

Marine Licensing Variation Decision

The Marine and Coastal Access Act (2009)

Applicant: Bombora Wavepower Europe Ltd
Variation application reference no: ORML1924v1

East Pickard Bay, Pembrokeshire

**Deployment, testing and subsequent removal of a
full scale wave energy prototype (mWave) which is
to be deployed on the seabed**

14 July 2022

Contents

Contents

1	APPLICATION DETAILS	3
2	VARIATION APPLICATION PROCEDURE	4
2.1	The Variation Application.....	4
2.2	Documents considered	4
2.3	Commercial Confidentiality.....	4
2.4	Publicity and advertising.....	4
2.5	Environmental impact Assessment	4
3	CONSULTATION	4
3.1	Consultees	4
4	BASIS FOR OUR DECISION	5
5	Conclusions and Recommendations	5
	ANNEX 1 – Variation to the Marine Licence	7

OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the variation to the Existing Marine Licence sought by the Variation Application.

This decision document:

- explains how the Variation 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 Variation 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 Variation Application.

1 APPLICATION DETAILS

1.1 The Variation Application

Applicant name and address	The Applicant is the organisation set out below: Organisation name: Bombora WavePower Europe Ltd Cleddau Reach The Offices Pembroke Dock SA72 6UJ
Variation Application reference number	ORML1924v1
Existing Marine Licence reference number	ORML1924
Date Variation Application was duly made	07 July 2022
Description of variation	Routine variation to extend licence end date by 1 year from 22 October 2022 to the 22 October 2023
Proposal[s] covered by the Variation Application	The installation, operation, maintenance and decommissioning of a full-scale wave energy device. (the Project)
Licensable marine activities	The temporary deployment and testing of a full scale wave energy prototype device (75m, by 15m at the base, (17m across the membranes), by 7m high), an acoustic doppler current profiler and subsea termination unit, aids to navigation and a 1,450 m subsea / subtidal communication cable on the seabed off East Pickard Bay on the south side of Angle Peninsula (the Proposed Activities)
Marine Plan area	Welsh inshore region and Welsh offshore region
Variation Application documents:	• ORML1924v1 Application Form • Marine licence extension cover letter

2 VARIATION APPLICATION PROCEDURE

2.1 The Variation Application

The Variation Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 7 July 2022. 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 Variation 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 during any consultation, that NRW considered relevant.

2.3 Commercial Confidentiality

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

2.4 Publicity and advertising

Due to the minor change to the licence which extends the licence term to allow the activities to go ahead, no notice was given to Local Authorities and no Public Notice was advertised for this Marine Licence variation.

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.

The Variation Application was not considered by NRW to constitute a development requiring EIA under the Regulations.

3 CONSULTATION

3.1 Consultees

Due to the minor nature of the change to the licence and that no additional impacts are expected above that which were considered during the determination of ORML1924, NRW did not consider it appropriate to reconsult on this occasion.

Application Number: ORML1924v1

4 BASIS FOR OUR DECISION

In determining this variation application, including the terms on which it was granted 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;
- the need to protect human health;
- the need to prevent interference with legitimate uses of the sea;
- 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;
- any representations which it has received from any person having an interest in the outcome of the Variation Application; and
- such other matters as it thinks relevant.

The Marine Licence (ORML 1924) was granted on 23 October 2019 for a period of 3 years. The device was to be installed and operational for 6 months to one year, following by decommissioning lasting 6 months. However, no works under the marine licence have been undertaken to date. The construction of the mWave was disrupted by Covid-19 and required the securing of further investment with the associated delays. It is anticipated that completion of testing and assembly of the device will occur in September 2022 and deployment in October 2022. The extension will allow for at least 6 months operation testing, followed by decommissioning. Therefore, we consider that the original assessment and the EIA consent and regulatory decisions taken on 22 October 2019 under the original application ORML1924 are still valid.

5 Conclusions and Recommendations

Based on all the information presented, and having regard to all relevant considerations, NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation 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.

The extension will allow the Proposed Activities to go ahead as none of the Proposed Activities have been conducted under the licence to date. Due to the extension being granted on the same terms, with no unresolved issues or new evidence indicating previously unknown or underestimated effects, it is considered that the WFD compliance assessment and the HRA conducted under the original licence ORML1924 remain applicable for this variation request.

AUTHORISATION

Report by: Maria Alvarez Position: Permitting Officer	Date: 12/07/2022	Signed: 
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Application Number: ORML1924v1

Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 14/07/2022	Signed: 
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Application Number: ORML1924v1

ANNEX 1 – Variation to the Marine Licence

Licence End date has been changed in section 1.3 of the Marine Licence from 22/10/2022 detailed in ORML1924 to 22/10/2023 in ORML1924v1.

Licence has been also transferred to the new marine licence template and as such condition numbers have changed as a result.

No other changes have been made.

Application Number: ORML1924v1

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