



**Cyfoeth  
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Wales

## **Marine Licensing Variation Decision**

The Marine and Coastal Access Act (2009)

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**Applicant: *Pembrokeshire Coastal Forum CIC***  
**Variation application reference no: *ORML1957v1***

***Marine Energy Test Areas (META) Phase 2 Sites***

***Milford Haven***

***08/11/2022***

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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 variation to the Existing Marine Licence (see Annex 2) 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 5;
- 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	Company/organisation name: Pembrokeshire Coastal Forum CIC Company number (if available): 8447094 Address: <i>2nd Floor, Pier House, Pembroke Dock, Pembrokeshire, SA72 6TR</i>
Variation Application reference number	<i>ORML1957v2</i>
Existing Marine Licence reference number	<i>ORML1957v1</i>
Date Variation Application was duly made	<i>07/03/2022</i>
Description of variation	<i>Alteration to Project Parameters at both Dale Roads and Warrior Way testing sites following discussions with marine developers to allow sufficient flexibility to test components progressing through design stages. These are as follows:</i> <ul style="list-style-type: none"><li>• An increase in the speed of moving parts from <math>\leq 5</math> m/s to <math>\leq 10.5</math> m/s at Warrior Way ;</li><li>• An increase in the number of rotors on a single device at Warrior Way from 1 rotor to 3 rotors. The currently consented maximum diameter per rotor (<math>&lt;5</math> m) will remain the same; however, the total swept area will increase from 19.63m<sup>2</sup> (for one rotor) to 58.89m<sup>2</sup> (for three rotors);</li><li>• An increase in the height of structures above the water surface from <math>&lt;2</math> m to <math>&lt;5</math>m, within a discrete footprint of 10mx10m at Warrior Way and Dale Roads</li><li>• An increase in the area of the mooring spread from 150m<sup>2</sup> to 22,500m<sup>2</sup> at Warrior Way; and</li><li>• An increase in the area of the mooring spread from 200m<sup>2</sup> to 40,000m<sup>2</sup> at Dale Roads.</li></ul>

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<p>Proposal[s] covered by the Variation Application</p>	<p><i>No overall change to the Project:</i></p> <p>The Marine Energy Test Area (META) Project consists of eight marine test sites within the Milford Haven Waterway and adjacent waters. Consent is sought for the META project Phase 2 for a duration of up to 15 years. META Phase 1 licensed under DEML 1875 (expiry June 2029) consisted of quayside testing of wave and tidal energy device components. This consent will be for META Phase 2 marine testing areas only and these are at the following three sites of Warrior Way, Dale Roads and East Pickard Bay all located within and around Milford Haven, Pembrokeshire.</p> <p>Scaled and full-scale marine energy device testing will be enabled at the META project. Testing will not be grid-connected. Testing activities which will be supported at the META project are:</p> <ul style="list-style-type: none"> <li>• Scale wave device testing;</li> <li>• Scale tidal device testing;</li> <li>• Full scale wave device testing;</li> <li>• Micro tidal device testing;</li> <li>• Testing of remotely operated vehicle (ROV) or other monitoring equipment;</li> <li>• Site preparation methodologies;</li> <li>• Installation and decommissioning methodologies;</li> <li>• Salvage methodologies;</li> <li>• Tow, float and mooring solution testing for floating offshore wind balance of plant technology.</li> </ul>
<p>Licensable marine activities</p>	<p><b>Proposed Activities</b> which will be supported at the META project are:</p> <ul style="list-style-type: none"> <li>• Scale wave device testing;</li> <li>• Scale tidal device testing;</li> <li>• Full scale wave device testing;</li> <li>• Micro tidal device testing;</li> <li>• Site preparation methodologies;</li> <li>• Installation and decommissioning methodologies;</li> <li>• Salvage methodologies;</li> <li>• Tow, float and mooring solution testing for floating offshore wind balance of plant technology.</li> </ul> <p>Marine renewable devices and ancillary structures will be deposited within the red line boundaries of Warrior Way (site 6), Dale Roads (site 7) and East Pickard Bay (site 8).</p> <p>Marine renewable devices and ancillary structures will be removed following the expiration of the operational phase for each device test.</p>
<p>Marine Plan area</p>	<p>Welsh inshore region and Welsh offshore region</p>
<p>Variation Application documents:</p>	<ul style="list-style-type: none"> <li>• ORML1957v2 variation request application form received into MLT 01/03/22</li> <li>• ORML1957v2 META Marine Licence Variation Cover Letter received into MLT 01/03/22</li> <li>• ORML1957v2 META Location Plan Dale Roads_Warrior Way received into MLT 01/03/22</li> <li>• ORML1957v2 META Consent Variation Environmental Statement Addendum received into MLT 01/03/22</li> </ul>

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	<ul style="list-style-type: none"><li>• ORML1957v2 META Consent Variation Environmental Addendum Comments Response and Clarification received into MLT 18/08/22</li></ul>
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## **2 VARIATION APPLICATION PROCEDURE**

### **2.1 The Variation Application**

The Variation Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 07/03/22. 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.

However, regarding the documents supporting ORML1957 we have received information in relation to the Application that appears to be commercially confidential on the grounds that disclosure of the information on the public register would adversely affect the confidentiality of commercial or industrial information where such confidentiality is protected by law to protect a legitimate commercial interest. As such we have not included this information on the register.

### **2.4 Publicity and advertising**

In compliance with s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) and regulation 16 of the Marine Works (Environmental Impact Assessment) Regulations 2007, public notice advertising the Project was placed in the Western Telegraph on 6/04/22 and the 13/04/22 (the Public Notices) and a notice was published on NRW's website. 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 42 days from the date of the first Public Notice to provide comments on the application.

