

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Bombora WavePower
Europe Ltd

Cleddau Reach
The Offices
Pembroke Dock
SA72 6UJ

Company registration number: 10733443

Installation, operation, maintenance and
decommissioning of the mWave energy
device

Licence Number:

ORML1924v2

Installation, operation, maintenance and decommissioning of the mWave energy device

Marine Licence number: ORML1924v2

Introductory note

This introductory note does not form a part of the marine licence

The main features of the marine licence are as follows.

Installation, operation, maintenance and decommissioning of the mWave energy device on the seabed in East Pickard Bay, Pembrokeshire

The status log of the marine licence sets out the marine licence history, including any subsequent marine licence variation(s)

Status log of this Marine Licence		
Description	Date	Comments
Application	11/06/2019	Application received and considered to be duly made
Date Licence determined	23/10/2019	Determination date
Marine Licence variation	14/07/2022	This Marine Licence has been licence varied to extend the licensable activities period from 22 October 2022 to the 22 October 2023
Marine Licence variation	28/09/2023	This Marine Licence has been varied to extend the licensable activities period from 22 October 2023 to 22 October 2024.

The Licence **ORML1924v2** supersedes Licence **ORML1924v1** in its entirety.

Related marine licences or applications under determination

Not applicable

End of introductory note.

Licence Number: ORML1924v2

MARINE LICENCE, NUMBER ORML1924v2

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **ORML1924** and duly made on **11 June 2019** and authorises the Licence Holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009, (2009 Act). This licence should be interpreted in accordance with **Section 4**.

1.2 Licence Holder

The Licence Holder is the company set out below:

Company name: Bombora WavePower Europe Ltd

Company number: 10733443

Address: Cleddau Reach, The Offices, Pembroke Dock, SA72 6UJ

1.3 Licence Validity

Licence Start Date	28 September 2023
Licence End Date	22 October 2024
Licence Issue Date	28 September 2023

1.4 Conditions

This licence is subject to the conditions set out in **Section 3**.

Signed:



Dr. Emmer Litt – Marine Licensing Team Leader

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Installation, operation, maintenance and decommissioning of the mWave energy device on the seabed in East Pickard Bay, Pembrokeshire

The following Licensed Activities can be conducted within the Licence Period, within the Licensed Area and in accordance with the Approved Application and the Approved Supporting Documents:

Table 1 Licensed Activities

Activity 1 Installation of mWave wave energy device	
Type of Licensed Activity	Deposit/Removal
Description	The project comprises the deposit and removal of: • a full-scale energy device – Wave Energy Converter (WEC) mWave • an acoustic doppler current profiler • subsea umbilical termination unit • aids to navigation • subsea armoured communication cable fed through a plastic conduit in the intertidal and onshore area • rock bags to secure the cable • rock bags for scour protection • temporary moorings deployed for installation or maintenance
Material types to be removed or deposited	Deposit/removal: Iron/Steel, Stone/Rock, Synthetics, Wave Energy Converter Device
Quantities/Dimensions	• a Wave Energy Converter (WEC) mWave (75m, by 15m (17 across the membranes) by 7m high) • a maximum of 4, 2 Tonne rock bags to secure the cable • a maximum of 100, 5 Tonne rock bags for scour protection • 1,450 m subtidal 150mm armoured communication cable

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 on the seabed off East Pickard Bay on the south side of the Angle Peninsula, Pembrokeshire, bounded by the coordinates specified in Table 2 and as indicated in the plan attached at Appendix 1:

Table 2 Coordinates

WGS84 Latitude DD.dddd° N	WGS84 Longitude DD.dddd° W	OSGB36 Easting (m)	OSGB36 Northing (m)
51.6669	-5.0900	186418.6	200985.3
51.6667	-5.0901	186409.9	200966.1
51.6667	-5.0899	186423.1	200965.3
51.6666	-5.0899	186427.7	200955.4
51.6665	-5.0899	186423.6	200940.5
51.6658	-5.0904	186388.7	200858.7
51.6656	-5.0910	186344.0	200842.6
51.6654	-5.0913	186323.5	200821.7
51.6648	-5.0926	186230.3	200759.3
51.6637	-5.0942	186115.9	200641.6
51.6631	-5.0939	186134.4	200576.3
51.6621	-5.0920	186259.7	200457.0
51.6618	-5.0903	186374.6	200424.3
51.6618	-5.0886	186493.2	200417.5
51.6625	-5.0887	186491.1	200494.3
51.6626	-5.0817	186970.5	200481.7
51.6605	-5.0817	186964.1	200246.1
51.6605	-5.0830	186873.8	200249.6
51.6597	-5.0821	186929.7	200164.5
51.6592	-5.0845	186764.7	200109.7
51.6600	-5.0856	186688.7	200210.4
51.6600	-5.0891	186445.9	200216.8
51.6609	-5.0892	186447.2	200320.1
51.6609	-5.0910	186321.4	200325.4
51.6613	-5.0927	186205.0	200366.8
51.6622	-5.0946	186080.8	200474.1
51.6632	-5.0959	185992.4	200585.8
51.6642	-5.0956	186018.2	200702.6
51.6655	-5.0937	186159.1	200836.5
51.6659	-5.0927	186229.6	200886.4
51.6664	-5.0910	186346.0	200930.5
51.6667	-5.0906	186378.0	200963.7
51.6667	-5.0903	186396.5	200964.5
51.6669	-5.0901	186412.0	200987.8
51.6670	-5.0901	186412.0	200998.5
51.6670	-5.0900	186419.6	200999.0

