



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: For the Love of The Sea Limited

Application reference no: DEML2151

**Car y Môr - Seaweed and Shellfish IMTA site in
Ramsey Sound, Pembrokeshire**

22 March 2022

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 4;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Application;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the Application.

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the person or organisation set out below: Company/organisation name: For the Love of the Sea Limited (trading as Câr-Y-Môr) Company number (if available): RS008172 Address: Car y Mor, Clegyr Uchaf, St. Davids, Haverfordwest, Pembrokeshire, SA62 6QN
Application Reference Number	DEML2151
Date Application was duly made	04/10/2021
Proposal[s] covered by the application	A three hectare Integrated Multi-Trophic Aquaculture (IMTA) Seaweed and Shellfish site in Ramsey Sound, Pembrokeshire named Câr-Y-Môr (the Project)
Licensable marine activities	The deposit, maintenance and removal of mooring and growing equipment including; anchors, lines, chains, baskets, buoys and monitoring equipment to allow the cultivation of the following species; Sugar Kelp (<i>Saccharina latissima</i>) Oarweed (<i>Laminaria digitata</i>) Laver (<i>Porphyra</i> sp.)

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	Dulse (<i>Palmaria palmata</i>) Scallop (<i>Pecten maximus</i>) Native Oyster (<i>Ostrea edulis</i>) Mussels (<i>Mytilus edulis</i>) Deposit of infrastructure will be completed in two Phases. Phase 1 in the first year and Phase two in the second year. Deposit and Removal of Navigational buoys, markers and lighting as required. Deposit and Removal of Monitoring Equipment and associated infrastructure. (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	DEML2151 Marine Works Application Form v2 (27/10/21) DEML215 Biosecurity plan v3 (08 March 2022) DEML2151 Navigational risk assessment v1 (27/09/21) DEML2151 Environmental Report v1 (27/09/21) DEML2151 Visual Impact Assessment v2 (03 February 2022) DEML2151 Marine Mammal Entanglement Plan v3 (08 March 2022)

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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 04 October 2021. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered may therefore include documents provided after the Application was first made.

2.2. Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received by consultees as NRW considered relevant.

2.3. Commercial Confidentiality

The Applicant made no claim that any information forming part of the Application was subject to commercial confidentiality and we have not received any information in relation to the Application that appears to be commercially confidential.

2.4. Publicity and advertising

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Pembrokeshire County Council and Pembrokeshire Coastal Park Authority on 22 October 2021.

As required by s. 68 of the 2009 Act NRW has required the Applicant to publish notice of the Application.

Public notice advertising the Project was placed in The Tenby Observer on 15 October 2021. The application documents could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

The public were given a period of 28 days from the date of the Public Notice to provide comments on the application.

No public responses were received in response to the Public Notice.

2.5. Environmental impact Assessment

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an environmental impact assessment (EIA) before permission is granted.

The Marine Works (Environmental Impact Assessment) Regulations 2007 ("the Regulations") transpose the EIA Directive in Wales and England for marine licence applications.

Having considered the Application NRW has determined that it does not constitute a development requiring EIA under the Regulations.

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 22 October 2021, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	01/11/2021
NRW	Y	30/11/2021
MoD - Safeguarding Defence	Y	08/11/2021
Maritime & Coastguard Agency	Y	27/11/2021
Trinity House	Y	01/11/2021
Royal Yachting Association	Y	19/11/2021
Local Biodiversity Officer (Pembrokeshire)	N	
Local Planning Authority (Pembrokeshire CC and Pembrokeshire Coast)	N	
Local Harbour Authority (Tenby, Haverfordwest and Saundersfoot)	N	
Local Port Authority (Milford Haven)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	Y	26/10/2021
Welsh Archaeological Trust	N	
Royal Commission on Historic Monuments Wales	Y	25/10/2021
Cadw	Y	11/11/2021
Chamber of Shipping	N	
NERL Safeguarding	Y	28/10/2021

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Consultees who did not provide a response were assumed to have no comment.

NRW has had regard to all consultation responses received in making its decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 4 of this decision document.

4. BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW has had regard to the factors set out in section 4 below in accordance with the 2009 Act.

Under the 2009 Act NRW is required to have regard to the following:

- the need to protect the environment (see section 4.1);
- the need to protect human health (see section 4.2);
- the need to prevent interference with legitimate uses of the sea (see section 4.3);
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sections 4.1 to 4.5 below);
- any representations which it has received from any person having an interest in the outcome of the application (summarised in section 3 and where relevant considered in sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see section 4.5 below).

4.1. The need to protect the environment:

The reference to the "environment" includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the sea-bed and the sea-shore, and the ecosystems within it, or those that are directly or indirectly affected by an activity, whether within the marine licensing area or otherwise.

In considering the need to protect the environment we have considered the relevant environmental legislation set out below.

4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations

a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving 'good status'. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

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Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

b) Factors relevant to our determination

NRW has considered the potential effect of the Proposed Activities on the following WFD waterbodies:

- Pembrokeshire South (GB611008590003)- Transitional and coastal waterbody

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the Project is considered as having no risk of causing deterioration or preventing any water body or WFD Protected Area from reaching its objectives and is considered compliant with the Water Framework Directive/Regulations.

Based on this assessment it is considered that the Proposed Activities when considered alone and in combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status when undertaken in accordance with appropriate conditions that include Pollution control to mitigate the impact on water quality (as set out in conditions 3.14, 3.15 and 3.16 of Annex 1) and adherence to a biosecurity plan in order to limit the spread of non-native species as set out in condition 3.17 of Annex 1.

Further details are described within the Water Framework Directive Compliance Assessment.

4.1.2. Biodiversity and resilience of ecosystems duty**a) The legal framework**

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) Factors relevant to our determination

Concerns were raised over potential impacts on marine species due to entanglement with the Project's infrastructure this included potential impacts on Harbour porpoise, grey seal, bottlenose dolphin, and other marine mammal species. To mitigate for this a Marine Mammal Entanglement Protocol (MMEP) will be adhered to and this is included as condition 3.19 within the Marine Licence (see Annex 1 and refer section 4.1.3 below).

NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

4.1.3. European Protected Sites and Ramsar Sites**a) The legal framework**

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (**Habitats Regulations 2017**) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

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The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 require that any project that is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) must be subject to an appropriate assessment. NRW undertakes a Habitats Regulation Assessment (HRA) to establish whether an appropriate assessment is required.

In addition NRW must exercise its functions under the 2009 Act so as to secure compliance with the requirements of the relevant European Directives. NRW also has a duty under the Habitats Regulations 2017 to support wild birds by protecting habitats and avoiding pollution.

A Ramsar site is a wetland which has been designated under the Ramsar Convention. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

b) Factors relevant to our determination

The Project may affect the following European Protected Sites:

- Pembrokeshire Marine Special Area of Conservation (SAC)/ Sir Benfro Forol SAC- UK0013116
- West Wales Marine / Gorllewin Cymru Forol SAC-UK0030397
- Ramsey & St David's Peninsula Coast Special Protection Area (SPA)- UK9014062
- St David's SAC- UK0013045
- Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgoggwm a Moroedd Penfro SPA- UK9014051
- Grassholm SPA- UK9014041
- Bristol Channel Approaches SAC-UK0030396
- Cardigan Bay SAC / Bae Ceredigion SAC- UK0012712
- Pen Llyn a'r Sarnau SAC / Llyn Peninsula and the Sarnau SAC- UK0013117
- North Anglesey Marine / Gogledd Môn Forol SAC- UK0030398

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW (as Statutory Nature Conservation Body) consulted on the HRA.

NRW PS conclude that the proposed activities would not lead to an adverse effect on Site integrity, either alone or in-combination, on any marine features of designated sites subject to the mitigation below.

