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Wales

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: *Awel y Môr Offshore Windfarm Ltd*
Application reference no: *ORML2233*

Awel y Môr Offshore Windfarm.

North-East coast of Wales

14 November 2023

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1 OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 5 and 6;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the 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 Application.

2 APPLICATION DETAILS

2.1 The Application

Applicant Name and Address	<p>The Applicant is the person or organisation set out below:</p> <p>Company/organisation name: Awel y Môr Offshore Wind Farm Ltd Company number: 12270928 Address: Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB</p>
Application Reference Number	ORML2233
Date Application was duly made	20 June 2022
Proposal[s] covered by the application (the Project)	<p>Awel y Môr (AyM) Offshore Wind Farm is a proposed sister project to the operational Gwynt y Môr (GyM) Offshore Wind Farm off the north-east coast of Wales, nevertheless comprising a distinct and stand-alone NSIP that requires separate development consent under the Planning Act 2008. Awel y Môr will comprise up to 50 Wind Turbine Generators and all associated infrastructure required to transmit the electricity generated to shore.</p> <p>The Awel y Môr array area lies approximately 10.5km off the north-east coast of Wales. The offshore Export Cable Corridor extends from the south-western to south-eastern boundary of the array area in a south-easterly direction to meet land at Frith Beach between Rhyl and Prestatyn.</p> <p>The offshore works encompasses;</p> <ul style="list-style-type: none">• The array area: where the Wind Turbine Generators (WTGs), Offshore Substation Platforms (OSPs), associated foundations, inter-array cables and export cables will be installed;• The GyM interlink zone: where a single cable connection linking the infrastructure of AyM to the western GyM OSP will be installed;

	<ul style="list-style-type: none"> • The 'other wind farm infrastructure' zone: an area to the west of the array area, which will preclude WTGs, OSPs and export cables but will allow for a meteorological mast (met mast) or floating LIDAR (FLiDAR), array cables and Permanent Vessel Moorings (PVMs); and • The offshore Export Cable Corridor (ECC): where the offshore export cables will be installed, bringing power generated to the onshore cable circuits at landfall between Rhyl and Prestatyn. <p>The onshore elements of the project are provided for completion. Onshore development encompasses:</p> <ul style="list-style-type: none"> • The onshore ECC: where permanent infrastructure connects the cables at landfall to the proposed onshore substation at Bodelwyddan and the onwards link to the existing National Grid Substation. • The onshore substation (OnSS): where the power supplied from the wind farm is transformed to 400 kV and the power quality and power factor are adjusted as required to meet the UK System Operator Transmission-Owner Code (STC) for supply to the National Grid substation.
<p>Licensable Marine Activities</p>	<p>The licensable marine activities for the Project have been split between 4 marine licences</p> <ul style="list-style-type: none"> • Generation Assets (ORML2233G) • Transmission Assets (ORML2233T) • Gwynt y Môr Interlink (ORML2233L) • River Clwyd Crossing (ORML2233C) <p>As detailed within the Marine Licence Principles Document (reference 8.11, dated 15 March 2023, revision H) the applicant's need for separate marine licences for the generation and transmission assets as well as the GyM interlink cables is driven by the offshore transmission operator (OFTO) regime. Once constructed the applicant's intention is for the transmission assets to be transferred to a separate OFTO, having separate licences for the works avoids the complexity of separating and splitting licences post consent. A separate marine licence for the River Clwyd crossing was also proposed by the applicant and considered appropriate as the works are discrete from the remainder of the offshore transmission works.</p> <p>As the detailed design for the offshore wind farm has not been completed the precise location of the Offshore Substation Platforms (OSPs) are not yet known, therefore there is a spatial overlap between the Generation Assets (ORML2233G) and Transmission Assets (ORML2233T) marine licences. Likewise the precise location of the Gwynt y Môr interlink cables are not known therefore there is also a spatial overlap between the licences (ORML2233L).</p> <p>The applicant was unable to confirm during the marine licence application determination whether the OSP will be transferred to the OFTO; therefore, provision for the OSP are included both within the Generation Assets (ORML2233G) marine licence and Transmission Assets (ORML2233T) marine licence. However</p>