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

## **3 CONSULTATION**

### **3.1 Consultees**

NRW considered it appropriate to consult the bodies listed in the table below on 31/03/22, due to their particular expertise. These bodies were consulted for a period of 42 days. Those bodies have responded to the consultation an 'Y' can be found in the response received column, those who did not respond to consultation an 'N' can be found in the response received column:

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<b>Consultee</b>	<b>Response received (Y/N)</b>	<b>Date(s) of receipt</b>
The Crown Estate	N	
NRW	Y	12/05/22 and 29/09/22 on further clarifications
MoD - Safeguarding Defence	Y	26/04/22
Maritime & Coastguard Agency	N	
Trinity House	Y	12/05/22
Royal Yachting Association	Y	09/05/2022
Local Biodiversity Officer	N	
Local Planning Authority (Pembrokeshire County Council and Pembrokeshire Coast)	N	
Local Harbour Authority (Milford Haven, Tenby, Saundersfoot)	N	
Local Port Authority (Milford Haven Port Authority & ABP)	N	
Royal Society for the Protection of Birds (RSPB)	Y	10/05/2022
Welsh Government / Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
BEIS	N	
Royal Commission on Historic Monuments Wales	Y	03/05/2022
Cadw	Y	05/05/22
Chamber of Shipping	Y	04/04/22
NERL Safeguarding	Y	11/04/22

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## **4 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 (“the EIA Directive”) 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 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.

### **4.1 Screening**

The application was considered by NRW to constitute an EIA development under the Regulations, and a Screening Opinion (ref SC1817) was issued on 28th March 2019.

Pursuant to Regulation 8 of the Regulations, NRW considered under SC1817 that the proposed works fell under Schedule A2, paragraphs 13 and 20 of the Regulations on the assessment of the effects of the project on the environment, specifically:

- Schedule A2, paragraph 13. Industrial installations for the production of electricity, steam and hot water (unless included in Schedule A1); and, paragraph 20 Installations for hydroelectric energy production.

### **4.2 EIA assessment**

The Marine Licence application required for the Project was accompanied by an Environmental Statement (ES). NRW assessed the project as an EIA development under the Regulations and issued a Written Confirmation of the EIA Consent Decision on 28/09/2020. The Written Confirmation is available on the NRW website and the marine licensing public register.

In accordance with Regulation 24 of the Regulations, the following information is included in subsequent sections of this document:

- Conclusion of EIA assessment
- Any conditions, mitigating and monitoring measures described in the EIA decision
- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment
- The main reasons and considerations on which this regulatory decision is based
- A summary of the results of consultations undertaken and how these have been incorporated into this regulatory decision

### **4.3 Conclusion of the EIA assessment**

NRW issued a Written Confirmation of the EIA Consent Decision on 28/09/2020, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. In reaching the conclusion, NRW considered the following information:

- The application for a Marine Licence
- The Environmental Statement submitted
- Any further information provided
- The responses to public consultation
- The responses to the technical consultation
- Any comments received from another EEA state
- Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects

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NRW considered the likely significant effects of the project, and reached a conclusion on the likely significant effects of the project with regard to the following:

- Population and human health
- Biodiversity
- Land, soil, water, air and climate
- Material assets, cultural heritage and landscape
- Risk of major accidents and disasters relevant to the project
- Cumulative impacts and in-combination impacts

A summary of the conclusion on the likely significant effects of the project is outlined below. Full details of the conclusion on the likely significant effects of the project can be found in the Written Confirmation of the EIA Consent Decision.

### **4.3.1 Population and human health**

The ES has assessed the impact on population and the human environment. Due to the scale and nature of the project significant impact on population is not predicted during the operational phase. The ES also considered that during the construction phase there was the potential to generate minor (reversible) visual impact. Considering the project design, scale and mitigation proposed; NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project.

### **4.3.2 Biodiversity**

There are several protected areas which have the potential to be affected by the META Project. A Habitat Regulation Assessment was carried out and considered, subject to appropriate conditions that the project will not adversely affect the integrity of any of the European Sites and their features.

The ES considers the potential further impact on biodiversity including that of increased sedimentation during construction or via an accidental pollution event. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions as outlined in section 8 of the ES, written confirmation relating to site-specific surveys to determine micro-siting of devices, device design, and adherence to the agreed Project Environmental Management Plan (PEMP) and Project Environmental Mitigation and Monitoring Plan (EMMP) and the agreed device-specific versions of these, no significant impact on biodiversity is predicted.

### **4.3.3 Land, soil, water, air and climate**

The installation, operation and maintenance of the META project will not give rise to the production of any hazardous waste. However, there is an impact pathway to water quality through an accidental pollution event. In addition, there is the potential to impact on water quality through sediment disturbance during the construction phase e.g. seabed levelling.

The ES has assessed these impacts and proposed mitigation including adherence to an agreed CEMP which would include pollution prevention best practice. NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8 of the ES written confirmation, that no significant impact on water quality is predicted.

The purpose of the META project is to support the development of low carbon technologies promoting environmental sustainability through the utilisation of renewable natural resources to generate electricity. Significant impact on climate is not predicted.

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### **4.3.4 Material assets, cultural heritage and landscape**

A review of marine archaeological data within the ES identified no designated sites at any of the three Phase 2 areas of the Project but did identify a number of non-designated heritage assets at the Dale Road and East Pickard Bay sites. Pre-historic deposits at all three sites were considered to be of medium archaeological vulnerability.

