

Sent by e mail

17 February 2023

Dear Ben Huskinson

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

LICENCE FOR Project Erebus Floating Offshore Wind Farm

LICENCE NUMBER: ORML2170

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, dated 17 December 2021 and duly made on 07 January 2022 for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, and hereby grant a Marine Licence for you to undertake the above stated works.

Accordingly, please find attached for your review and retention a copy of Marine Licence **ORML2170** and its conditions.

Advisory Note

Marine Licence, **ORML2170**, constitutes a statutory consent; therefore the conditions set out herein must be complied with in full and will be binding upon any agent or contractor who undertakes any activity on the project on your behalf.

You are urged to read the conditions of Marine Licence **ORML2170** carefully, in particular the need to advise Welsh Government Marine Enforcement Officers of the commencement of works within **14 days** prior to work starting.

Marine Licence, **ORML2170** is solely granted for the work to be undertaken at The Project Erebus FLOW Array site and Export Cable Corridor with landfall at Pembrokeshire; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

If the works authorised by this Licence are unlikely to be completed by the expiry date, the Licence Holder should apply for a replacement marine licence **at least 4 months** prior to the expiry date of this Licence.

Should you require clarification as to the reasons for the inclusion of any of the conditions attached to the Licence then you must request written notice within 28 days of the receipt of this letter.

The Maritime & Coastal Agency have also presented the following Advisories for your consideration:

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

In addition, NRW Technical Advisors and JNCC Offshore Industries Advisers and Technical Experts have also advised that the methodological issues with the Project Erebus Marine Licence Application; in particular for Marine Ornithology and Marine Mammals, must be reviewed for future projects. These have been highlighted within their consultation responses¹ which have previously been shared with you and we would advise you to review and consider this information for any future Marine Licence applications.

Rights of appeal

You have the right of appeal to the Welsh Ministers against this decision. The Appeal must be made in accordance with the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011.

A notice of appeal must be received by the Welsh Ministers within six months beginning with the date of the decision to which the appeal relates.

You must send written notice of appeal including the documents listed below to the Welsh Ministers at the following address:

¹ ORML2170 JNCC consultation response to Clarification Exercise 13122022; ORML2170 NRW Advisory consultation response to Further Information 10102022. Also available at [Public register - Customer Portal \(naturalresources.wales\)](https://publicregister-customerportal.naturalresources.wales)

Welsh Ministers c/o Marine Licensing Branch, Welsh Government, Cathays Park, Cardiff.
CF10 3NQ.

At the same time you must send a copy of the notice of appeal to the Natural Resources Body for Wales at the following address:

Permitting Service Manager, Permitting Service (Cardiff), Natural Resources Wales,
Cambria House, 29 Newport Road, Cardiff, CF24 0TP

The notice of appeal must include:

- a) the name, address (including any email address) and telephone number of the appellant and any agent acting for the appellant;
- b) a statement of the grounds of appeal;
- c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations, a hearing or an inquiry;
- d) a copy of the decision to which the appeal relates;
- e) a copy of all documents upon which the appellant wishes to rely; and
- f) a list of all the documents, including dates (where any document is dated), specified in bullet points d and e above. :

You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to the NRW at the address specified above.

Please be aware that the Welsh Government has changed the Marine Licensing fees and charges in Wales. You will be charged for any post licensing work associated with your licence. If you have any queries regarding the fee changes, please email the Marine Licensing Team via marinelicensing@naturalresourceswales.gov.uk

Following the UK's departure from the EU on 31 January 2020 and the end of the transition period on 31 December 2020, the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW will continue to issue and regulate all permits and licenses in line with our current practice. If you have any questions about your permits or licenses and/or site management, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely



Seran Davies
Marine Licensing Team
Natural Resources Wales