	<p>the total number of OSPs to be constructed for the AyM project will not exceed two, and licence conditions can be used to ensure this is secured (see Annex 1 condition reference 26 and 27) notwithstanding this uncertainty.</p> <p>Further detail of the marine licensable activities for each licence is detailed below.</p> <p>Generation Asset ORML2233G: Construction, maintenance and decommissioning of Awel y Môr Offshore Windfarm generation assets consisting of;</p> <ul style="list-style-type: none"> • Up to 50 wind turbine generators fixed to the seabed by a foundation; • Up to two offshore substation platforms each fixed to the seabed by a foundation (if not installed under ORML2233T); • One meteorological mast fixed to the seabed by a foundation; • Floating buoys, and • A network of subsea inter-array cables including cable crossings and cable protection. <p>Transmission Asset ORML2233T: Construction, maintenance and decommissioning of the Awel y Môr Offshore Windfarm transmission assets consisting of;</p> <ul style="list-style-type: none"> • Up to two export cable circuits including cable ducts and cable crossing, and • Up to two offshore substation platforms each fixed to the seabed by a foundation (if not installed under ORML2233G). <p>Gwynt y Môr Interlink ORML2233L:</p> <p>Installation, maintenance and decommissioning of subsea cables between the Awel y Môr Offshore Windfarm and the Gwynt y Môr Offshore Windfarm including alteration to the existing scour protection, cable protection and cable crossings.</p> <p>River Clwyd Crossing ORML2233C: Installation of up to 2 cable circuits and associated ducting via trenchless techniques beneath a tidal section of the River Clwyd.</p> <p>The Marine Licence Activities detailed above taken together will be referred to as the marine licence application in this decision document.</p>
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	All approved supporting documents are detailed in Annex 2, 3 and 4

3 APPLICATION PROCEDURE

3.1 The Application

The Application was accepted by Natural Resources Wales (**NRW**) and considered duly made on **20 June 2022**. 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 Application was first made.

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3.2 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 by consultees as NRW considered relevant.

3.3 Commercial Confidentiality

We have accepted the Applicants claim for commercial confidentiality on the grounds that disclosure of certain 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. This information relates to location of fishing marks targeted by charter angling vessel operators and represents their intellectual property.

NRW has considered this information in the determination of the Marine Licence application and considers that not disclosing it does not compromise or circumvent the understanding of the EIA. As such, it has not been made available for public consultation.

3.4 Publicity and advertising

In compliance with s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) a public notice advertising the Project was placed in the Daily Post on 06 July 2022 and Fishing News on 7 July 2022 and a notice was published on NRW's website. All application documents were made available on NRW online public register. The application form and Environment Statement Non-technical summary were made available to the public at the following locations, where there was also access to the internet where all the application documents could be accessed through our online public register;

- Prestatyn Library, Kings Ave, Prestatyn, LL19 9LH
- Rhyl Library, 11A Church Street, Rhyl. LL18 3AA
- Rhuddlan Library, 9 Vicarage Ln, Rhuddlan, Rhyl, LL18 2UE
- St Asaph Library, The Roe, Saint Asaph, LL17 0LU.
- Holywell Library, Holywell Leisure Centre, North Road, Holywell, CH8 7UZ.
- Colwyn Bay Library: Woodland Rd, West, Colwyn Bay LL29 7DH
- Llandudno Library: 48 Mostyn St, Llandudno LL30 2RP
- Abergele Library: Market St, Abergele LL22 7BP
- Llanfairfechan Library: Village Rd, Llanfairfechan LL33 0AA
- Bangor Public Library Gwynedd Road, LL57 1DT
- Llyfrgell Porthaethwy Library: Wood St, Menai Bridge LL59 5AS
- Beaumaris Library: Grammar School Lane, Beaumaris LL58 8AL

The public were given a period of 42 days from the date of the Public Notice to provide comments on the application.

Two public responses were received in response to the Public Notice. All representations have been considered in the marine licence application determination.

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Following a submission of further information (documents detailed in Annex 3) a further public notice was placed in the Daily Post and Fishing News on 15 December 2022. All application documents were made available on NRW online Public Register. Hard copies of the application documents could be requested from permittingconsultations@naturalresourceswales.gov.uk.

The public were given a period of 42 days from the date of the Public Notice to provide comments on the Application.

No public responses were received in response to the Public Notice following submission of further information.

Details of our considerations can be found in section 6.

4 CONSULTATION

4.1 Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 22 June 2022, due to their particular expertise. These bodies were consulted for a period of 42 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N'.

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	24 June 2022
NRW	Y	03 August 2022
Ministry of Defence (MoD) - Safeguarding Defence	Y	02 August 2022
Maritime & Coastguard Agency	Y	09 August 2022
Trinity House	N	
Royal Yachting Association	Y	05 August 2022
Local Biodiversity Officer Denbighshire.	N	
Local Planning Authority (Flintshire)	N	
Local Planning Authority (Conwy)	N	
Local Planning Authority (Denbighshire)	N	
Local Planning Authority (Anglesey)	Y	03 August 2022
Local Harbour Authority Denbighshire	N	

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Local Harbour Authority Dee Conservancy	N	
Local Harbour Authority Port of Mostyn	N	
Royal Society for the Protection of Birds (RSPB)	Y	03 August 2022
Welsh Fishermen's Association (WFA)	N	
Welsh Archaeological Trust	Y	27 June 2022
Royal Commission on the Ancient and Historical Monuments of Wales	Y	02 August 2022
Cadw	Y	02 August 2022
North Western Inshore Fisheries Conservation Authority	N	
Chamber of Shipping	Y	02 August 2022
NATS Safeguarding	Y	06 July 2022
National Federation of Fishermen's Organisations (NFFO)	Y	03 August 2022
CEFAS consultation on dredge and disposal and designating disposal site only.	Y	15 July 2022
Joint Nature Conservation Committee (JNCC)	Y	03 August 2022
Natural England	N	
Department for Energy Security and Net Zero (Formally Department for Business, Energy and Industrial Strategy)	Y	02 August 2022
Isle of Man Government	Y	03 August 2022

Consultees who did not provide a response were assumed to have no comment.

