Dear Mr. Spencer,

Electricity Act 1989 – Section 36 Consent

Applicant: Blue Gem Wind Ltd

Site: Project Erebus – Floating Offshore Wind (FLOW) development in the Celtic Sea

Case Number: 3251528

Following your letter of the 9 June 2022 the following information has been compiled to address the representations on specific matters identified by the Inspector. The response has been structured to address the points raised in order.

1. Valero Energy Ltd

Blue Gem Wind (BGW) have reviewed the submission issued by Gowling WLG on behalf of Valero Energy Ltd. ("Valero"), to PEDW and summarise the main points raised below:

a) Potential impacts on the high pressure multi fuel pipeline, operated on behalf of the Valero Group by Mainline Pipelines Limited ("Mainline");
b) Potential impacts to the future use of lands identified within the Project area; and
c) Potential impacts to agricultural activities on lands presently leased for agricultural use.

BGW has proactively engaged with all landowners, including Valero, on the planning and development of the Project since 2019. Consultation included project updates on cable corridor and routing option development and appraisal, through which feedback on the proposed cable corridor and route design was sought.

Section 3.16 of the Environmental Statement (ES) describes the development and refinement of the onshore cable corridor and cable route, which was informed by a desktop review, baseline survey data and liaison with landowners. The design of the cable route considered a range of criteria which included current and potential future land use.

The proposed cable route presents an optimised cable route that connects the preferred landfall and substation locations, in the least disruptive way.

a) *Potential impacts on the high pressure multi fuel pipeline, operated on behalf of the Valero Group by Mainline Pipelines Limited*

Section 24.6.3 of Chapter 24 of the ES submitted in support of the application considered 'disruption to existing industrial sites, including the multi fuel pipeline in question. As stated in that section, 'the method of construction will be agreed with the asset owner and an asset protection agreement will be in place prior to commencement of construction' in order to avoid any potential disruption to the oil pipeline.

BGW confirms that it has been in consultation with both Valero and Mainline since 2021 on developing an Asset Protection Agreement (APA) for the crossing between the Project export cable route and the high pressure multi fuel pipeline. As part of those discussions, Mainline has commissioned and provided a report that details the design and construction requirements for the crossing. These requirements have been included in the Project's design envelope and assessed in the EIA. They are being further developed in consultation with the Project engineering specialists. These requirements will now be reviewed by an independent 3rd party prior to approval by Mainline.

The approved requirements will form part of the Asset Protection Agreement and commercial agreements between the parties, and subsequently be included as part of BGW's contractual requirements for the construction and operation of the Project. As such, BGW maintains the view that no potential impacts to existing utilities are anticipated during construction, operation and decommissioning of the Project.

b) *Potential impacts on future use of land*

The cable route has been designed to minimise interactions or impacts to present and future land use, including in relation to land parcels owned by Valero. The proposed wayleave for the cable corridor has been made as small as practical and placed adjacent to the existing Greenlink Interconnector wayleave. The cable route minimises potential impacts to or restrictions on future land use. BGW notes that the development of option agreements and wayleaves for this section of the cable corridor is progressing in collaboration with Valero and its representatives. BGW expects that such matters will be satisfactorily resolved through commercial agreements between the two parties.

c) *Potential impacts to agricultural activities on land presently leased for agricultural use.*

Sections 24.6.3 and 24.6.4 of Chapter 24 of the ES submitted in support of the application considered:

- Temporary disruption to existing agricultural land use;
- Impacts on agricultural land classification;
- Impacts on soil resource;
- Permanent change to agricultural land use; and
- Permanent restriction of land use within the cable easement.

As stated in those sections, due to the adoption of embedded mitigation detailed in Table 24.9 therein (including full reinstatement of areas impacted); agreement of commercial terms with affected parties; and provision of sufficient notice, the impacts on agricultural operations/land classifications/resources as a result of temporary construction related disruption or permanent operational phase are anticipated to be negligible or minor adverse and not significant.

The cable route will predominantly be through semi-improved and improved arable grassland which is not particularly environmentally sensitive. However, arable soil has local economic value and therefore the works must be planned to minimise the impact on soil quality. Onshore export cables are typically buried at depths of 0.8m to 1.0m beneath the earth's surface, but through agricultural land where the risk of damage caused by agricultural machinery is high, the top of the cables will be at least 1.1m below the surface. In order to reduce and minimise the impact on arable land, the original topsoil will be reinstated after the works, including further 300mm of topsoil on the top of the cable trenches, minimising any potential for impact on arable land due to localised increased soil temperature. As set out in the Outline Construction Environmental Management Plan (ES Appendix 4.1), reseeding of cleared land will be undertaken as soon as practicable, and the Contractor will ensure any compacted soil is loosened as soon as possible following completion of the work.

As discussed within Chapter 24 (Sections 24.6.3 and 24.6.4) it is not considered the proposed development will result in a significant effect on agricultural land use or soil resources.

2. NRW, JNCC, RSPB, PCNPA, the National Trust and the Wildlife Trust of South and West Wales and The Wildlife Trusts

Overview

BGW notes the Inspector's comments in respect of concerns raised by the above parties. These will be fully addressed in the response to NRW Marine Licensing Team (MLT), however a brief summary of progress to date has been provided below for the Inspector's information.

An initial clarification call was held with NRW Advisory and JNCC, as the Statutory Nature Conservation Bodies (SNCBs) on the 25 May 2022. The objective of this call was to discuss the range of comments received and understand the key issues in respect of the following EIA topics, which are judged to have the most significant issues requiring resolution:

- coastal processes;
- benthic ecology;
- offshore ornithology; and
- marine mammals.

Specific actions to address concerns relating to coastal processes and benthic ecology were agreed including additional sediment plume modelling and further assessment of selected benthic ecology receptors. This is discussed in more detail below.