- Adherence to a Marine Mammal Entanglement Plan which incorporates monitoring and the managing marine mammal entanglement risk. The plan includes weekly inspection to monitor entanglement. In addition to the use of divers and cameras to identify entanglement risks, extra inspections following storm events and further monitoring from the coast and sub-surface cameras on poles (on top of the weekly inspections) will be agreed as appropriate with NRW PS. As set out in condition 3.19 (see Annex 1)

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- Adherence to a Biosecurity Plan in order to limit the spread of non-native species as set out in condition 3.17 (see Annex 1)

Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites when undertaken in accordance with appropriate conditions, notably condition 3.19 (see Annex 1).

4.1.4. European Protected Species

a) The legal framework

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (EPS licence) must be obtained in order, whether deliberately or accidentally, to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places.

a) Factors relevant to our determination

NRW considers that the following protected species are likely to be impacted by the Project:

- Grey seal (*Halichoerus grypus*)
- Cetaceans including; Harbour porpoise (*Phocoena phocoena*), Bottlenose dolphin (*Tursiops truncatus*), Risso dolphin (*Grampus griseus*), Common dolphin (*Delphinus delphis*), Minke whale (*Balaenoptera acutorostrata*).

NRW has taken into account the requirements for issuing an EPS licence in making this decision and is satisfied on the basis of the information it has considered that it is not unlikely that an EPS licence would be granted for the Project.

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

4.1.5. Marine Conservation Zones

a) The legal framework

Marine Conservation Zones (MCZ) were established under the 2009 Act to protect nationally important, rare or threatened habitats and **species. The only currently designated MCZ in Wales is Skomer.**

Under the 2009 Act, NRW must exercise its functions in the manner which it considers best furthers the conservation objectives stated for any MCZ or, where that is not possible, in the manner which it considers least hinders the achievement of those objectives.

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer MCZ, this is due to the small scale nature of the Project.

4.1.6.Sites of Special Scientific Interest (SSSIs)

a) The legal framework

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (**1981 Act**) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

b) Factors relevant to our determination

NRW has considered the impact of the Project on the following sites:

- *St David's peninsula coast SSSI*

NRW is satisfied that the Proposed Activities do not have the potential to impact on this site.

4.1.7.The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 (as amended) establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. Waste generated by a project or activity must in general terms be dealt with in an environmentally friendly way. To achieve this the Regulations describe a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

b) Factors relevant to our determination

NRW is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011.

4.1.8.Other matters considered relevant to the need to protect the environment

During the consultation responses were received regarding concerns over several issues which are summarised below.

Biosecurity issues

Concerns were raised by NRW TE surrounding potential for introduction of Pacific Oyster (*Crassostrea gigas*) by the Project. The adherence to best practice measures as detailed within biosecurity plan v3 (submitted 08 March 2022) will reduce the potential for this to occur and the Applicant has stated they will only be growing native oyster and will be securing spat from a certified (and Cefas inspected) producer. Adherence to the Biosecurity Plan can be secured through marine licence condition 3.17.2, as seen in Annex 1.

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NRW Permitting Service also considers it appropriate to include pollution control measures to minimise potential impacts on the marine environment. These conditions are detailed in Annex 1.

Archaeology

The Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) have advised that there are several documented shipwreck losses, both located and unlocated, in the vicinity of the License Area. Although unlikely, there is potential for structural or artefactual remains to be encountered during the installation phase of the IMTA farm. If such remains are encountered RCAHMW have requested that they are notified. NRW PS consider notification should be provided if archaeological remains are encountered therefore condition 3.20.1 has been included within the Licence (see Annex 1).

Visual Impacts

The proposal lies adjacent to and within the setting of the National Park. Concerns were raised with regard to the visual impacts from the development on users of the coastal path; in particular at night with the lighting required to reduce impact on navigation potentially affecting the 'dark skies'. Further information was submitted by the applicant including Version 2 of the visual assessment on 03 February 2022. NRW TE were satisfied with the further clarifications provided and confirmed that the proposal had minimised the adverse impacts to an acceptable level. NRW PS are satisfied that visual impacts have been appropriately considered.