Following a submission of further information as detailed in Annex 3, NRW consulted the bodies listed below on 08 December 2022, due to their particular expertise matter arising in relation to this application. These bodies were consulted for a period of 42 days. For those bodies that responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N'.

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Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	12 December 2022
NRW	Y	26 January 2023
Ministry of Defence (MoD) - Safeguarding Defence	Y	13 January 2023
Maritime & Coastguard Agency	Y	23 January 2023
Trinity House	Y	18 January 2023
Royal Yachting Association	N	
Local Biodiversity Officer Denbighshire.	N	
Local Planning Authority Flintshire	N	
Local Planning Authority Conwy	N	
Local Planning Authority Anglesey	N	
Local Harbour Authority Denbighshire	N	
Local Harbour Authority Dee Conservancy	N	
Local Harbour Authority Port of Mostyn	Y	18 December 2022.
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Fishermen's Association (WFA)	N	
Welsh Archaeological Trust	Y	08 December 2022
Royal Commission on the Ancient and Historical Monuments of Wales	Y	16 December 2022.
Cadw	Y	18 January 2023.
North Western Inshore Fisheries Conservation Authority	N	
Chamber of Shipping	N	
NATS Safeguarding	Y	19 December 2022

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National Federation of Fishermen's Organisations (NFFO)	N	
CEFAS consultation on dredge and disposal and designating disposal site only.	Y	21 December 2022.
Joint Nature Conservation Committee (JNCC)	Y	19 January 2023 and 26 January 2023.
Natural England	Y	18 January 2023.
Department for Energy Security and Net Zero (Formally Department for Business, Energy and Industrial Strategy)	Y	09 January 2023
Isle of Man Government	N	
Department of Agriculture, Environment and Rural Affairs (DAERA)	N	
Nature Scot	N	
Government of Ireland	N	

Consultees who did not provide a response were assumed to have no comment.

NRW has had regard to all consultation responses received in making its decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 6 of this decision document.

5 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.

5.1 EIA

The Licensable Marine Activities are regulated activities for the purpose of the Regulations.

NRW considers that the regulated activities fall under Schedule A2, paragraph 21 of the Regulations, and accordingly comprise EIA development under Regulation 8 on the basis that the project in question is likely, because of its size, nature or location, to have significant effects on the environment.

21. Installations for the harnessing of wind power for energy production (wind farms)

NRW has determined, pursuant to regulation 10(1)(b)(i) and (ii) of the Regulations, that an EIA is not required in respect of the regulated activities on the basis that NRW is satisfied that the assessment of any significant effects on the environment of the Project has been carried out by another consenting authority, i.e. the Secretary of State in the determination of a Development Consent Order in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. NRW considers that such assessment is sufficient to meet the requirements of UK law that implements the EIA Regulations in relation to the Project, and is satisfied that the information incorporated in that assessment and consent is up to date at the time of this marine licence application decision.

NRW considers that, for the purposes of Regulation 10(4)(a) and (b) granting a marine licence for the Licensable Marine Activities would be compatible with the Secretary of States measures to comply with the EIA Regulations. NRW have considered the Secretary of State’s Decision and, as relevant, the Examining Authorities (ExAs) recommendation, in order to come to this view and no further engagement was considered necessary for determining the Marine Licence.

For the purpose of Regulation 10(4A) NRW’s decision takes into account the following factors:

- (a) The conclusion of the Secretary of States assessment;
- (b) any relevant conditions attached to the consent by the Secretary of State which relate to the likely significant environmental effects of the project on the environment;
- (c) a description of any features of the project and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects of the project on the environment;
- (d) any monitoring measures considered appropriate by the Secretary of State in relation to the project; and
- (e) any comments of the Secretary of State relating to the regulated activities.

Further, for the purpose of Regulation 10(4E), where NRW decides to grant regulatory approval it must incorporate the following into the decision:

- (a) a summary of the other consenting authority’s conclusion referred to in paragraph (4A)(a);
- (b) any environmental conditions, mitigating or monitoring measures attached to the regulatory decision; and
- (c) a statement including –
 - i) the main reasons and considerations on which the regulatory decision is based including, if relevant, information about the participation of the public; and
 - ii) a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed.