During the call, no initial agreement was reached in respect of specific actions to resolve marine mammals and offshore ornithology issues. Therefore, subsequent topic specific meetings with technical specialists from the

SNCBs were arranged for the 22 June 2022 and 28 June 2022 respectively. Ahead of these calls, Technical Notes were circulated for both topics, setting out BGWs understanding of the key issues raised by the SNCBs and proposing actions to address outstanding concerns. As a result of these meetings, the key actions needed to progress the resolution of outstanding concerns have now been agreed with NRW Advisory and JNCC, and BGW is undertaking additional analysis and assessment to align with the SNCBs requirements. This additional analysis and assessment will be provided in the form of Supplementary Environmental Information (SEI), and will form the response to NRW MLT with respect to the Request for Further Information (RFI) received 29 June 2022. An 8-week deadline has been stipulated by NRW MLT, and this information will therefore also be provided to PEDW by the 24 August 2022 at the same time as it is submitted to NRW MLT.

Additional meetings are also planned with the RSPB and the Wildlife Trust of South and West Wales (WTSWW), now that the RFI has been issued by NRW MLT, to discuss concerns and provide an update on additional modelling and assessment being undertaken to address issues raised

Specific Issues

The Inspector identified specific areas of concern; therefore, commentary is provided below to advise on the work currently being undertaken to address these outstanding points of concern. Further information will be available following completion of additional modelling, data analysis and assessment and will be presented in the SEI submitted to NRW MLT by the 24 August 2022.

i. the adequacy of the surveys undertaken and methodology used for assessing impacts on off-shore ornithology and marine mammals;

Following the initial clarification meeting held on 25 May 2022, it is now understood NRW Advisory and JNCC have concerns regarding the analysis of the survey data and modelling outputs rather than the adequacy of the digital aerial surveys (DAS) for seabirds and marine mammals. The methodology for the DAS was agreed in consultation with NRW Advisory in September/October 2019 and all 24 months of DAS were undertaken in accordance with the methodology agreed.

To confirm, NRW Advisory and JNCC have not requested additional surveys be undertaken for seabirds or marine mammals and BGW considers that there is no need to undertake additional DAS. Accordingly, no additional DAS work is proposed or planned.

NRW Advisory has requested further information on a number of survey related points including the identification of unidentified birds recorded during the surveys; justifying the approach to applying 2 m detectability depth used for availability bias correction for harbour porpoise; and common dolphin density values. However, NRW Advisory has not requested that further surveys be undertaken.

JNCC noted that surveys are restricted to daylight hours, which is less likely to observe commuting birds which peak outside of daylight hours, and will not detect nocturnal flights. JNCC has also sought further information regarding detection rates in seas up to 4 m wave height. However, JNCC has not requested that additional surveys be undertaken. DAS cannot be flown at night and, in response to this issue being raised and discussed in pre-application meetings involving NRW Advisory and JNCC, BGW commissioned tagging and tracking data analysis from academic research projects to specifically address concerns regarding crepuscular activity.

Following the topic specific meetings on the 22 June 2022 and 28 June 2022, and in agreement with NRW Advisory and JNCC, additional data analysis and assessment of the survey data is being undertaken and modelling outputs for offshore ornithology and marine mammals are being reviewed to provide clarification in response to outstanding concerns.

RSPB also noted the time of day at which DAS were undertaken, specifically in respect of Manx shearwaters. As discussed above, BGW commissioned additional data analysis to address the potential gap in data outside daylight hours. Furthermore, RSPBs comments are made in the context of Collision Risk Modelling (CRM) which, due to the flight height of Manx shearwater, is not a significant concern i.e. the birds fly below the sweep of the blades and are not at risk of collision, therefore, this species has been screened out of any collision risk assessments (as discussed and agreed in pre-application meetings).

RSPB also provided comment on the methodology for determining flight height, but both standard and project specific flight heights were modelled and presented with the worst case taken through to assessment as is set out in the ES/HRA.

ii. the impact of the proposed development on populations of gannet, guillemot, petrels, Manx and Balearic shearwater and Grassholm SPA and Skomer, Skokholm and the Seas off Pembrokeshire SPA;

As noted above in agreement with NRW Advisory and JNCC, additional review and assessment of the survey data and modelling outputs for offshore ornithology is being undertaken. This is intended to provide further understanding of the impact of the proposed development on specific populations and Grassholm Special Protection Area (SPA) and Skomer, Skokholm and Seas off Pembrokeshire SPA.

The following has been agreed to be undertaken:

- Apportioning of non-identified birds;
- Reassessment of displacement impacts for common guillemot, razorbill and Atlantic puffin;
- No re-run of the collision risk modelling is necessary however the SNCBs did recommend reducing gannet densities by 70% to reflect the known response by gannet to macro-avoid offshore wind farms. Reducing gannet densities in the CRM would reduce the overall impact so the project team is reviewing and may update the CRM to reflect this;
- Review of aspects of the ornithological cumulative impact assessment, specifically to calculate the in-combination annual mortalities (noting the difficulty in acquiring data) and comparison of this with the baseline mortality rate to assess whether annual mortalities exceed the 1% baseline mortality; if so Population Viability Analysis (PVA) will be undertaken;
- Value for displacement mortality rates to be agreed with NRW Advisory and JNCC and justification to be provided by JNCC and NRW if higher mortality rates than proposed by BGW are to be used; and
- Confirmation on the potential requirement for Population Viability Analysis (PVA); may be required depending on the final agreed displacement mortality rates.