Coastal Processes

Concerns were initially raised by NRW TE surrounding the potential impact of the works on coastal processes. However following further review of the receptor environment being hard substratum, including the shoreline (cliffs) and the type of infrastructure proposed as part of the project NRW TE were satisfied that no significant impacts were predicted. NRW PS are satisfied that coastal processes have been appropriately considered.

Duration of licence

The Applicant applied for a 25 year Marine Licence. NRW TE raised concerns surrounding this duration that as this is a new and emerging industry within Welsh Water, there is a lack of existing evidence to understand potential long term impacts of the site, which is located within an SAC. Additionally, NRW TE did not consider that evidence presented from the trial sites was fully justified nor readily transposed, as it was from a different location, at a much smaller scale with different equipment as proposed for Car y Mor's IMTA system. NRW TE did not consider that the conclusions of the HRA could be validated for a 25 year period based upon the current evidence presented within the application and its supporting documentation.

NRW Permitting Services had regard to comments received, due to the uncertainty surrounding potential environmental effects, and without a detailed monitoring programme presented, NRW PS do not consider it appropriate to grant a 25 year licence. As this is an emerging sector and the Project is located within a protected site NRW consider it appropriate to grant a licence for a shorter duration of a 5 year licence period. NRW would advise that evidence is collected during this period to support any future application and thereby enable the precautionary approach requiring sufficient evidence and information to support and inform decision making as specified within the WNMP.

4.1.9. Conclusion of our considerations under the need to protect the Environment

IN SUMMARY, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.2. The need to protect human health

No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified.

4.2.1. Conclusion of our considerations under the need to protect human health

5. IN SUMMARY, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application.

4.3. The need to prevent interference with legitimate uses of the sea

Legitimate uses of the sea include (but are not limited to): navigation (including taking any steps for the purpose of navigational safety); fishing; mineral extraction; and amenity use.

Impacts to navigation were raised during the consultation process. This includes potential risk through damage, destruction or decay to project infrastructure, impacts on fishing, and marking requirements.

The Navigational Risk Assessment (NRA) concluded that the risk was as low as reasonably practicable (ALARP). The MCA were satisfied with the assessment carried out and condition 3.18.1 ensure the actions detailed within the NRA must be implemented.

Following consideration of the application documents and consultation responses received, NRW PS consider that a number of additional mitigation will also be required in order to ensure navigational safety this includes;

- A requirement to notify relevant organisations and marine users prior to commencement of any phase of licensed activities and upon completion (condition 3.1 and 3.6 of Marine Licence).
- In response to MCA and Trinity House concerns Project must exhibit such lights, marks, sounds, signals and other aids to navigation and to take such steps for the prevention of danger to navigation as directed by Trinity House (condition 3.18.2 and 3.18.3)
- The devices are regularly inspected and maintained. In case of damage to, or destruction or decay of, relevant authorities including the MCA and TH will need to be notified and relevant steps taken such as aids to navigation and lighting requirements to maintain safety of navigation (condition 3.18.1, 3.18.2, 3.18.3, 3.18.6 and 3.18.7, of Marine Licence).
- An Emergency Action Response Card is required and is to be updated as more vessels are used on the project for harvesting and diving operations, this is to ensure should a search and rescue occur the HM coastguard has the correct details (condition 3.18.4 and 3.18.5 of Marine Licence).
- Third party verification of the moorings is required by MCA (condition 3.18.6)

5.1.1. Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.4. Marine Policy Documents

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a) The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise.

UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

Welsh National Marine Plan (WNMP)

The WMNP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

b) Our determination

UK Marine Policy Statement 2011

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. This project is in line with policy AQU_01a and AQU_01b in relation to supporting new aquaculture projects in Wales.

4.5. Other matters NRW thinks relevant

4.5.1 Well-being of Future Generations (Wales) Act 2015

a) The legal framework

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e. seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.5.2 Sustainable management of natural resources

a) The legal framework

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NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

b) Our determination

NRW is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

5. Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

6. AUTHORISATION

Report by: Seran Davies Position: Permitting Officer	Date: 14/03/22	Signed: S.Davies
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 22/03/2022	Signed: 

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ANNEX 1

Conditions imposed and reasons for those conditions.