5.2 The Conclusion of the Secretary of State (SoS) assessment (Regulation 10(4A)(a) and Regulation 10(4E)(a))

As detailed within the Secretary of State (SoS) Decision Letter dated 20 September 2023, the SoS considered all the merits and disbenefits of the Project, and concluded that, on balance, the benefits of the Project outweigh its negative impacts, in particular, the contribution of renewable electricity to the urgent need to decarbonise the electricity supply, and considered that the Development Consent Order should be granted.

The principal issues considered during the Examination are detailed below. Except where indicated otherwise within the SoS Decision Letter, the SoS agreed with the finding, conclusions and the recommendations of the Examining Authority (ExA) as is set out with the ExA Recommendation Report (dated 20 June 2023).

A summary of the conclusion on the likely significant effects of the project is incorporated below. Full details of the conclusion on the likely significant effects of the project can be found in SoS Decision Letter (dated 20 September 2023) and ExA Recommendation Report (dated 20 June 2023). NRW has given detailed consideration to the ExAs report and the SoS decision letter in determining the Marine Licence application.

Aviation

National Air Traffic Services (NATS) initially objected to the project during the DCO examination process due to unacceptable impacts to the Great Dunn Fell and St Anne's Primary Surveillance Radars. However, the objection was withdrawn following agreement of appropriate mitigation measure secured within Requirement 23 of the DCO including production and implementation of a primary radar mitigation scheme. Subject to mitigation secured in the DCO the ExA concluded that the Project would not have an adverse effect on aviation. The SoS agreed with the ExA's conclusions.

Biodiversity, Ecology and Natural Environment (Onshore)

The onshore works included the landfall of the export cable, the export cable corridor and the construction of an onshore substation. The ExA considered that the baseline data, and outcomes of the assessment, were meaningful and appropriate. The ExA considered that the project design had taken into account protected species and habitats by avoidance where feasible and has also provided areas for translocation of species. The ExA considered that the applicant had demonstrated how it had taken account of opportunities to conserve biodiversity and opportunities for enhancement measures at the onshore substation. A number of mitigation measures would be secured to the DCO including but not limited to, the Code of Construction Practice and Landscape and Ecology Management Plan. The ExA is satisfied that the ES has considered the relevant impacts through the project stage and appropriate mitigation measures have been incorporated. The SoS agreed with the conclusion of the ExA on this matter.

Offshore Ornithology

The ExA concluded that the baseline characterisation was appropriate for the assessment. The ExA considered that the applicant had adopted SNCB's best practice avoidance rates and had also undertaken supplementary modelling to calculate the collision estimates. The ExA therefore concluded that the Collision Risk Modelling had been carried out to a satisfactory standard. The ExA agreed that mitigation was needed in the form of a Vessel Traffic Management Plan and that this should be adequately secured and controlled through the Marine Licence. The ExA was satisfied that the ES had considered all relevant impacts through the project stages and agreed that the effects are not significant in EIA terms. The SoS agreed with the conclusion of the ExA on this matter.

Offshore Marine Mammals

The ExA concluded that the baseline characterisation and the assessment conducted was appropriate and that subject to mitigation, the predicted effects are not significant. The ExA considered the mitigation and monitoring approach presented to be appropriate. Mitigation considered necessary included the Marine Mammal Mitigation Protocol (MMMP) (which would include mitigating injury ranges predicted using cumulative PTS metrics unless evidence or guidance at the time suggest otherwise) and a Vessel Traffic Management Plan (VTMP). It is expected that the MMMP and VTMP would be secured as conditions of the Marine Licence. The ExA also concurred with the applicants proposal to monitor the first four piles for underwater noise in order to validate the accuracy of their original predictions and improve the evidence base for future mitigation. Although agreeing that the monitoring of the first four piles is an appropriate approach for EIA, constraining the monitoring to four piles could be a missed opportunity to gather further data and the ExA would encourage that additional monitoring takes place. The SoS notes that restricting monitoring to the first four piles was a missed opportunity however did not consider necessary to stipulate further monitoring in the DCO, and recommends that NRW consider this during the marine licence process. The SoS agreed with the conclusion of the ExA on this matter.

Flood risk and Water Quality

A Flood consequence assessment was carried out and concluded that the perceived level of flood risk to and caused by the onshore substation would be low. Based on sufficient mitigation measure being put in place including those containing pollution prevention measures, including the Construction Method Statement and Pollution Prevention and Emergency Incident Response Plan (oPPEIRP) the ExA is satisfied that impact on both surface and ground water quality can be appropriately managed. The ExA is content that the development is compliant with the objectives of the WFD and would not result in the deterioration in status of any relevant waterbody. The ExA was satisfied that the landfill works would not interfere with coastal defence work specifically the Central Prestatyn Coastal Defence Scheme. The ExA is satisfied that the applicants has fully addressed the flood risk and possible effects on water quality associated with the construction and operation of the Project and has demonstrated that such risk associated with the Project can be satisfactorily mitigated and managed. The SoS agreed with the conclusion of the ExA.