In the event of any discrepancy between the coordinates set out above and the plan attached at Appendix 1, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
Plan A mWave and Designated Sites	11/06/2019
Plan B.1 mWave in relation to tidal levels	11/06/2019
Plan B.2 Cable route in relation to tidal levels	11/06/2019
Plan C Marine Licence Area	11/06/2019
Water Framework Directive Draft Environmental Mitigation and Monitoring Plan	11/06/2019
Habitats Regulation Assessment No Significant Effects Report	11/06/2019
Non Technical Summary (NTS)	11/06/2019
Chapter 1 Introduction	11/06/2019
Chapter 2 Project	11/06/2019
Chapter 3 Need and Alternatives	11/06/2019
Chapter 4 Environmental Assessment Methodology	11/06/2019
Chapter 5 Coastal Processes	11/06/2019
Chapter 6 Underwater Noise	11/06/2019
Chapter 7 Benthic Subtidal and Intertidal Ecology	11/06/2019
Chapter 8 Fish and Shellfish	11/06/2019
Chapter 9 Marine Mammals	11/06/2019
Chapter 10 Marine Ornithology	11/06/2019
Chapter 11 Commercial Fisheries	11/06/2019
Chapter 12 Shipping and Navigation	11/06/2019
Chapter 13 Marine Archaeology	11/06/2019
Chapter 14 Seascape and Landscape	11/06/2019
Chapter 15 Other Users	11/06/2019

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Chapter 16 Onshore Geology, Hydrology and Land Quality	11/06/2019
Chapter 17 Terrestrial Ecology	11/06/2019
Appendix 2.1 Noise assessment	11/06/2019
Appendix 2.2 Environmental Management Plan table of contents	11/06/2019
Appendix 2.3 Draft Environmental Mitigation and Monitoring Plan	11/06/2019
Appendix 3.1 Policy and Legislation	11/06/2019
Appendix 7.1 SEACAMS Backscatter Data	11/06/2019
Appendix 8.1 Sightings data in Basking Shark study area	11/06/2019
Appendix 8.2 Fish and Shellfish Survey Data	11/06/2019
Appendix 9.1 Marine Mammals– WWBIC Sightings Data	11/06/2019
Appendix 9.2 Marine Mammals – UK Cetacean Distribution	11/06/2019
Appendix 10.1 Marine Ornithology - Policy and Legislation	11/06/2019
Appendix 10.2 Marine Ornithology - Summary of Desk Study Data	11/06/2019
Appendix 11.1 Commercial Fisheries Landings Data	11/06/2019
Appendix 13.1 Marine Archaeology	11/06/2019
Appendix 17.1 Phase 1 Survey Habitat Map and Notes	11/06/2019
Appendix 17.2 Breeding Birds	11/06/2019
Appendix 17.3 NVC Quadrat Locations and Results	11/06/2019
Appendix 17.4 Chough Survey Winter 2018/2019	11/06/2019
Application to vary a marine licence	28/06/2022
Marine Licence Extension Cover Letter	28/06/2022
ORML1924v2 Application Form	11/09/2023
ORML1924v2 Marine Licence extension letter	18/09/2023

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.3** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

3.2 Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the Licensed Activities are submitted to the Licensing Authority and Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least **24 hours** prior to the commencement of the Licensed Activities.

3.3 Notification of Agents/Contractors/Sub-contractors

The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority at least **24 hours** prior to the commencement of Licensed Activities.

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at **zone28@hmcg.gov.uk**.

3.5 Inspection of Licensed Activities

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Works at any reasonable time.

3.6 Notification of Completion

- 3.6.1** The Licence Holder must notify the Licensing Authority within 10 days of completion of the Licensed Activities.

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- 3.6.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within 10 days of completion of the Licensed Activities.

3.7 Accident or Emergency

- 3.7.1** If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority within 48 hours of the incident occurring.

- 3.7.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

3.8 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this Licence is given to:

- All agent(s), contractor(s) and sub-contractor(s) whose names have been provided to the Licensing Authority under condition 3.3 and
- The Masters of any vessels and transport managers responsible for the vehicles employed in accordance with this Licence whose details have been submitted to the Licensing Authority under condition 3.2.

3.9 Inspection of Documents

Copies of this Licence shall be made available at the following locations:

- at the address of the Licence Holder specified in section 1.2;
- at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;
- on board each vessel or vehicle carrying out Licensed Activities.

The documents referred to in this Condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.

Vessels, Plant and Equipment

3.10 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under

the terms of this Licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

3.11 Refuelling of Plant and Equipment

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the sea.

3.12 Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Safety

3.13 Removal of Deposited Material

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Pollution control

3.14 Pollution Prevention

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**.

