

From: [Morrison, Peter](#)
To: alex.herbert.extern@rwe.com
Cc: [Ryan McManus](#); [Antonia Peacock](#); jo.pickard@rwe.com; [Algate, Karen](#); [Sims-Williams, Giles](#); Sally.Dalrymple@rwe.com
Subject: RE: AyM pre-commencement geotechnical surveys ML
Date: 31 March 2023 13:10:10
Attachments: [image001.png](#)

Good afternoon Alex,

Appreciate this is your last day on the project therefore any follow up to this may come from Ryan or Jo.

I can confirm that we would consider a marine licence application for licensable geotechnical survey work (boreholes) as you have described in your email.

I can confirm as works cost are above 1 million these works would require a band 3 application. As discussed and referred to in your email below, band 3 application are charged at an hourly rate. Following acceptance of the application we would consult with a number of technical advisors, there would also be a requirement to place a public notice. There is no service level agreement for the determination period of a band 3 application, as application which fall into this band can vary significantly in complexity. The determination period will largely be dictated around any issues which may be raised during the consultation period.

To answer your second question, we would not except the number of boreholes to be split to allow a additional band 1 application, we would expect all the boreholes to be in the same application.

Thank you for bringing to our attention other applications where project cost have not been specified, this is something we will look into, however for clarity we would expect application to confirm if project cost are over a million in order to determine whether they fall into the band 3 category as is set out in a Statutory Instrument.

Kind regards

Pete

Peter Morrison MCIWEM C.WEM

Swyddog Arbenigol Arweiniol (Trwyddedu Morol) / Lead Specialist Officer (Marine Licensing)

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Ty Cambria, Caerdydd / Cambria House, Cardiff

Siaradwr Cymraeg

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From: alex.herbert.extern@rwe.com <alex.herbert.extern@rwe.com>

To: Morrison, Peter <Peter.Morrison@cyfoethnaturiolcymru.gov.uk>

Subject: RE: AvM pre-commencement geotechnical surveys ML

Following our call, and since I sent the email below, GoBe has had a look for examples to inform preparation of the supporting info for any application. They came across a recent Morgan/Mona borehole/CPT application on the NRW website for up to 75 boreholes, which BP has submitted as a Band 2, and which NRW-MLT has accepted for consideration.

More information by searching RML2285 on the NRW open register:

[https://publicregister.naturalresources.wales/Search/Results?
SearchTerm=RML2285&sortBy=Date&filters%5BLocation%5D=&filters%5BLocalAuthority%5D=&
SortRelated=Date&SortRelated=Date&SortRelated=Date&SortRelated=Date&SortRelated=Date&
SortRelated=Date&SortRelated=Date&SortRelated=Date&SortRelated=Date&SortRelated=Date&
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I hope this is helpful.

Alex

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From: Herbert, Alex

Sent: 30 March 2023 11:29

To: Peter Morrison (Peter.Morrison@cyfoethnaturaolcymru.gov.uk)
<peter.morrison@cyfoethnaturaolcymru.gov.uk>

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Subject: AyM pre-commencement geotechnical surveys ML

Pete,

As discussed this morning:

- AyM has applied for all pre-commencement surveys as part of the Project ML. A vessel is available to conduct the necessary geotechnical surveys from October '23 to March '24. Booking the vessel is a significant investment for AyM with hefty penalties if forced to cancel. The Project DCO is due for determination by 20 Sept with the Project ML following approx. 4-6 weeks later (mid/late Oct). This situation presents significant risk if the Project consents are delayed. There is no way to guarantee or speed up the determination of the DCO, and no statutory timeframe for determination of the Project ML which follows, hence we must consider other measures to mitigate the risk of booking the vessel.
- The only mitigation available is to submit a separate/parallel ML application for pre-commencement geotechnical survey works asap in the hope it is determined ahead of the Project ML. As discussed, this would be a Band 3 application, given the value of the work is well in excess of £1m (a statutory threshold, not subject to negotiation). Band 3 applications have no service level to dictate the timeframe for determination (and are charged by the hour, not a fixed fee). However, given the low-impact and well-known nature of this work (see below), it is possible that the application could progress more like Band 2 applications, which have a service level agreement for determination in 4 months (and are sometimes determined in as little as 2.5 months if no issues are raised). A 28-day consultation will be required, with public notices. A full EIA may not be required, rather Supporting Environmental Information on likely impacts such as noise, marine mammals, navigation.
- The application will be for geotechnical survey (c.50x boreholes plus CPT etc) in the array area and cable corridor. There will be some accompanying non-licensable geophysics work. There will be no other (more intrusive) works such as sandwave clearance or trenching at this stage. We may not be able to specify exact locations of boreholes/CPTs but will be able to provide information regarding number and distribution (e.g. to assure NRW that all boreholes will not be concentrated in the intertidal zone!).

We discussed splitting the work into multiple Band 1 applications (given 5x boreholes were consented last year as Band 1) but agreed this would not be acceptable. We would appreciate your advice re:

- Acceptability of the above strategy for all survey works
- Acceptability of the above strategy, while also splitting off 5 boreholes into a separate Band 1 application (with 6-week determination time) to give some additional confidence that the vessel can be booked and work started.

As you are aware, my last day with AyM is tomorrow. Ryan and Jo will pick up from there.

Thanks in advance for your help.

Alex

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