A number of potential impacts associated with the installation, operation and maintenance, and decommissioning phases of the META project on marine archaeological receptors were assessed within the ES, namely; removal or disturbance of sediments – buried prehistoric deposits; removal or disturbance of archaeological resource – shipwrecks; and sediment deposition on the seabed.

Mitigation proposed is to survey, sample and record the sites of archaeological potential with, depending on the results, the requirement to micro-site devices to retain the archaeological features in-situ. This will be determined by an experienced marine archaeologist reviewing survey data from pre-installation surveys.

NRW PS are satisfied that any significant impact can be mitigated for.

The ES considered impact on seascape and concluded a temporary (reversible) minor adverse visual impact in the vicinity of the works during the installation and decommissioning phases of the Project due to the movement of vessels. Although the conclusion of Moderate significance of effect was concluded for the Dale Road operational phase and a substantial effect was concluded for the East Pickard Bay site for the operational phases, NRW PS note the likely design scenarios for both of these sites are assessed as being of minor significance which is not significant in EIA terms with the seascape being returned to pre-existing conditions at the end of the Project.

### **4.3.5 Risk of major accidents and disasters relevant to the project**

Due to the nature and scale of the operation NRW PS consider the risk of a major accident or disaster to be relatively low and is most likely to be incurred as result of the physical presence of the devices increasing collision risk to vessels not under command (including unattended small craft, capsized craft) and in an emergency situation (e.g. machinery related problems and drifting). Pollution prevention measures have been proposed to reduce the risk of a major accident or pollution event.

### **4.3.6 Cumulative impacts and in-combination impacts**

NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES. As detailed in section 3.2.4 of the ES written confirmation NRW PS carried out a Habitat Regulation Assessment as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

## **4.4 EIA Consent Decision**

NRW issued a Written Confirmation of the EIA Consent Decision on 28 September 2020, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. NRW concluded that the environmental impacts of the Project have been adequately identified,

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described and assessed. Accordingly, NRW concluded a favourable determination and that EIA consent for the project should be given.

The addition of a condition to monitor migratory fish for testing of specific devices with greater speed and/or rotor swept area at Warrior Way does not alter our EIA consent decision for the Project.

### 4.5 Mitigation and monitoring requirements

The Written Confirmation of the EIA Consent Decision issued by NRW on **14 December** 2020, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are summarised below:

- 4.5.1 *Licence conditions will be required to produce a Project Environmental Management Plan (PEMP). The PEMP will need to be submitted and approved prior to commencement of works. The PEMP must incorporate proposed mitigation identified within the ES to ensure pollution prevention best practice will be adhered to as well as considering the potential impact on bathing water. The Licence Holder must also submit a Project Environmental Mitigation and Monitoring Plan (EMMP) to the Licensing Authority for written approval prior to commencement of the Licensed Activity. This EMMP must incorporate proposed mitigation for the META Project identified as part of the EIA process. It should also outline the monitoring of predicted plumes at the Dale Roads site and at all sites where seabed levelling and clearance is proposed (details of which should be drawn down and included within the device-specific pre-deployment monitoring plan installation plan). The EMMP must also outline entanglement strategy risk and response procedures as discussed in Section 7.73. The plans must be implemented as approved. This will reduce the impact on water quality, marine mammals, maerl beds (and other sensitive benthic habitats) and bathing water quality.*
- 4.5.2 *Licence conditions will be required to ensure that an INNS Management Strategy is submitted and approved prior to commencement of works. This will reduce the biosecurity risk.*
- 4.5.3 *Licence conditions will be required for pre-installation site-specific surveys which must be completed to inform micro-siting of devices prior to deployment. The scope of these surveys must be appropriate for benthic species and habitat and marine archaeology and must be discussed and agreed with NRW prior to commencement. The results of any surveys must be submitted as a pre-deployment monitoring report to the Licensing Authority at least 3 months prior to the commencement of any works. This will reduce the impact on benthic species and habitats, archaeology and suspended sediments.*
- 4.5.4 *Removed*
- 4.5.5 *A licence condition will be required to submit device designs pre-deployment to NRW for approval to confirm design aspect to reduce bird and fish ingress has been incorporated. This is specific to WEC devices. If devices at East Pickard Bay are at the maximum project envelope for dimensions, then this will trigger the need for ornithological monitoring surveys at this site.*

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*4.5.7 A licence condition will be required to ensure mariners and fishermen's organisations are aware of the activity and the HM Coastguard and UKHO are notified prior to commencement of works. Device-specific NRAs will be required and must be reviewed every two years and the layout of multiple devices within an area must be agreed with the MCA prior to deployment. This will reduce impact on navigation and other uses of the sea.*

NRW has considered these requirements in making this regulatory decision. The conditions attached to the Marine Licence are set out in Annex 1, including reasons for the inclusion of each condition.

### **4.6 Consideration of consultations undertaken**

The consultation process described in section 2.4 and section 3 of this document was undertaken to ensure comment was received from appropriate parties.

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.

NRW has had regard to consultation responses in making the regulatory decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

### **4.7 Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment.**

NRW considers that the following features of the project, or measures included within the project proposal, as described in the application form, Environmental Statement and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects.