An addendum will be issued to the Report to Inform Appropriate Assessment (RiAA) to recognise outputs from the above and understand the significance of any impacts on Grassholm and Skomer, Skokholm and Seas off Pembrokeshire SPA.

iii. lack of an Environmental Mitigation and Monitoring Plan;

It was anticipated that production of a project-specific Environmental Mitigation and Monitoring Plan (EMMP) would be conditioned (within any eventual Marine Licence) and agreed in writing with NRW and JNCC prior to the commencement of works. Whilst this approach has been adopted across other offshore wind projects, in this case, NRW MLT has requested sight of a draft EMMP prior to determination. BGW has actioned this request and a draft EMMP is being produced and will be submitted as part of the SEI provided to NRW MLT by 24 August 2022. A copy will also be submitted to this process for information only at this point. It is expected this will be secured via condition of the Marine Licence and prior to the commencement of works a final EMMP will be agreed in writing by NRW MLT.

iv. the impact of the proposal on breeding and foraging chough within the Angle Peninsula Coast SSSI and Castlemartin Coast SPA;

The assessment presented in the ES considers the impacts on chough both as a breeding and a wintering species, with surveys identifying breeding locations and foraging and wintering sites. The assessment concluded that due to the distance from known sites, disturbance or habitat loss would not be significant and there would be no impacts on chough.

NRW Advisory, the WTSWW and the Welsh Wildlife Trusts agree that as the landfall and onshore export cable corridor are located at sufficient distance (greater than 500 m) from breeding (nest sites) and non-breeding (foraging areas) for chough, they will not to give rise to any significant impacts on the chough population.

The RSPB consider that there is potential for “direct permanent or temporary loss or fragmentation” in respect of chough as a feature of the Angle Peninsula Coast SSSI. The project boundary does overlie the Angle Peninsula Coast SSSI boundary, but the northern HDD alignment interacts only with the intertidal area of West Angle beach, the coast path and car park at West Angle, not within habitats where there is a risk of habitat loss or fragmentation that may impact chough. The southern HDD appears to overlie Angle Peninsula Coast SSSI boundary however the exit point for the HDD alignment is outside the SSSI boundary and no surface works are proposed within the SSSI.

The WTSWW raise concerns regarding the accuracy of the data used in the EIA and submit that more up to date data is available. However, the data used within the EIA was sourced from the RSPB and recommended for use by NRW in the Erebus Scoping Opinion (2020). The WTSWW also considers that information on one nesting site was “vague and imprecise”. Isolating the exact location of the nest was not deemed necessary as it was located down a cliff face, directed away from any proposed works, at a distance of over 500m where it would not be subject to any impact caused by disturbance. The general description of location is accordingly sufficient for the purpose of the assessment. Considering the separation distance, even in the absence of a detailed nest location, the data were considered sufficiently robust to complete the impact assessment in terms of breeding chough.

On the basis of the above BGW maintain that the conclusions presented in the ES are correct and the project will not result in a significant effect on chough or adversely effect site integrity.

v. *insufficient baseline evidence and quantifiable evidence regarding coastal processes and benthic ecology;*

NRW Advisory and JNCC have raised concerns regarding coastal processes in respect of a number of issues. Headline issues include potential impacts to maerl beds in Milford Haven; potential blockages of sediment transport pathways via the use of cable protection measures; absence of historic seabed survey data and sand wave recovery.

A meeting was held with the SNCBs on the 25 May 2022 to discuss key issues and the following actions were agreed with NRW Advisory and JNCC to address specific concerns in respect of coastal processes:

- Numerical plume modelling to be undertaken to understand the persistence/fate of fine grained sediment plumes relating to maerl beds in Milford Haven;
- Further information to be provided, via sediment transport modelling, to demonstrate that cable protection measures will not result in the blockage of sediment transport pathways, in particular with respect to Turbot Bank;
- Further clarification on sand wave recovery; and
- Further clarification on classification of Annex I sand bank habitats.

NRW Advisory's concerns regarding lack of historical seabed survey data are noted, however this is due to limited previous development in the region and is not an issue which can be remedied by the project.

Benthic ecology was also discussed at the meeting of the 25 May 2022. Key issues surrounding Annex I Sandbank extent; cable crossing and assessment of form and function; potential Annex I sandbank outside of the SAC; impacts at landfall; assessment of impacts on maerl beds; and habitat loss from offshore infrastructure were discussed with NRW Advisory and JNCC. Updated assessments are currently being undertaken to inform these issues.

Outputs from additional modelling and updated assessments will be presented via the SEI to be provided to NRW MLT by the 24 August 2022. It is BGWs intention to also issue the SEI to the Inspector for information.

vi. *the adequacy of the Marine and Transitional Water Framework Directive assessment.*

Comments were received from NRW Advisory on the Marine and Transitional Water Framework Directive (WFD) assessment. NRW Advisory clarify in their response that many of points raised were not key concerns and did not prevent agreement with the overall conclusions of the report.

The key concerns over the adequacy of the Marine and Transitional WFD assessment are summarised as follows and considered in more detail below:

- Potential effects of suspended sediment plumes on maerl; and
- Potential for cable exposure during operational phase.

Potential Effects of Sediment Plumes on Maerl Beds

NRW Advisory has expressed concern regarding potential for the occurrence of fine sediment plumes arising from the trenching activities across the intertidal area of West Angle Bay within the Milford Haven Outer water body, and from the release of bentonite during horizontal directional drilling (HDD) punch-out. These plumes have the potential to advect toward the maerl beds in the same water body, which are 1.7 km away from the proposed works.

A full detailed response to NRW Advisory's concerns with respect to potential effects of sediment plumes on maerl beds will be provided following completion of the additional numerical plume modelling and included in the SEI to be provided to NRW MLT (and the Inspector for information) by the 24 August 2022.

Potential for cable exposure during operational phase

NRW Advisory has submitted that a reasonable worst-case scenario for cable protection has not been considered within the assessment. The basis of these submissions is that the assessment has not considered the potential for cable exposure across the intertidal area in the event that the trenching option is required. The potential effects on beach morphodynamics from cable protection placed to address cable exposures within the intertidal area has also been raised within the consultation response in respect of coastal processes.