Ground Condition and Land Use

Within this section the ExA considered soil resources, land holding and ground contamination. The ExA was content that the outline Soil Management Plan (oSMP) would ensure appropriate survey work is undertaken pre and post consent where necessary and best practice is adhered to with regards to site preparation and, where appropriate reinstatement of land within the Project boundary. The ExA considers subject to the oSMP, which is a requirement of the DCO, that no significant adverse effect would occur on soil resources as a result of the Project.

The ExA was satisfied that the applicant approach to Agricultural Land Classification was appropriate and followed relevant guidelines. The ExA notes that the onshore infrastructure is routed predominately within agricultural greenfield land and the 5ha onshore substation footprint occupies land on an agricultural holding. However permanent loss would only occur from the development of the permanent infrastructure associated with the onshore substation. Although there will be wider temporary effects on agricultural land during the construction phase, the following reinstatement of land above the buried cable would allow agricultural cultivation to re-commence. Effect on Individual Land Holdings are considered within section 5.5 of the ExA Report and are not repeated. It is considered that for most landholding limited harm was identified as the majority of the land is required temporarily during construction of the onshore ECC and is to be returned to its original use. The ExA does acknowledge for specific sites that there would be a greater effect, however, is satisfied that compensation would be payable to the landowner. The ExA concluded that the potential for contaminants contained within excavated ground and stockpiled material is unlikely, but should it occur or be discovered, that the approach detailed within the oPPEIRP is appropriate. The SoS agrees with the ExA's conclusions on ground condition and Land use.

Historic Environment

The ExA was satisfied that the applicant had provided an adequate description of the significance of the heritage assets affected by the Project and the contribution of their setting to that significance. With mitigation of a Written Scheme of Investigation secured through the Marine Licence, the ExA concluded

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the Project would not have an adverse effects on offshore heritage assets. Detailed consideration of effect on onshore heritage assets was considered by the ExA including those relating to the impact of the project on the setting of these assets. The ExA considered that the Project would not lead to substantial harm or total loss of significance of any designated heritage asset. However, acknowledged harm would be caused to various heritage assets, the ExA considered that assets subject to minor harm would include Barn to NW of Faenol Bropor; Bodelwyddan Castle and Registered Park and Garden; Penmon Historic Landscape (HLW); Creuddyn and Conwy HLW; Llandudno Conservation Area (CA); Penrhyn Registered Park and Garden. The ExA considered that moderate harm would be caused to Llandudno Pier and Puffin Island Tower and Remain of Church and Monastic Settlement, detailed consideration can be seen in section 5.6 and 10 of the ExA Report.

The SoS agrees with the ExA's conclusion that the Project would not lead to substantial harm or total loss of significance of any designated heritage asset. However, it does recognise that Project would cause minor to moderate adverse effects during the operational phase to various heritage assets.

The National Policy Statement EN-1 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for the loss. The ExA consider that the substantial benefits of the project in both the scale and national need for the urgently required renewable energy and in terms of the local socioeconomic benefits are sufficient to outweigh the negative impacts that have been identified. As detailed within section 7 of the SoS Decision Letter, the SoS agreed with the conclusion of the ExA and considered that benefit of the proposal outweigh its negative impacts, in particular the contribution of renewable electricity to the urgent need to decarbonise the electricity supply.

Seascape, Landscape and Visual relating to Offshore Works

The ExA concluded as a result of the offshore works, that there would be a range of significant and non-significant adverse effects on the seascape, landscape and visual receptors, along the North Wales coast including on statutory designated landscapes, including the Isle of Anglesey Area of Outstanding National Beauty (AONB), the Clwydian Range and Dee Valley AONB, Eryri National Park, and non-designated landscapes including the Great Orme Heritage Coast and the North Anglesey Heritage Coast. The harm identified would conflict with the statutory purpose to conserve and enhance the natural beauty of AONBs and National Parks. The ExA refers to National Policy Statement EN-1, which recognises that energy infrastructure project will likely have effects on the landscape and a project being visible within a designated area should not in itself be a reason for refusing. The ExA acknowledged that the applicant has aimed to avoid and mitigate this including the reduction in the size of the array area and number of Wind Turbine Generators to that proposed at the scoping stage, and lighting limits proposed to be secured in the DCO. In addition a landscape enhancement scheme is proposed to compensate for some of the harm identified and is secured in the DCO, the scheme would not strictly mitigate the harm caused but could provide benefits that would potentially enhance the identified receptors and their special qualities.

Despite this, and as considered in detail in the ExA Report, substantial harm remains to seascape, landscape and visual receptors as a result of the offshore works. The ExA consider that the substantial benefits of the project in both the scale and national need for the urgently required renewable energy, and in terms of the local socioeconomic benefits, are sufficient to outweigh the negative impacts that have been identified. The SoS agrees with conclusion of the ExA, and as detailed within section 7 of the SoS Decision Letter, the SoS considered that benefit of the proposal outweigh its negative impacts, in particular the contribution of renewable electricity to the urgent need to decarbonise the electricity supply.