*4.7.1 Device-specific mitigation measures including micro-siting and design will be required should the device-specific assessment raise concerns in relation to potential impacts e.g. scour and suspended sediments, marine archaeology, bird and fish ingress, benthic habitats and species.*

*4.7.2 The Project has provided an outline Project Environmental Management Plan (PEMP) which details mitigation for potential environmental impacts resulting from the Project. It is noted that this PEMP is not complete and will be completed post-consent. They have also committed to producing a Marine Pollution Contingency Plan (MPCP) and Invasive Non-Native Species Management Plan (INNSMP) both of which will require agreement with NRW prior to deployment.*

*4.7.3 The Project has committed to producing an Environmental Mitigation and Monitoring Plan (EMMP), to be agreed with NRW, which will outline the post-consent conditions and monitoring requirements for marine renewables devices at the META project and may include requirements for pre-installation baseline surveys and post-deployment monitoring of operational devices. This document will also detail any mitigation measures that device developers may be expected to adopt which will prevent significant adverse impacts to environmental receptors, as identified in the Environmental Statement.*

*4.7.4 The EMMP will outline the monitoring objectives, methodologies and timings for each receptor group, and demonstrate how the surveys will enable validation of*

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*Environmental Statement predictions or how it will address residual uncertainties identified in the Environmental Statement.*

4.7.5 *The EMMP will also detail survey, monitoring and/or mitigation requirements for each META site and for each receptor group, based on the predictions made in the Environmental Statement.*

4.7.6 *An outline monitoring reporting document will be developed which will clearly show how the requirements of any monitoring conditions have been met, including presenting the pre-construction positions (including any limitations), and it will clearly outline the purpose of any subsequent comparisons which may be made in relation to specific devices. Reports will be used to inform relevant regulatory bodies and statutory stakeholders.*

**4.8 Main reasons for this regulatory decision**

The main reasons for the regulatory decision made are described in section 5 of this decision document.

The conclusion of this regulatory decision is stated in section 6 of this decision document.

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## **5 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 **Marine and Coastal Access Act 2009** (the **2009 Act**).

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

- the need to protect the environment (see sub-section 5.1)
- the need to protect human health (see sub-section 5.2)
- the need to prevent interference with legitimate uses of the sea (see sub-section 5.3)
- 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 sub-sections 5.1 to 5.5 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 sub-sections 5.1 to 5.5 below )
- such other matters as it thinks relevant (see sub-section 5.5 below)

### **5.1 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 seabed and the seashore, 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.

#### **5.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations 2017**

##### **(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.

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**

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

- *Pembrokeshire South*
- *Milford Haven Outer*
- *Milford Haven Inner*

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and considered in this decision.

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, i.e. The Licence Holder must produce a biosecurity risk assessment and Construction Environmental Management Plan (CEMP) prior to the commencement of any works.

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

### **5.1.2 Biodiversity and resilience of ecosystems duty**

#### **(a) The legal framework**

Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of their functions, and in so doing promote the resilience of ecosystems, having regard to biodiversity lists published under section 7, the State of Natural Resources Report and any area statement published under section 11.

#### **(b) Factors relevant to our determination**

NRW has considered its duties under section 6 of the 2016 Act and is satisfied that the Proposed Activities would not reduce biodiversity when undertaken in accordance with appropriate conditions, i.e. pre-installation site-specific surveys for benthic habitats and birds and subsequent micro-siting of devices; review of designs to ensure appropriate fish and bird ingress considerations, monitoring of migratory fish when larger devices are being tested at Warrior Way during migratory periods, suspended sediment plumes and subsequent impact to bathing water quality and protected habitats, entanglement risk strategies and appropriate pollution prevention controls all implemented through the Project's CEMP/EMMP and/or specific licence conditions..

### **5.1.3 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).

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.

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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), 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 SAC
- Limestone Coast of South West Wales SAC (Submerged or partially submerged sea caves only)
- Cleddau Rivers SAC (River Lamprey, Sea Lamprey and Otter only)
- West Wales Marine SAC
- Bristol Channel Approaches SAC
- Skomer, Skokholm and the seas off Pembrokeshire SPA
- Cardigan Bay SAC (Grey Seal only)
- Pen Llyn a'r Sarnau SAC (Grey Seal only)

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

The following conclusions of the HRA have been considered by NRW in making this decision:

**Pembrokeshire Marine SAC**

The potential for significant pollution events and the introduction of INNS could impact on the conservation objectives of the Natura 2000 site benthic features. Licence conditions are required to mitigate the potential for such impacts occurring. These include a PEMP, Marine Pollution control plan and INNS management plan (INNSMP) which are to be submitted to and agreed by NRW prior to any deployments. In this manner, accidental release of potential release of contaminants will be strictly controlled, thus providing protection for marine life across all phases of the project. The INNSMP will detail how the risk of potential introduction and spread of marine INNS will be minimised through the implementation of biosecurity control measures e.g. all vessels to adhere to relevant guidelines and international conventions to minimise the transfer of marine INNS, use of anti-fouling on vessel hulls, all equipment to be of terrestrial origin and cleaned and dried before re-deployment.

The potential habitat disturbance from the installation or decommissioning activities has the potential to impact reef features, which are considered to have lower recoverability, and smaller spatial coverage than the estuary or large sheltered bay features. As a result, the direct disturbance of reefs from the installation or decommissioning activities could impact on the conservation objectives of this feature. Licence conditions are required to mitigate this effect and a condition for post-consent/pre-installation site-specific benthic survey is required; the scope of which is to be agreed with NRW prior to commencement. The results of these surveys are to be submitted to NRW and, depending upon the

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results of these surveys, the micro-siting of devices and subsequent agreement with NRW regarding their positioning will be required to minimise direct impacts to reef habitat.