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

3.16 Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

3.17 Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Activity-specific Conditions

3.18 Decommissioning Plan

The Licence Holder must submit a Decommissioning Plan to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority

3.19 Environment Management Plan (EMP)

3.19.1 The Licence Holder must submit an EMP to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.19.2 The EMP must include, but may not be limited to those measures identified in the ES and:

- Underwater noise monitoring;
- Scour monitoring;

3.20 Environmental Monitoring and Mitigation Plan (EMMP)

3.20.1 The Licence Holder must submit an EMMP, to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.20.2 The EMMP must include, but may not be limited to:

- All monitoring and mitigation measures outlined in the Environmental Statement

3.21 Biosecurity Risk Assessment

Licence Holder must submit a Biosecurity Risk Assessment to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.22 Navigational Risk Assessment

The Licence Holder must submit a Navigational Risk Assessment to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the Licensed Activities. No Licensed Activities may

be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.23 Navigational Management Plan

The Licence Holder must submit an Aids to Navigational Management Plan to NRW acting on behalf of the Licensing Authority for written approval at least 8 weeks prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.24 Implementation of Schemes/Plans

The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.18 to 3.23 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.25 Construction Restrictions

The Licence Holder must re-establish the absence of breeding choughs (*Pyrrhocorax pyrrhocorax*) prior to cable laying or decommissioning if the Licensed Activities are to take place close to their breeding season (late March to mid May). In the event that breeding pairs are discovered a method statement must be produced demonstrating how disturbance to the birds will be reduced and submitted to NRW acting on behalf of the Licensing Authority for written approval prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

3.26 The Licence Holder must have addressed all MCA recommendations as appropriate to the project, contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

3.27 The Licence Holder must notify the UK Hydrographic Office of the Licensed Activities, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.

3.28 The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.

3.29 The Licence Holder must ensure that the appropriate authorities are informed, (NRW, MCA, Trinity House and the UKHO), within 24 hours should there be any damage, decay or destruction to the device or cable whist on the seabed.

3.30 The Licence Holder must ensure that should any aspects of the Licensed Activities, other than the mWave device itself, reduce navigable water depths by more than 5% referenced to chart datum, further consultation with the MCA

and Trinity House must be undertaken to ensure existing and future safe navigation is not compromised.

- 3.31** The Licence Holder must comply with The Crown Estate's Protocol for Archaeological Discoveries: Offshore Renewables Projects for reporting finds of archaeological interest should any object of archaeological interest be found during the Licensed Activities.

4 INTERPRETATION

In this Licence terms are as defined in section 115 of the Marine and Coastal Access Act unless otherwise stated.

- (a) **"2009 Act"** means the Marine and Coastal Access Act 2009;
- (b) **"Approved Application"** means the Marine Licence Application Form together with the Approved Supporting Documents;
- (c) **"Approved Supporting Documents"** means the documents supporting, or supplementary to, the Approved Application, submitted prior to the Licence Issue Date, listed in the Table at paragraph 2.3 above;
- (d) **"Commencement"** means the first undertaking of any Licensed Activities;
- (e) **"Force majeure"** may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened;
- (f) **"Licensed Activities"** means the activities authorised by this licence as specified in 2.1;
- (g) **"Licensed Area"** means the area within which Licensed Activities are authorised by this licence as specified in section 2.2;
- (h) **"Licence Holder"** means the person(s) or organisation(s) named in section 1.2 to whom this licence is granted;
- (i) **"Licence Period"** means the period beginning with the Licence Start Date and ending on the Licence End Date;
- (j) **"Licensing Authority"** means Natural Resources Wales acting on behalf of the Welsh Ministers;
- (k) **"Marine Enforcement Officers"** means the relevant officers appointed by Welsh Ministers under section 235 of the 2009 Act, contact details for whom are provided in section 5;
- (l) **"Marine Licence Application Form"** means the application form forming part of the application referred to in paragraph 1.1;
- (m) **"Method Statement"** means the Method Statement(s) forming part of the Approved Application or Approved Supporting Documents;

- (n) **“Works”** means any construction activities comprised in the Licensed Activities and, where the context permits, includes any plant, equipment or materials used to carry out those activities or operations but excludes monitoring, minor routine maintenance or other ongoing operational activities following completion of any construction activities;
- (o) all times shall be taken to be the time in Greenwich Mean Time (GMT) on any given day;
- (p) co-ordinates shall be taken to be latitude and longitude decimal degree (WGS 84) / eastings and northings as stated
- (q) in the event of any discrepancy between the coordinates listed in paragraph 2.2 and the plan attached at Appendix 1, the coordinates shall take precedence.

5 CONTACTS

Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns, correspondence and requests for variations of the licence is:

Marine Licensing Team
Natural Resources Wales
Permitting Service
29 Newport Road
Cambria House
Cardiff
CF24 0TP

Tel: 0300 065 3000

Email: marinelicensing@naturalresourceswales.gov.uk

Welsh Government Marine Enforcement Officers may be contacted at:

Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS

Tel: 03000253500

Email: wfmccmpc@gov.wales

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Appendix 1 Licensed Area