Seascape, Landscape and Visual relating to Onshore Works

The ExA was satisfied that the applicant has carried out an appropriate landscape and visual assessment and has adequately identified the effects of the Project on these receptors. The ExA considered that the onshore elements of work would give rise to some localised significant effects on landscape features, landscape character and visual receptors during construction. In addition, the onshore substation would result in some localised significant effect during early years of operation. The ExA considered the need for mitigation which would be secured through the DCO including implementation of a code of construction practice, construction method statement, soil management plan, artificial light emission plan, and a landscape and ecology management plan. The SoS agreed with the conclusion of the ExA.

Marine and Coastal Physical Processes

The ExA was satisfied that the applicant has appropriately considered the possible marine and coastal physical processes effects associated with the construction, operation and decommissioning of the project. The ExA was satisfied that effects could be satisfactorily mitigated and managed through controls within the Marine Licence, including a Scour Management Plan, Cable Specification and Implementation Plan (including a Burial Risk Assessment), geophysical monitoring and a Decommissioning Plan. The SoS agrees with the conclusion of the ExA.

Marine Commercial Fisheries, Shipping and Navigation

The ExA was satisfied that the Project can co-exist with the navigation uses of the sea and would not interfere with the use of recognised sea lanes. The ExA was satisfied that the Navigation Risk Assessment was conducted to a satisfactory standard and agrees that no significant impacts are predicted subject to mitigation proposed within the Environmental Statement. The ExA notes that a number of mitigation measures relating to navigation are to be secured through the Marine Licence including Cable Specification and Installation Plan (which includes a Cable Burial Risk Assessment), Project Environment Management Plan (PEMP), Marine Pollution Contingency Plan (MPCP), Emergency Response Cooperation Plan (ERCoP), notice of works to relevant mariners and sufficient lighting and marking. The ExA also concluded that through relevant mitigation including the incorporation of a Fisheries Liaison and Co-existence Plan that the residual effects on commercial fisheries were not significant. The SoS agreed with the conclusion of the ExA.

Marine – Natural

The topic of Marine – Natural was considered in section 5.11 of the ExA report and considered impacts of Project on benthic species and habitats, fish and shellfish. The ExA concluded that impacts during construction, operation and decommissioning on benthic species and habitats as a result of the Project would not be significant due to proposed measures provided by the Project Environment Management Plan (PEMP), Marine Pollution Contingency Plan (MPCP), Cable Specification and Installation Plan (CSIP), Scour Protection Plan (SPP) and the Biosecurity Plan. It is considered that these will be secured through provision of the Marine Licence.

Likewise as a result of adequate mitigation in the form of the PEMP, MPCP, CSIP and SPP the ExA concluded that there would not be a significant impact on fish and shellfish as a result of the Project. The SoS agreed with the conclusion of the ExA on this matter.

Marine Water and Sediment Quality

The ExA is satisfied that the applicant has fully addressed the possible marine water and sediment quality effects associated with the Project and has demonstrated that such risks associated with the Project can satisfactorily be mitigated and managed. The ExA considers mitigation proposed by the applicant necessary including, PEMP, MPCP, CSIP and SPP and that these would be secured through the Marine Licence. The ExA is also satisfied that the Project would be compliant with the objectives of the WFD and would not result in deterioration in any designated water body or protected area and would not jeopardise the attainment of good status or the potential to achieve good ecological status. The SoS agreed with the conclusion of the ExA on this matter.

Public Health and Nuisance

The ExA is satisfied that the applicant has fully assessed and addressed the possible noise and vibration effects associated with construction operation and decommissioning of the Project. The assessment included consideration of traffic and an assessment of noise for the wind turbine generators. The ExA was satisfied that risk associated with the development could be satisfactorily mitigated and managed through suitable conditions secured through the Development Consent Order, including the need for code of construction practice and related requirements for construction hours.

The ExA is satisfied that the possible air quality, light pollution and human health effects associated with the construction, operation and decommissioning of the Project have been appropriately assessed and can be managed and mitigated through requirements of the DCO including the code of construction practice, written scheme to manage light emissions, and decommissioning programmes. The SoS agreed with the conclusion of the ExA on this matter.

Socioeconomics

The ExA is satisfied that the applicant has undertaken an appropriate assessment of socioeconomics and adequately identifies the effects of the Project. The ExA notes a moderate significant beneficial effect was identified in respect of the economy for both North Wales and Wales at a national level during the operation phase, which is significant in EIA terms. The ExA considered Rhyl Flats Wind Farm's representation that the project may impact on the wind energy reaching the existing turbines, and concluded that an assessment of wake effect should be conducted and controlled by conditions within the DCO. The SoS agrees with the conclusion of the ExA on this matter.