There is potential overlap of areas identified as supporting reef features and the project. As a result, the direct disturbance of reefs from the presence of the Projects infrastructure on the seabed and from operational and/or maintenance activities e.g. through the swept area of catenary cables could impact on the conservation objectives of this feature during the projects lifetime. It is expected that the licence condition outlined above would be sufficient to mitigate for this effect.

Accidental pollution events have the potential to extend beyond the boundaries of the sites and impact mobile features e.g. grey seal and otter, depending on the nature and extent of the pollution, and in some cases may occur from vessels on transit to a site, i.e. out with the licenced area. There is therefore a potential that a significant pollution event could adversely impact on the mobile features' achievement of their conservation objectives for this site. The licence conditions detailed above for the control of such pollution events is considered appropriate to mitigate for this impact.

**Limestone Coast of South West Wales SAC**

The project (in particular the East Pickard Bay site) is located close to parts of the 'submerged or partially submerged sea caves' feature of this SAC. There is potential that significant pollution events could impact on the conservation objectives of this Natura 2000 site feature. There is also potential that introduction of INNS could impact on the conservation objectives of this Natura 2000 site feature. Licence conditions are required to mitigate the potential for such impacts occurring. These include a PEMP, Marine Pollution control plan and INNS biosecurity risk management plan which are to be submitted to and agreed by NRW prior to any deployments.

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 Site(s) when undertaken in accordance with appropriate conditions as described within Annex 1.

**5.1.4 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.

**(b) Factors relevant to our determination**

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

- *Grey Seal*
- *Otter*

NRW has taken into account the requirements for issuing an EPS licence in making this decision and for the reasons set out below is satisfied on the basis of the information it has considered that:

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.

### **5.1.5 Marine Conservation Zones**

#### **(a) The legal framework**

Marine Conservation Zones 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 Marine Conservation Zone 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 Marine Conservation Zone.

### **5.1.6 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 is satisfied that the Proposed Activities do not have the potential to impact on any SSSI sites due to the proposed activities and Project locations in relation to any SSSI sites.

### **5.1.7 Waste Framework Directive**

#### **(a) The legal framework**

The Waste Framework Directive (2008/98/EC) establishes a legal framework for treating waste in the EU. This is designed to protect the environment and human health by emphasising the importance of

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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 Directive establishes 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 Framework Directive when undertaken in accordance with appropriate conditions and planned project mitigation, i.e. CEMP.

#### **5.1.8 Other matters in considered relevant to the need to protect the environment**

Welsh Archaeological Trust (WAT) and Cadw confirmed that sufficient archaeological and seascape assessment have been completed and agree with the conclusions within the ES that the impacts will not be significant providing the mitigation is adhered to. This is presented in Annex 1 and requires for post-consent/pre-installation surveys at each of the Projects three sites to confirm or otherwise the archaeological potential for any Prehistoric deposits. Where these deposits are present, they will be appropriately sampled and recorded in accordance with current best-practice guidance. Archaeological recording of wrecks is a mostly non-destructive process and in principle, allows preservation in situ of remains, should this be possible within the proposed development.

#### **5.1.9 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.

#### **5.2 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.

#### **5.3 Conclusion of our considerations under the need to protect human health**

**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.

#### **5.4 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.

The MCA provided a response on the shipping and navigation elements of the Environmental Statement and the Navigational Risk Assessment (NRA) and were satisfied that the marine traffic studies provide a representative overview of the activities within the area. However, they have noted that an Emergency Response Plan for each site will be required as well as the layout plan for multiple devices being agreed with the MCA prior to deployment. The MCA also require sufficient notification through a Notice to Mariners (NTM) to local mariners, fishermen's organisations, HM Coastguard and the UK Hydrographic Office (UKHO) and that the approval of the responsible local navigation authority or harbour is obtained.

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NRW PS considers that these concerns can be sufficiently addressed using appropriate conditions in any Marine Licence issued.

Trinity House provided comment that they had no objections to the Project provided suitable mitigation was included to ensure specific NRA should be carried out accordingly once marine energy devices are selected for individual areas and that such aids to navigation marking requirements must be agreed with the Milford Haven Port Authority and then Trinity House with a NTM also being issued as appropriate. Again, NRW PS considers that these concerns can be sufficiently addressed using appropriate conditions in the Marine Licence issued.

The RYA have reiterated the importance of the area and the intensity of use by small craft not always equipped with Automatic Identification Systems (AIS). The RYA therefore raised the concern of the reliance on informing recreational users and the use of navigation marks to ensure users deviate course around structures. The navigational safety of the project is highly dependent upon informing and educating recreational users.

The RYA agrees with the findings of the NRA that the principal risks to recreational craft in the three sites are grounding, collision and contact with structures.

The RYA noted that risk mitigation of the NRA is based upon traffic management, use of Aids to Navigation (AtoN) and Notices to Mariners within the Milford Haven area. In addition, they noted that no minimum Under Keel Clearance (UKC) is stated for subsurface structures, although minimum standards for navigation marks on emergent/ surface structures within the sites are provided within the ES. The RYA notes the reliance on the adoption of specific measures to further minimise risks to recreational users.

These concerns have been sufficiently addressed through the conditions presented in Annex 1.

### **5.5 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.

### **5.6 Marine Policy Documents**

#### **(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.

#### **(b) Our determination**

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

### **5.7 Other matters NRW thinks relevant**

### 5.7.1 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.

In particular *NRW acknowledges that the well-being objectives of “improving the resilience and quality of our ecosystems” and “ensuring land and water in Wales is managed sustainably and in an integrated way”* are of particular relevance to this decision and that the decision may be made in such manner as to contribute to meeting those objectives.