A full detailed response to NRW Advisory's submission with respect to cable exposure will be provided, providing more justification as to why rock protection in the intertidal area was not included in the ES. A corresponding response will also be provided with respect to the WFD compliance assessment. It should be noted that within its consultation response, NRW Advisory qualified that:

"*Notwithstanding this, given the scale of potential impacts in the context of the size of the water body, we do not anticipate that the WFD status or objectives of the Milford Haven Outer water body will be compromised at the water body scale as a result of this aspect of the scheme, however further assessment of impacts is required in this regard to support the conclusions.*"

It is BGWs intention to satisfactorily address NRW Advisory's comment via the submission of SEI by the 24 August 2022.

Onshore Ecology – Mitigating and Managing Impacts on Bats and Dormice

The Inspector has requested further information on mitigating and managing the impacts on bats and dormice to inform the drafting of conditions should planning permission be granted.

It is proposed that a Species Protection Plan (SPP) for bats will be produced for approval by NRW ahead of works commencing. The plan will include the following:

- Details of external lighting, including use of sensors and location to avoid sensitive locations;
- Pre-construction surveys of all trees classified moderate or higher under the Bat Conservation Trust (BCT) guidelines within 50m of finalised route;

- Linear connections throughout the night time will be provided to maintain connectivity for commuting bats;
- Installations will be at the height of the hedgerow that has been removed to maintain continuity of the linear feature. It is expected that this can be completed by standing the removed sections of hedgerow using supports which can be easily relocated in line with the remaining hedgerow at the end of each working day;
- Construction works will not be undertaken after dusk, wherever possible. When this cannot be avoided, works will be overseen by the appointed Ecological Clerk of Works and ensuring sensitive lighting (as per BCT & Institute of Lighting Professional (ILP), 2018) will be used and the extent of the lit area will be restricted to works areas, as far as possible, to avoid light-spill on to any nearby features attractive to bats;
- Sections of removed hedgerow, as well as existing gaps, will be reinstated as soon as possible. Semi-mature planting will also be installed to complement the existing species mix and additional native species of local or regional provenance;
- Pre-construction checks will be included in the bat SPP outlined above.

A Dormouse Mitigation Strategy was submitted with the application (Technical Appendix 20.6). NRW Advisory welcomed the measures outlined in the Strategy but have requested that additional information be provided. They are satisfied this be addressed via a condition (reference Section 894, letter dated 21 April 2022 and it is proposed the following be included should the application be approved:

Prior to the commencement of works a Dormouse Mitigation Strategy shall be submitted to the LPA and agreed in writing. The strategy shall include details of;

- *Extent of habitat loss and impacts upon dormice;*
- *Details of the habitat to be retained, created and enhanced;*
- *Details of protective measures to be taken to minimise the impacts on dormice including hedgerow reinstatement;*
- *Details of the timing, phasing and duration of construction activities; and*
- *Details of initial aftercare and long-term maintenance of the dormouse habitat.*

3. Dyfed Archaeological Trust

It is the intention of the project to survey the area of around 1.8km between Broomhill and Neath Farms. This would be set out in a Written Scheme of Investigation to be approved by the Local Planning Authority. It is proposed the following condition be imposed to any deemed Planning Permission:

No development shall take place until the applicant has submitted to, and gained written approval from, the local planning authority of an archaeological written scheme of investigation (WSI). The WSI shall describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time.

The WSI shall thereafter be implemented and not be deemed to be complete until all aspects of the WSI have been implemented and a final report has been submitted to, and approved in writing by, the local planning authority

This has been included under the draft list of conditions under Point 8.

4. Maritime and Coastguard Agency

The Inspector requested BGW respond to the comments made by the Maritime and Coastguard Agency (MCA) in their letter dated 1 March 2022. These have been reviewed and responses provided to specific clarifications raised.

The MCA has suggested that a number of matters should be secured by conditions of the marine licence. In the MCAs response to NRW MLT, the MCA has proposed licence conditions to be included should the Marine Licence be approved. These have been provided in Appendix 1 to this letter for information. BGW has no comment on either the draft condition wording or suggested Advisory notes. Responses to MCAs comments are presented below and where relevant acknowledge where the MCA suggest the requirement for conditions. BGW notes the MCAs position that their comments are not considered to be blocks to development but provided to highlight areas of concern. BGW will continue to liaise and work with the MCA to agree an appropriate set of conditions to ensure that concerns raised are addressed.

Navigation Risk Assessment

BGW notes the MCAs comments regarding the guidance compliant nature of the Navigation Risk Assessment (NRA) provided in support of the application, and the satisfactory nature of the marine vessel traffic survey data, risk controls and completed MGN 654 checklist.

Navigation Risk Assessment Appendix C Hazard Log

BGW notes the MCAs position that the hazard log is a reasonable and proportionate assessment of the risks. The MCA suggest amending the score under "Hazard 1 where the Realistic Most Likely Consequence of No Pollution to the Environment was given a score of 4 (Serious, as per Table 19 Risk Matrix). However, the Realistic Worst Credible Consequence of Major Pollution was also given a score of 4 and the Overall Risk Rating was Low Risk (Broadly Acceptable)". However, as noted by the MCA, this would not change the assessment for this hazard so on that basis the comment is noted but no action is proposed.

Layout Design

The MCA note that the turbine layout design will require MCA approval prior to construction. BGW acknowledges this and proposes this be imposed via condition of the S.36 and/or Marine Licence that a layout plan, once finalised, will be submitted to the MCA for approval. This has been included as condition 7a of the marine licencing conditions proposed by MCA and set out in appendix 1.

Marking and Lighting

The MCA will seek to ensure the turbine numbering system follows a spreadsheet principle and is consistent with other windfarms in the UK. MCA also require lighting and marking arrangements to be agreed with MCA and Trinity House, and for all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5. BGW acknowledges this and proposes this be imposed via condition of the Marine Licence and a layout and aids to navigation plan, once finalised, will be submitted to the MCA and Trinity House for approval.

Emergency and Co-operation Plans

The MCA states a Search and Rescue (SAR) checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before construction. BGW acknowledges this and proposes this be imposed via condition and an MGN654 Annex 5 SAR checklist and Emergency Response Cooperation Plan (ERCoP) will be completed in agreement with the MCA prior to construction.