Tourism and Recreation

The ExA is satisfied that the applicant has undertaken an appropriate assessment of tourism and recreation and adequately identifies the effects of the Project. The ExA notes that harm to the tourism visitor economy in respect of Llandudno and the Great Orme is predicted at the end of the construction phase and during early operation phase, however the harm would be significantly reduced once the early operation phase is complete and would result in a neutral effect on tourist economy long-term. The ExA is satisfied that mitigation and controls for the avoidance and reduction in adverse tourism and recreation effects can be secured through the DCO, including adherence to a Public Access Management Plan, Onshore Construction Method Statement and Code of Construction Practice. The SoS agreed with the conclusion of the ExA on this matter.

Traffic and Transport

The ExA is satisfied that the applicant has fully assessed and addressed the possible traffic and transport effects associated with the construction, operation and decommissioning of the Project. The ExA is satisfied that impact can be mitigated and managed through the appropriate conditions secured to the DCO including the Public Access Management Plan, and Travel Plan that would minimise potential disruption. The SoS agreed with the conclusion of the ExA on this matter.

Other Projects or proposals and adequacy of the cumulative effects assessment

The ExA considered that the ES had provided information on how the effects of the Project would combine and interact with the effects of other developments and that information on the accumulation of, and interrelationship between effects might affect the environment, economy or community as a whole. The ExA accepted a separate assessment was not required for the Mona and Morgan Wind Farm Projects as such assessment would not be reasonably possible based on the limited information in the public domain. The ExA considered that there are no matters relating to other project and proposals which would weigh against the order being made. Further information was requested by the SoS on this matter, as is set out within section 4.202 of the SoS Decision letter. The SoS was satisfied that the conclusion of the ES remain valid.

5.3 Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment (Regulation 10(4A)(b))

This topic is overarching and is not based on a single chapter of the Environmental Statement or section of the ExA Report but is considered in various areas throughout the ES and ExA Report. The ExA Report refers to a number of features that have been considered in order to reduce and offset the likely significant effects on the environment. These include, but are not limited to:

- The reduction of the maximum number of WTGs from ninety-one to fifty and reduced the array area from 88km² to 78km² post PEIR.
- A minimum blade clearance of 22m above MHWS being embedded within the design.
- The careful routing of the onshore ECC and design of key crossing points to avoid sensitive areas.
- The identification of mitigation measures within the schedule of Mitigation and Monitoring (dated 15 March 2023, document reference 8.12).

Chapter 7 of the ExA considers Good Design and considered that Project complied with relevant national and local policy guidance. The ExA identified requirements that would be secured to the DCO through clear description and parameters of the authorised works.

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5.4 Conditions, mitigation and monitoring requirements (Regulation 10(4A)(b),(c) and (d) and Regulation 10(4E)(b))

The applicant produced a schedule of Mitigation and Monitoring (dated 15 March 2023, document reference 8.12) which identified mitigation and monitoring requirements and where these requirements would be secured.

The SoS Decision letter and ExA Report highlighted key mitigation and monitoring requirements required to be attached to the Marine Licence. These are set out below including reference to where these have been secured within the Marine Licence

- Vessel Traffic Management Plan (condition reference 42 of Annex 1)
- Marine Mammal Mitigation Protocol (condition reference 43 of Annex 1)
- Offshore Written Scheme of Investigation (condition reference 47 of Annex 1)
- Scour Protection Management Plan (condition reference 46 of Annex 1)
- Cable Specification and Installation Plan (which included a Cable Burial Risk Assessment) (condition reference 28 of Annex 1)
- Geophysical monitoring (condition reference 44 and 46 of Annex 1)
- Ornithological monitoring (condition reference 44 of Annex 1)
- Decommissioning Plan (condition reference 54 of Annex 1)
- Project Environment Management Plan (PEMP) (condition reference 33 of Annex 1)
- Marine Pollution Contingency Plan (MPCP) (condition reference 33 of Annex 1)
- Emergency Response Cooperation Plan (ERCoP), (condition reference 37 of Annex 1)
- Notice of works to relevant mariners (condition reference 3, 4 and 5 of Annex 1)
- Sufficient lighting and marking. (condition reference 35 of Annex 1)
- Biosecurity Plan (condition reference 41 of Annex 1)
- Offshore Construction Method Statement (condition reference 40 of Annex 1)
- Fisheries Liaison and Co-existence Plan (condition reference 48 of Annex 1)

The SoS noted that monitoring the first four piles was an appropriate approach for EIA, however restricting this to the first four piles was a missed opportunity. The SoS recommends that NRW consider this during the marine licence process. NRW consider that appropriate monitoring can be agreed and secured post marine licence consent as part of the Environmental Monitoring Plan (see Annex 1 condition reference 44).