The Meta project also contributes to *‘A prosperous Wales’* and *‘A more equal Wales’* as 50-60% of the economic benefit of marine energy is expected to be generated in coastal areas, many with a need for economic regeneration. A thriving marine energy sector may provide skilled jobs and economic growth for coastal areas such as Pembrokeshire. Local supply chains could deliver marine energy technologies to a global market.

*‘A globally responsible Wales’* - Marine energy could play a part in an innovative, low carbon society helping to respect the limits of our global environment.

*‘A resilient Wales’* - Marine energy can help provide future generations with clean energy resources within healthy functioning ecosystems.

The META project will also contribute to the aims of the Energy Wales: A Low Carbon Transition policy, which aims to create a sustainable, low carbon economy for Wales (Energy Wales, 2012), by supporting the development of low carbon technologies.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine licence and conditions proposed would contribute to meeting the objective of *“Ensuring land and water in Wales is managed sustainably and in an integrated way”* for the reasons set out in paragraphs 4.1.1-4.1.7.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine licence and conditions proposed in Annex 1 would contribute to meeting the objective of *“improving the resilience and quality of our ecosystems”* for the reasons set out in paragraph 4.1.2.

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.

In particular:

- Development of marine energy inherently promotes environmental sustainability by utilising renewable natural resources to generate electricity as opposed to non-renewable sources. The META project is therefore an inherently environmentally sustainable project. The provision of

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testing sites through the META Project will work towards de-risking technology and operations critical to the success of further larger scale or array deployments, as well as improving understanding of potential environmental impacts of marine renewable energy deployments.

- NRW is satisfied that the proposed activities, when carried out in accordance with the terms of the Licence, including conditions, would not have any significant impact on the environment.
- NRW is satisfied that the Project meets a future need for renewable energy and will do so without having a significant impact on the environment for future generations.

### 5.7.2 Sustainable management of natural resources

#### (a) The legal framework

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 (refer Annex 1), 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.

In particular, NRW acknowledges that it is a principle of sustainable management of natural resources to take action to prevent significant damage to ecosystems. NRW is satisfied, for the reasons set out in paragraphs 4.1.2 to 4.1.4 that appropriate action will be taken as part of the Project, when implemented in accordance with the conditions in Annex 1, to comply with this principle.

## 6 Conclusions and Recommendations

Based on the information available, and having regard to all relevant considerations including consultation responses, 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 5 and have also explained in section 5 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

### AUTHORISATION

<b>Report by:</b> Seran Davies  <b>Position:</b> Permitting Officer	<b>Date:</b> 08/11/2022	<b>Signed:</b> 
<b>Authorised by:</b>  <b>Position:</b> Permitting Team Leader	<b>Date:</b> 08/11/2022	<b>Signed:</b> 

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**ANNEX 1 Conditions imposed and reasons for those conditions**

Additional conditions imposed for the variation ORML1957v2 and reasons for those conditions:

- 3.32** The Licence Holder must submit a migratory fish monitoring scheme for devices installed between 01 January and 31 July as part of licensed Activity 1 (Warrior Way) and with moving part speeds of above 5m/s and/or a swept area larger than 19.63m<sup>3</sup>. This migratory fish monitoring scheme must be submitted for approval to the Licensing Authority at least 8 weeks prior to commencement of the licensed activity. No works may be undertaken prior to written approval from the Licensing Authority.
- 3.33** The Licence Holder must ensure that any actions outlined within the documents detailed in condition 3.32 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 ensure no LSE to migratory fish spawning in the Cleddau rivers which are features of the Pembrokeshire Marine SAC (River and Sea lamprey). Monitoring will inform if this fish are using the area with sufficient mitigation proposed and agreed within the monitoring scheme to reduce any impacts*

**Conditions imposed and reasons for those conditions (carried over from Marine Licence ORML1957 and variation ORML1957v1)**

Number within Licence	Condition	Reason for condition
3.14	<i>The Licence Holder must ensure that the Licensed Activities are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times. Floating devices and any devices 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.</i>	Condition requested by MCA for maritime safety.
3.15	<p><i>The Licence Holder must submit a device layout plan to the Licensing Authority for written approval at least <b>8 weeks</b> prior to deployment of multiple devices at East Pickard Bay. Deployment/operation of multiple devices simultaneously at East Pickard Bay cannot take place prior to written agreement from the Licensing Authority.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the Device Layout Plan 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 agreed in writing with the Licensing Authority prior to any changes being enacted.</i></p> <p><i>The Licence Holder must submit a device-specific Navigational Risk Assessment (NRA) for written approval at least <b>8 weeks</b> prior to any deployment operation. This NRA must propose appropriate device-specific risk controls. No deployment may</i></p>	<p>Condition included to reduce risk to Navigation from Project.</p> <p>Condition requested by MCA, Trinity House and RYA.</p>