Note: Condition numbers used below reflect the condition numbers used in the licence.

CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.2** 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.

Reason: To ensure the Licensing Authority are aware of the commencement of Licensed Activities.

- 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.

Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.

- 3.1.3** The Licence Holder must notify the United Kingdom Hydrographic Office (UKHO) no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

Reason: To ensure nautical charts can be updated.

- 3.1.4** 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.

Reason: To minimise interference with other sea users and ensure other vessels in the vicinity can safely plan and conduct their passage.

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.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the

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reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

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.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this licence and in order to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

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 **zone28@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

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.

Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.

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.

Reason: To ensure the Licensing Authority are aware of the completion of 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.

Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.

- 3.6.3** The Licence Holder must notify United Kingdom Hydrographic Office (UKHO) within **10 days** of completion of the Licensed Activities.

Reason: To ensure that all necessary amendments are made to nautical charts on the completion of Licensed Activities.

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.

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.

- 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.

Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.

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 agents, contractors and subcontractors 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 of this Licence whose details have been submitted to the Licensing Authority under condition 3.2.

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel master's are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.

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.

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Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.

Vessels, Plant and Equipment

3.10 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or 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.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s), sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.11 Refuelling of Plant and Equipment

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the sea.

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

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.

Reason: To minimise impacts on the marine environment and other users of the sea/seabed.

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.

Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.

Pollution control

3.14 Pollution Prevention

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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**.

Reason: To minimise the risk of pollution incidents and to ensure the timely report of such incidents to enable the Licensing Authority to take action as appropriate.

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

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

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.

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17 Biosecurity

3.17.1 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.

3.17.2 The Licence Holder must ensure any actions outlined in "Biosecurity Plan v2 dated 08 March 2022" are implemented. Any proposed changes to the actions outlined in the document must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions**3.18 Navigation**

3.18.1 The Licence Holder must ensure any actions outlined in "Navigational Risk Assessment dated 11 October 2021" are implemented. Any proposed changes to the actions outlined in the document must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.18.2 The Licence Holder must ensure that the Project exhibit such lights, marks, sounds, signals and other aids to navigation and to take such steps for the prevention of danger to navigation as directed by Trinity House.

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- 3.18.3** The Licence Holder must provide notification to Trinity House detailing the availability of aids to navigation.
- 3.18.4** The Licence Holder must submit a Marine Emergency Action Card (MEAC) to the Licensing Authority for written approval at least **4 weeks** prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.
- 3.18.5** The Licence Holder must ensure that the MEAC is updated and maintained for this site when the work vessels are identified. Any updated document must be submitted to the Licensing Authority for approval as outlined in 3.18.4.

Reason: This must be updated as more vessels are used on the project for harvest operations. This is required should search and rescue operations be carried out in or near the site, HM Coastguard needs to know further details about the deployment to facilitate safe and effective incident coordination.

- 3.18.6** The Licence Holder must at all times ensure that the Licensed Activities are maintained in a safe condition that does not present a danger to the environment, or other marine users. Any infrastructure suspended in the water column must have a Third-Party verification of the mooring arrangements prior to construction to provide assurance against loss of station.
- 3.18.7** In the event of damage, destruction or decay of the authorised project, the Licence Holder must notify the Licensing Authority, Marine and Coastguard Agency, Trinity House, and the UKHO within 24 hours.

Reason: To minimise the risk to navigation.

3.19 Marine Mammal Entanglement Protocol

- 3.19.1** The Licence Holder must submit a Marine Mammal Entanglement Protocol (MMEP) 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.
- 3.19.2** The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.19.1 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.

Reason: To minimise risk to marine mammals.

3.20 Archaeology

- 3.20.1** The Licence Holder must ensure that any evidence of artefacts discovered within the site are reported through the Marine Portable Antiquities Scheme and to the Royal Commission on the Historical Monuments of Wales.

3.21 Decommissioning

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- 3.21.1** The Licence Holder must ensure that all infrastructure and associated equipment are decommissioned prior to 22 March 2027.