It is also noted that during SAR discussions consideration will need to be given to the implications of the site size and location. Attention will be paid to the level of radar surveillance, AIS and shore-based VHF radio coverage and due consideration will be given for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas.

Construction Scenarios

The MCA expect to see linear progression of the construction programme to avoid disparate construction sites across the development area. The MCA also note the consent needs to include the requirement for an agreed construction plan prior to works commencing. BGW notes the MCAs comments and confirms a construction plan will be secured via a condition of the Marine Licence.

Mooring Arrangements

BGW notes the MCAs comment regarding third party verification of mooring arrangements and confirms all mooring arrangements for floating devices will be verified through a third party, secured via condition of the Marine Licence.

Under-Keel Clearance

The MCA notes the references in the NRA and ES to the requirement for cable protection not reducing the under-keel clearance by more than 5%. The MCA clarified this should be in relation to charted depths. BGW acknowledges MCA's comment and confirms cable protection will be in compliance with MGN654 and will not reduce water depths (ref Chart Datum) by more than 5%.

Hydrographic Surveys

BGW confirms all hydrographic surveys will be conducted to the requirements of the International Hydrographic Organisation (IHO) Order 1a and reported to the MCA and UKHO. This will be secured via condition of the Marine Licence.

Cable Routes

BGW notes the MCAs comments regarding export cable routes, cable burial protection index and cable protection and confirms the requirement for cable protection or burial (particularly near landfall) will be considered through a Cable Burial Risk Assessment.

Safety Zones

Details regarding proposed safety zones were presented in the application but a separate Safety Zone application will be made following determination of the S.36 Consent and Marine Licence. It is noted MCA will comment on the Safety Zone application once submitted.

BGW acknowledges the MCAs comments regarding the requirement for a detailed justification for a 50 m operational safety zone, however, no operational safety zone is currently proposed and BGW intends to only apply for 500 m safety zone during construction, major maintenance and decommission.

Liaison with local MCA Marine Office

BGW notes the MCAs comments with respect to contractors and sub-contractors holding the required certifications and confirms the project will adhere to all required certifications for vessel operations or platform structures.

5. RWE Generation UK Plc

BGW have engaged with RWE since 2019 on the planning and development of the Project and has updated them throughout. We note that RWE in their submission does not object to the Project provided that the construction of the onshore grid connection in the location proposed would not result in a breach of Condition 2 of its extant Section 36 consent for Pembroke Power Station. BGW is pleased to note the confirmation provided to the Inspector in the representation that RWE is in discussion with BEIS seeking confirmation that the cable route would not represent a breach of their consent and will continue to provide any information required to assist in that process.

BGW has an agreed grid connection to the National Grid Pembroke substation, and therefore has a requirement to cross RWE's land to facilitate that connection. BGW has considered this particular constraint in the design of the proposed cable route and is satisfied that the route applied for presents the least potential for impact on RWE's CCS obligations under their existing licence. As part of the route selection process for the Project, BGW reviewed the following reports that were produced on the subject:

- Carbon Capture Readiness Land Requirements (WYG, 2020); and
- Greenlink Interconnector Ltd Potential Interaction with RWE Pembroke CCS (WSP, 2020).

These reports both concluded that the Greenlink Interconnector would not impact on the ability of RWE to comply with Condition 2 of the Section 36 consent, and BGW notes that this position was accepted by BEIS. The proposed cable route for the Project is immediately east of and adjacent to Greenlink's. As such, it does not conflict with the findings contained within those reports (i.e. that sufficient, more favourable, land remains available to accommodate any future CCS scheme elsewhere within the CCS blue line boundary of relevance to condition 2 of RWEs Section 36 consent).

6. Pembrokeshire County Council

The Inspector invites comments on the matters suggested to be covered by Pembrokeshire County Council (PCC) in the absence of specific wording from the Local Planning Authority. The following list represents proposed draft Planning Conditions to be imposed on any deemed Planning Permission, which have been drafted in consultation with Mike Simmons, Planning Manager (Major Infrastructure) at PCC (email dated 6 July 2022).

Draft planning conditions relating to matters within jurisdiction of PCC LPA:

1. *The development shall begin no later than five years from the date of this decision.*

2. *The development shall be carried out in accordance with the following approved plans and documents: To be completed*

3. *Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. All construction work, including off-site mitigation, shall be undertaken in accordance with the approved CTMP.*

4. *Prior to the commencement of works, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be undertaken in accordance with the approved CEMP.*

   The CEMP shall include (but not limited to):
   - Wildlife habitat and landscaping protection measures (including the appointment of a specified Ecological Clerk of Work (ECoW))
   - How the site is to be accessed during construction including loading and unloading of plant and materials
   - Site accommodation including storage
   - Construction working hours
   - Pollution prevention measures (including noise and dust mitigation)
   - Surface and foul water quality safeguards (including a Water Quality Monitoring Programme)
   - Waste management
   - Wheel washing for vehicles entering/exiting site
   - Arrangements for on-site storage of fuel and other chemicals;
   - Watercourse Crossing Assessment - details of any water course engineering works including any stream crossings
   - Any temporary lighting
   - Details of an ecology "toolbox talk" (the ECoW providing pre-commencement advice to contractors on safeguarding ecological interests). Written advice of the qualified ecologist to be posted on site in

accordance with details/method to be included in the CEMP.
- Post-construction restoration/reinstatement of the working areas
- Soil Management Plan.

5. *Prior to the commencement of works, a Species Protection Plan (SPP) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out in accordance with the approved SPP.*

   The SPP shall take account of matters set out in the Environmental Statement including details of all on-site construction works, postconstruction reinstatement, drainage, mitigation, and other restoration, together with details of the timetabling.

   The SPP shall detail measures to safeguard protected species known to be in the area and will include for pre-construction surveys for protected species, complimenting the seasonality of the construction start date as well as ensuring the use of Best Practice measures during all construction activities (such as sensitive lighting, ramps exiting open excavations, etc.).