Number within Licence	Condition	Reason for condition
	<p><i>be undertaken prior to written agreement from the Licensing Authority.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the Navigational Risk Assessment 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 agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p>	
<p><b>3.16</b></p>	<p><i>The Licence Holder must implement a strategy for raising awareness of the risks concerning power generating structures. The strategy must include;</i></p> <ul style="list-style-type: none"> <li><i>- Notice must be given to all recreational users via notices to mariners, website, club notifications, stakeholder mailing list, before any deployment or salvage of a device or structure;</i></li> <li><i>- Safety information/ warnings must be provided on access points, deployed structures and where appropriate on navigation marks to the East Pickard Way site;</i></li> <li><i>- Safety information/ warnings (e.g. signage, leaflets) must be provided at recreational access points (e.g. slipways, boat clubs). This could be incorporated into existing navigation safety advice provided by the port.</i></li> <li><i>- The strategy should also incorporate the measures detailed within Table 10-2 Possible Additional Risk Controls of the NRA (ORML1957- META Appendix 12.1 Navigational Risk Assessment v1 submitted 12/12/19- refer Appendix 3).</i></li> </ul>	<p>This condition has been included to acknowledge the number of recreational marine users in the Project area and to reduce the impact on these recreational users e.g. kayakers, surfers, canoeists, power boat users, recreational sailors (small dinghies) and to also educate these users regarding the risks of entering the Project areas and interacting with the devices.</p> <p><b>This condition will also address concerns raised for the increased turbine rotor speeds and swept area for devices at Warrior Way for licence variation (ORML1957v2)</b></p> <p>Condition requested by RYA.</p>
<p><b>3.17</b></p>	<p><i>The Licence Holder must submit a META Project Emergency Response Co-operation Plan (ERCoP) for written approval at least <b>8 weeks</b> prior to the commencement of any Licenced Activity. No Licenced Activities may be undertaken prior to written agreement from the Licensing Authority authorising this Project ERCoP.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the Project ERCoP 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 agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p> <p><i>The Licence Holder must also submit device-specific ERCoP for written approval at least <b>8 weeks</b> prior to any device deployment operation. This ERCoP must propose appropriate device-specific risk controls. No deployment may be undertaken prior to written agreement from the Licensing Authority, authorising the device-specific ERCoP.</i></p>	<p>Condition included to increase maritime safety.</p> <p>Requested by MCA.</p>

Number within Licence	Condition	Reason for condition
	<p><i>The Licence Holder must ensure that any actions outlined in the device-specific ERCoP 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 agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p>	
<p><b>3.20 and 3.27</b></p>	<p><b>3.20 Pollution Prevention</b>  <i>The Licence Holder must submit a Project Environmental Management Plan (PEMP) to the Licensing Authority for written approval at least 3 months prior to commencement of any Licensed Activity. The PEMP must incorporate proposed mitigation identified within the ES and must also ensure that pollution prevention best practice will be adhered to as well as considering the potential impact on bathing water. No Licensed Activities may be undertaken prior to written agreement from the Licensing Authority.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the PEMP 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 agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p> <p><i>The Licence Holder must also submit device-specific Environmental Management Plans (EMP) to the Licensing Authority for written approval at least 3 months prior to device deployment. The device-specific EMP must incorporate proposed mitigation as identified within PEMP and must also ensure that pollution prevention best practice will be adhered to as well as considering the potential impact on bathing water. No Licensed Activities may be undertaken prior to written agreement from the Licensing Authority.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the device-specific EMP 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 agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p> <p><i>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.</i></p> <p><b>3.27</b> <i>The Licence Holder must submit a Project Environmental Mitigation and Monitoring Plan (EMMP) to the Licensing Authority for written approval prior to commencement of the Licensed Activity. The EMMP must incorporate proposed mitigation for the META Project identified as part of the EIA process. No Licensed Activities may be undertaken prior to written agreement from the Licensing Authority. Any proposed changes to the actions outlined in the EMMP must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p>	<p>Condition included to reduce risk of accidental pollution events and to ensure impacts to bathing waters are adequately addressed.</p> <p>Requested by NRW PS and NRW TE.</p>

Number within Licence	Condition	Reason for condition
<p><b>3.24</b></p>	<p><b>3.24 Biosecurity</b></p> <p><i>3.24.1 The Licence Holder must ensure all equipment, materials, machinery and Personal Protective Equipment used as part of the Licensed Activities should be thoroughly washed and air dried before deployment and thereafter before moving between locations to minimise risk of introducing non-native species into the marine environment.</i></p> <p><i>3.24.2 An Invasive Non-Native Species Management Plan (INNSMP) for the Project is submitted to the Licensing Authority for written approval a minimum of 8 weeks prior to the commencement of works. No Licensed Activities may be undertaken prior to written agreement from the Licensing Authority.</i></p> <p><i>The Licence Holder must ensure that any actions outlined in the INNSMP are implemented as approved in writing by the Licensing Authority Any proposed changes to the actions outlined in the INNSMP must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p> <p><i>3.24.3 The Licence Holder must submit an updated INNSMP to the Licensing Authority for written approval by the 31 January each year, starting January 2022.</i></p>	<p>Condition included to reduce biosecurity risk.</p> <p>Requested by NRW TE.</p>
<p><b>3.27, 3.28, 3.29 and 3.30</b></p>	<p><b>3.27</b> <i>The Licence Holder must submit a Project Environmental Mitigation and Monitoring Plan (EMMP) to the Licensing Authority for written approval prior to commencement of the Licensed Activity. The EMMP must incorporate proposed mitigation for the META Project identified as part of the EIA process. No Licensed Activities may be undertaken prior to written agreement from the Licensing Authority. Any proposed changes to the actions outlined in the EMMP must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p> <p><b>3.28</b> <i>The Licence Holder must submit a device specific pre-deployment monitoring plan to the Licensing Authority for written approval prior to any deployment operation. The plan should consider;</i></p> <ul style="list-style-type: none"> <li><i>• Requirement for pre-deployment benthic survey to inform micro-siting.</i></li> <li><i>• Requirement for archaeological survey.</i></li> <li><i>• Requirement for suspended sediment plume monitoring at Dale Roads site and at all sites where sea bed levelling and/or clearance is required.</i></li> <li><i>• Requirements for survey of little grebe at Warrior Way if works are taking place between 1 August to the 28 February</i></li> </ul> <p><b>3.29</b> <i>The Licence Holder must submit a monitoring report following completion of any surveys detailed within the pre-</i></p>	<p>Condition included to reduce impacts to sensitive habitats e.g. Annex I 'reef' and maerl beds</p> <p>Requested by NRW TE as no site-specific surveys have been completed for the Project specific to benthic habitats and species.</p>

