Council only following receipt of a written request submitted by the Company

## **9. Emergency Dredging**

9.1 Should emergency Dredging be required and such Dredging falls outside of the monthly plan the Company is to inform the Council of the requirement for such Dredging within two working days of the commencement of emergency Dredging.

9.2 Any approval for emergency Dredging given by the Council shall be given in Writing within one working day of the receipt of such a request, such approval is not to be unreasonably delayed or withheld.

## **10. Disposal of Materials**

10.1 The Company shall dispose of materials removed during Dredging in accordance with the provisions of the Act and in accordance with any provisions or restrictions imposed under Statute.

## **11. Rights under Statute**

11.1 This Licence is issued without prejudice to any and all rights which the Company may have to conduct Dredging under the terms of the Act but subject to the provisions of the Coast Protection Act 1949 Section 18 and Sections 34 -36

## **12. Succession of Licensee**

12.1 This Licence is issued to the Company. The rights and provisions as set out in this Licence are not transferable

### 13. Environmental Considerations

13.1 To ensure that dredging operations conducted under this licence are carried out in a manner which does not contribute to the erosion of the adjoining coastline the company shall use reasonable endeavors to assist the Council to examine the long-term environmental impact of such dredging operations.

PLAN A