   The SPP shall describe the process to be followed in the case that additional protected species are recorded that will therefore also need to be protected during construction works, as well ensuring the implementation of effective toolbox talks to raise awareness of site personnel to sensitive ecological receptors on site (also required of CEMP).

6. *If evidence of contamination is found in or around the development area not previously identified, development must not proceed until a report on potential contamination of the site has been submitted to and approved in writing by, the local planning authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Where remediation works are required, the development shall not be occupied/used until a Validation Report, to show that the works have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.*

7. *Prior to the commencement of works, a scheme for the protection of landscaping during construction and the post-construction re-instatement of landscaping shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.*

8. *No development shall take place until the applicant has submitted to, and gained written approval from, the local planning authority of an archaeological written scheme of investigation (WSI). The WSI shall describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time.*
   The WSI shall thereafter be implemented and a final report submitted to, and approved in writing by, the local planning authority.

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9. *No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the reinstated and newly created habitats has been submitted to, and approved in writing by, the Local Planning Authority.*

   The LEMP shall include:
   - *Details of habitats, landscape, environmental and ecological features present or to be created at the site;*
   - *Details of the desired conditions of features (present and to be created) at the site;*
   - *Details of scheduling and timings of activities;*
   - *Details of short and long-term management, monitoring and maintenance of new, re-instated and existing habitats, to deliver and maintain the desired condition;*
   - *Details of management and maintenance responsibilities;*
   - *Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed.*
   - *An Enhancement Plan identifying all proposed ecological enhancement measures (above the existing baseline) .*
   - *Actions to be taken in event previously unidentified species are found*
   - *Persons responsible for implementing the works*
   - *Details of measures to prevent or reduce incidental capture or killing*

   The development shall be undertaken and operated entirely in accordance with the approved LEMP.

10. *Prior to installation, details of any permanent above ground infrastructure (outside of the substation compound) shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.*

11. *Prior to the first operation of the approved development, details shall be submitted to, and approved in writing by, the local planning authority of information/interpretation boards including their locations. The interpretation boards so approved shall be erected within 6 months of the first operation of the approved development and thereafter retained unless their replacement is first approved in writing by the local planning authority.*

12. *Prior to installation, details shall be submitted to and approved in writing by the local planning authority of full lighting details to include:*
   - *Details of the siting and type of external lighting and internal lighting (where glazing is located in proximity to key sensitive areas such as bat roosts and the ecological corridor) to be used*
   - *Drawings setting out light spillage in key sensitive areas*
   - *Where lighting cannot be sited away from key sensitive features, Isolux modelling must be submitted to demonstrate that lighting will not impact on these features. Full details of the modelling must be submitted and must be based on full power (device maintenance 1 (100%))*
   - *Measures to monitor light spillage once development is operational.*

   Lighting shall accord entirely with the details so approved for the duration of the operation of the development.

13. *Prior to the first use of the development hereby approved, a scheme of noise mitigation, informed by a noise assessment, shall be submitted to and approved in writing by the local planning authority. The operation of the development shall accord entirely with the scheme so approved.*

14. *Prior to the commencement of development of any works associated with the substation, details of both hard and soft landscape works in respect of the substation and its immediate environs shall be submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include a statement setting out the design and mitigation objectives and how these will be delivered; and an implementation programme (including phasing of work where relevant). Soft landscape works shall include planting plans; exisitng/proposed level details, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;*

15. *Prior to the commencement of any permanent works associated with the substation, full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements associated with the substation shall be submitted to, and approved in writing by, the local planning authority. The development shall accord entirely with the details so approved.*

16. *Within 6 months of the development not being used for the supply of electricity a de-commissioning and site restoration scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include provision for: (a) removal of all above-ground elements of the authorised development; (b) removal of cables, and associated communication cables; and (c) restoration of the areas disturbed by the authorised project. Decommissioning and restoration shall be completed in accordance with the approved decommissioning and site restoration scheme within the period set out in the approved scheme*

7. <u>Pembrokeshire Coast National Park Authority</u>

The Inspector has requested an update on the status of the landscape enhancement agreement with Pembrokeshire Coast National Park Authority (PCNPA).

BGW has agreed with PCNPA that a one-off payment will be secured via a S.106 Agreement for landscape enhancement mitigation. A panel comprising representatives from PCNPA, BGW, and others (to be determined) will agree how the fund will spent, but it will be focused on projects or works within PCNPAs jurisdiction in respect of landscape enhancement and mitigation.

PCNPA have instructed their lawyers to draw up the S.106 Agreement and a first draft is being prepared. BGW will provide an update on the progress of this as soon as practical but in any event no later than 24 August 2022 when the SEI required by NRW MLT will be submitted. The final Agreement will be submitted to the Inspector once signed.

8. National Federation of Fishermen's Organisations

The National Federation of Fisherman's Organisations (NFFO) raised several issues which are summarised below with clarifications provided to address their comments.

Exclusion of fishing

NFFO agree that fishing vessels will be unable to operate in the array area but suggest it is an "*impact that should in no way be considered minor*". The NFFO does not elaborate whether it is the magnitude of impact or the sensitivity of receptor that should be reviewed or provide any additional information to justify reviewing the overall significance of effect.

The assessment for commercial fisheries within the ES reflected the exclusion of fishing from 103 km^2, based on the precautionary approach of including the array area (43.5km^2) plus a 1 nm buffer. This was based on feedback from consultation that indicated fishing vessels with tows would need this additional 1 nm to manoeuvre around the site boundary (considering the direction of tows and to take into account local tidal, wave and wind conditions).