Number within Licence	Condition	Reason for condition
	<p><i>deployment monitoring Plan to the Licensing Authority at least 3 months prior to commencement of activities.</i></p> <hr/> <p><b>3.30</b> <i>The Licence Holder must submit a Device-specific Installation and Operation Method Statement (DIOMS) to the Licensing Authority for written approval. The DIOMS must detail how all the Project EMMP requirements (condition 3.27) have been incorporated and consider:</i></p> <ul style="list-style-type: none"> <li>• <i>Review of device design (for minimisation of ingress for WEC devices, minimum blade clearance at Warrior Way and maximum dimension devices (triggering further monitoring requirements) at East Pickard Bay)</i></li> <li>• <i>Collision risk/entanglement protocols</i></li> <li>• <i>Decommissioning</i></li> </ul> <p><i>Works must be carried out in line with the approved DIOMS. Any proposed changes to the DIOMS must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p>	
<p><b>3.30</b></p>	<p><i>The Licence Holder must submit a Device-specific Installation and Operation Method Statement (DIOMS) to the Licensing Authority for written approval. The DIOMS must detail how all the Project EMMP requirements (condition 3.27) have been incorporated and consider:</i></p> <ul style="list-style-type: none"> <li>• <i>Review of device design (for minimisation of ingress for WEC devices, minimum blade clearance at Warrior Way and maximum dimension devices (triggering further monitoring requirements) at East Pickard Bay)</i></li> <li>• <i>Collision risk/entanglement protocols</i></li> <li>• <i>Decommissioning</i></li> </ul> <p><i>Works must be carried out in line with the approved DIOMS. Any proposed changes to the DIOMS must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.</i></p>	<p>Condition included (as bullet within 3.29) as insufficient evidence provided to support the minimisation of ingress for fish and birds in WEC device design mitigation within both the ES and the further clarification documents.</p> <p>Requested by NRW TE.</p>
<p><b>3.28, 3.29 and 3.31</b></p>	<p><b>3.28</b> <i>The Licence Holder must submit a device specific pre-deployment monitoring plan to the Licensing Authority for written approval prior to any deployment operation. The plan should consider;</i></p> <ul style="list-style-type: none"> <li>• <i>Requirement for pre-deployment benthic survey to inform micro-siting.</i></li> <li>• <i>Requirement for archaeological survey.</i></li> <li>• <i>Requirement for suspended sediment plume monitoring at Dale Roads site and at all sites where sea bed levelling and/or clearance is required.</i></li> <li>• <i>Requirements for survey of little grebe at Warrior Way if works are taking place between 1 August to the 28 February</i></li> </ul> <p><b>3.29</b> <i>The Licence Holder must submit a monitoring report following completion of any surveys detailed within the pre-</i></p>	<p>Condition included to reduce impacts to birds (notably Little grebe (<i>Tachybaptus ruficollis</i>)).</p> <p>Condition requested by NRW TE and raised during initial consultation by RSPB.</p>

Number within Licence	Condition	Reason for condition
	<p><i>deployment monitoring Plan to the Licensing Authority at least 3 months prior to commencement of activities.</i></p> <p><del><b>3.31</b> The Licence Holder should ensure works take place at the Warrior Way site between 1 March and 30 July inclusive, to avoid impact on little Grebe (<i>Tachybaptus ruficollis</i>). Prior written approval from the Licensing Authority will be required for any works proposed outside this period at Warrior Way.</del></p>	<p>Grebe condition removed as part of variation ORML1957v1 (agreed with NRW TE and RSPB)</p>
<p><b>3.28, 3.29 and 3.31</b></p>	<p><b>3.28</b> <i>The Licence Holder must submit a device specific pre-deployment monitoring plan to the Licensing Authority for written approval prior to any deployment operation. The plan should consider;</i></p> <ul style="list-style-type: none"> <li>• <i>Requirement for pre-deployment benthic survey to inform micro-siting.</i></li> <li>• <i>Requirement for archaeological survey.</i></li> <li>• <i>Requirement for suspended sediment plume monitoring at Dale Roads site and at all sites where sea bed levelling and/or clearance is required.</i></li> <li>• <i>Requirements for survey of little grebe at Warrior Way if works are taking place between 1 August to the 28 February</i></li> </ul> <p><b>3.29</b> <i>The Licence Holder must submit a monitoring report following completion of any surveys detailed within the pre-deployment monitoring Plan to the Licensing Authority at least 3 months prior to commencement of activities.</i></p>	<p>Condition included to mitigate for impacts to archaeological features.</p> <p>Condition requested by WAT.</p>
	<p><b>3.31</b> <i>The Licence Holder must ensure that any archaeological deposits or artefacts discovered throughout the installation, operation and decommissioning phases of the Project are to be reported through the Offshore Renewables Protocol for Archaeological Discoveries Implementation Service. To ensure accurate records are maintained for archaeological finds and to inform future deployments.</i></p>	