The two receptors which this could affect are (1) >12m static gear vessels and (2) 12m offshore mobile gear vessels. The total area (103 km^2) is very precautionary for static gear vessels which may be able to operate closer to the site boundary (43.5km^2). The offshore mobile gear vessels show a relatively low to moderate level of activity in the area, particularly in comparison to neighbouring areas such as the Smalls. This observation, based on official activity data from the Marine Management Organisation (MMO), was confirmed via consultation with fisheries stakeholders undertaken in the pre-application stage, who stated that whilst fishing does occur within the Erebus array area (and buffer), this was at a much lower level than other areas of this region. These vessels also fish numerous grounds within the Irish Sea and have large operational ranges; the area of 103 km^2 equates to 2.7% of ICES rectangle 31E4.

The Project recognises that this exclusion will affect fisheries receptors, but considering the levels of sensitivity of these receptors, and the predicted magnitude of impact, BGW maintains the view that the loss of access to fishing grounds is minor adverse and not significant in EIA terms.

Risk of snagging

The NFFO commented that *"the seabed is mobile and cables exposed by the action of tides and weather present a significant hazard to fishing vessels. The applicant's proposals to monitor for exposures and to use mitigation measures, including guard vessels and notification of hazards via the Kingfisher service, are sensible and should prove effective. They cannot eliminate the danger, however. There will always remain a period of time between a cable being exposed and that exposure being discovered. During that time, the danger to fishing vessels is very real. There is no escaping the fact that the construction of this project will introduce new and significant hazards for mariners, however inadvertent and temporary they may be."*

This comment is noted and accepted. A formal Navigation Risk Assessment (NRA) was undertaken as part of the EIA process and this included input from commercial fishing vessels/organisations active in this region. Risks of snagging, and appropriate control measures, were fully discussed, assessed and presented in the final ES.

Due to the risk of cables becoming exposed, mariners are advised to take due care and consideration around Project infrastructure. The as-laid position of the export cable will be reported to UK authorities and stakeholders. As per Kingfisher, ESCA and Fish Safe guidelines, fishermen are advised to not trawl or fish near cables. Irrespective of whether cables are buried or exposed, fishermen should use the https://kis-orca.eu/ website and admiralty charts which map all installed cables so that they can be avoided.

NFFO also flagged that the Commercial Fisheries chapter makes a contradictory assessment of the risk of snagging hazard in respect to static gear compared to mobile gear. Upon re-assessment, it is acknowledged that the sensitivity of static gear receptors should be changed to high. However, the magnitude of the impact 'snagging resulting from seabed obstructions' for static gear vessels should be changed to 'negligible' - as with consideration of the mitigation measures, this effect would be unlikely to occur. Therefore, we conclude that the significance of effect remains minor adverse for static gear vessels.

In order to minimise potential snagging risks to fishing vessels, regular surveys of the offshore export cable will be undertaken, and a dedicated Fisheries Liaison Officer will be appointed to communicate any areas of risk with the commercial fishing industry. Information on seabed obstructions will be sufficiently promulgated to ensure all users are aware, through Notice to Mariners, Kingfisher and direct liaison with fishing organisations and vessels. As discussed above, the project infrastructure, including the ‘as-laid’ coordinates of the offshore export cable, shall be recorded and submitted to the UKHO and Kingfisher for inclusion on charts.

Economic Impact

The NFFO take issue with the economic loss of 103 km^2 being assessed as minor adverse impact while the supply chain opportunities have been assessed as moderate beneficial.

The impact assessment, however, acknowledges that there will be negligible or minor beneficial impacts for static vessels as a result of 'supply chain opportunities'. Upon consideration of the NFFO comments, it is confirmed that the effect for mobile gear vessels will be amended to 'minor beneficial', due to uncertainty over the exact level of supply-chain opportunities that may materialise for mobile gear vessels. The reasoning for the 'minor adverse' impact as a result of the loss of 103km^2 is explained in 'exclusion of fishing' response above.

Displacement

The NFFO considers the assessment of displacement as “negligible” to be disingenuous.

The impact assessment presented acknowledges that the displacement of fishing vessels will create an adverse effect. Based on our assessment of receptor sensitivity and magnitude of impact, this was concluded to result in a minor adverse effect for all receptors except for >12m offshore mobile gear vessels (which it is considered negligible). The Project recognises that this receptor group already has long transit times (e.g. some vessels transit between the south coast of England to the eastern Irish Sea), however the Erebus array area (and 1 nm buffer) does not represent a high intensity fishing area for this receptor group. The negligible effect for >12m offshore mobile gear vessels was considered due to the combination of the sensitivity and magnitude - the sensitivity was deemed negligible due to the vessels having extensive operational ranges and ability to exploit a large number of fisheries; the magnitude was deemed negligible as the impact would affect an area from which a small proportion of the receptors landings were caught.

Displacement – Cumulative

The NFFO suggest the project should be considered in light of the Crown Estates Celtic Sea leasing round and all future proposals.

In line with accepted guidance on cumulative impact assessment, the potential cumulative impacts on commercial fisheries presented within the assessment considered all known projects at the time of submission (December 2021). We were unable to assess the potential cumulative impact on commercial fisheries from any potential future Celtic Sea projects, as no such details were available at the time of the assessment.

Summary

As requested, a response has been made to each of the representation specific matters requested by the Inspector as set out in the letter dated 9 June 2022. In addition to this the Inspector requested confirmation on the following:

i. Confirm whether you intend to carry out further survey work and, if so, the anticipated time scales; and
ii. Confirm whether any progress been made to determine if the HDD option is feasible in respect of the landfall construction methodology.

i. Confirm whether you intend to carry out further survey work and, if so, the anticipated time scales

As outlined above, no further DAS (seabird and marine mammal) are proposed. The stakeholder comments relate to the analysis of the survey data and modelling outputs rather than the adequacy of the DAS for seabirds and marine mammals. As noted above, the methodology for the DAS was agreed in consultation with NRW Advisory in September/October 2019 and all 24 months of DAS were undertaken in accordance with the methodology agreed. To confirm, NRW Advisory/JNCC have not requested additional surveys be undertaken for seabirds or marine mammals and BGW has no proposals to undertake additional DAS.

Based on findings and consultations to date, BGW also has no proposals to undertake any additional onshore surveys prior to determination. Further survey work, such as the archaeological site surveys between Broomhill and Neath Farms, will be undertaken following successful determination of the S.36 consent and prior to the commencement of construction. These will be secured by the conditions to be imposed on any deemed Planning Permission.

ii. Confirm whether any progress been made to determine if the HDD option is feasible in respect of the landfall construction methodology.

BGW has examined the key parameters affecting the overall feasibility of Horizontal Directional Drilling (HDD) and Open Cut Trench (OCT) landfall options at West Angle Bay. Three separate HDD options (within the parameters of the Project Design Envelope presented in the Erebus ES and falling within the two HDD landfall alignments) have been assessed by an HDD Technical Expert. The conclusions, outlined in a dedicated HDD Feasibility Report, provide an independent technical assessment of the viability and design of HDDs for the installation of cable landfalls at West Angle Bay. Based on the available information, 2 HDD options are feasible from a geotechnical perspective and considered low risk by the Project team.

In comparison, the options for OCT pose greater risks, cost impacts and uncertainty. Constraints include challenging construction methodologies; coordination with the marine contractor; weather standby; and unforeseen subsurface conditions.

The Project design continues to be refined, however, HDD remains the Projects preferred option and the HDD Feasibility Report has confirmed 2 feasible HDD options for landfall. OCT installation is retained as a contingency option..

It is noted in PEDWs response that the Inspector is not minded to call an Inquiry to consider the Section 36 application and associated application for deemed Planning Permission at this time. It is understood this position will be reviewed following BGWs response. It is noted however, that not all information is available to respond in full, as aspects of the consultation response are currently being developed for submission to MLT on the 24 August. Upon completion of this work, BGW will seek to submit this additional information to the Inspector and ask they exercise their discretion to accept that into the section 36 determination process. BGW respectfully suggests that the further information and any comments from interested parties received thereon will be of use to the Inspector in taking a procedural decision with respect to calling an Inquiry.

Finally, BGW would like to thank the PEDW and the Inspector for their work in considering this Section 36 application and look forward to further correspondence in due course.

Yours sincerely

Ben Huskinson

Consenting Manager, Blue Gem Wind

Appendix 1

MCA proposed marine licence conditions for information

1) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised project or any part thereof by email to kingfisher@seafish.co.uk :-

a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;

b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities. Confirmation of notification must be provided to NRW within 5 days.

2) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised project or any part thereof advising of the start date of each Work No.<insert> and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to NRW and UKHO within 5 days.

3) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations (or otherwise agreed) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under marine licence condition <insert>. Copies of all notices must be provided to NRW and UKHO within 5 days.

4) The undertaker must notify the UKHO of the completion (within 14 days) of the authorised project or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to NRW within 5 days.

5) In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify NRW, MCA, Trinity House, the Kingfisher Information Service of Seafish and the UKHO.

6) In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to NRW, MCA, Trinity House, and the UKHO within 5 days.

7) The authorised project shall not commence until the following has been submitted to and approved by NRW. Each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to NRW for approval at least 6 months prior to the commencement of the authorised project except where otherwise stated.

7a) A plan to be agreed in writing with NRW following appropriate consultation with Trinity House, the MCA and UKHO, setting out proposed details of the authorised project, including the:

i. number, dimensions, specification, foundation type(s) and depth for each WTG, offshore platforms, substations and meteorological masts;

ii. the grid coordinates of the centre point of the proposed location for each WTG, platform, substation and meteorological mast;

iii. proposed layout of all cables; and

iv. location and specification of all other aspects of the authorised project.

7b) An Aids to Navigation Management Plan to be agreed in writing by NRW following appropriate consultation with Trinity House specifying how the undertaker will ensure compliance with conditions (1) to (4) of 'Aids to Navigation' from the commencement of construction of the authorised project to the completion of decommissioning.

7c) No part of the authorised project may commence until NRW, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

7d) A construction method statement in accordance with the construction methods assessed in the environmental statement and include details of a cable specification, installation and monitoring plan, to include:

i. technical specification of offshore cables below MHWS;

ii. a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to chart datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and

iii. proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables.

8) A swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. The survey shall include all proposed cable routes. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the

MCA and the UKHO for the update of nautical charts and publications This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to NRW.

9) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. An appropriate report must be submitted to NRW, Trinity House and the MCA at the end of each year of the construction period.

10) The undertaker must conduct a swath bathymetric survey to IHO Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO. NRW should be notified once this has been done, with a copy of the Report of Survey also sent to NRW.

11) On post decommissioning, the undertaker must conduct a swath bathymetric survey to IHO Order 1a of the cable route and the installed generating assets area and provide the data and survey report(s) to the MCA and UKHO. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications.

12) Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by NRW. An appropriate report must be submitted to NRW, Trinity House and the MCA at the end of each year of the three year period.

13) A study must be undertaken to establish the electromagnetic deviation, affecting ship compasses and other navigating systems, of the high voltage cable route to the satisfaction of the MCA and Milford Haven harbour authority. On receipt of the study, the MCA reserves the right to request a deviation survey of the cable route post installation.

14) A loadline exemption must be obtained from a MCA Marine Office prior to any towage of floating infrastructure. The local MCA Marine Office in this case is Milford Haven.

15) A Third-Party Verification of the mooring arrangements for all floating devices will be required prior to construction to provide assurance that the moorings are suitable for the expected metocean conditions at the location.

Adv1) No radio beacon or radar beacon operating in the Marine frequency bands shall be installed or used on the works without prior written approval by OFCOM.

Adv2) Any jack up barges / vessels utilised during the works/laying of the cable, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.

Adv3) The undertaker must ensure all MCA ballast water requirements are met for towage of floating infrastructure.

Adv4) If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency *arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works may be liable for any expense incurred in securing such assistance.*