The applicant proposed that consideration would be given to the choice of cable protection material and design that would provide ecological enhancement for fishing. Both the ExA and SoS noted that commitment to this measure would be encouraged, however as the residual effect on commercial fisheries are not significant in EIA terms it is not considered necessary for EIA to be met. As detailed by the SoS that the mitigation is not necessary for EIA to be met, NRW have included condition Reference 28 of Annex 1 to ensure enhancement measures are considered and encouraged where possible.

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.

5.5 Consideration of consultations undertaken (Regulation 10(4E)(c)(ii))

The consultation process carried out in relation to the DCO is set out within Chapter 1 of the ExA Report, and provides detail of the consultation, and examination process that has been undertaken to ensure comment were received from appropriate parties.

5.6 Any other comments of the SoS relating to the regulated activity (Regulation 10(4A)(e))

The ExA notes in section 4.6 of the ExA Report that as the Project is situated in Welsh waters, a separate marine licence or licences are needed from NRW under the Marine and Coastal Access Act 2009. The ExA highlights that the DCO therefore does not contain powers or controls which sit within the Marine Licensing Regime. The SoS agreed with the ExA on this matter.

See section 5.4 above where relevant mitigation and controls have been identified by the ExA and SoS that should be secured through the Marine Licence.

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5.7 Main reasons for this regulatory decision (Regulation 10(4)(a) and 10(4E)(c)(i))

For the reasons set out above and below NRW considers that granting a marine licence for the Project would be compatible with the SoS measures to comply with UK law implementing the EIA Regulations.

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

6 BASIS FOR OUR REGULATORY DECISION (the Marine Licence application determination)

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 above and in section 6 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 section 6.1)
- the need to protect human health (see section 6.2)
- the need to prevent interference with legitimate uses of the sea (see section 6.3)
- 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 sections 6.1 to 6.5 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 sections 6.1 to 6.5 below)
- such other matters as it thinks relevant (see section 6.5 below)

6.1 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.

6.1.1 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.

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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*

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

- North Wales Coastal (GB641011650000)
- Clwyd Transitional waterbody (GB541006608000)

Potential impact on Clwyd Transitional waterbody was initially considered. However, the works seaward of Mean High Water Springs associated with the Marine Licence application only consist of the installation of ducts and export cables across and beneath a tidal section of the River Clwyd west of Rhuddlan. As these works are being carried out under the seabed using a trenchless cable laying technique, with the entry and exit point falling landward of MHWS, there is no pathway identified that could impact upon the elements of the waterbody from the licensable activities.

A Water Framework Directive compliance assessment has been undertaken for the Marine Licensable Activities and taken into account in this decision. In light of the conclusions of a detailed compliance assessment (Stage 3), and taking account of the advice received from technical specialist advisors, it has been established that the activities has no potential to cause deterioration of any water body or prevent a water body or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

Based on this assessment, it is considered that the Marine Licensable Activities when considered alone and in-combination, will not pose a risk to deterioration in the status of the North Wales Coastal waterbody or jeopardise its attainment of good surface water status when undertaken in accordance with appropriate conditions secured in the Marine Licence including;

- a requirement to produce and implement an Invasive Non-native Species Management/Biosecurity Plan to limit the spread of non-native species (condition reference 41 of Annex 1).
- the production and implementation of a Project Environment Management Plan (PEMP), and adherence to pollution prevention best practices in order to mitigate the impact on water quality (condition reference 33 of Annex 1).

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

6.1.2 *Biodiversity and resilience of ecosystems duty*

a) *The legal framework*

Section 6 of the **Environment Wales Act 2016** requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) *Factors relevant to our determination*

Considerations to section 7 species and habitats has been given within the ES and supporting documents.

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Within ES Document Reference 6.2.6 (Volume 2, Chapter 6 Fish and Shellfish Ecology dated April 2022) the applicant has identified and assessed a range of impact pathways upon relevant section 7 species including sandeel, sole, plaice, mackerel, cod and whiting. This included the assessment of impact from underwater construction noise on spawning and nursery habitats within known spawning/nursing grounds in the project area. NRW A response to the ES confirmed their broad agreement with the modelling approach and conclusion; however, they disagreed with a number of the assumptions used within the models. The applicant addressed the concerns raised by NRW A regarding the modelling, and produced Document Reference ML-1.6 (Fish and Shellfish Clarification Note dated 25 November 2022) where responses to queries raised by NRW A and revised spawning potential calculations were provided. After review, NRW A confirmed that the document addressed the concerns previously raised and were satisfied with its conclusion of no significant effect. NRW A confirmed that the resulting area impacted by noise from piling activities remains relatively minor in relation to the region's available spawning habitat and agreed that significant impact on these species was not predicted.

Within ES Document Reference 6.2.5 (Volume 2, Chapter 5 Benthic Subtidal and Intertidal Ecology April 2022) the applicant has identified and assessed impact upon relevant section 7 habitats. Survey information found that subtidal sand and gravel habitat was distributed widely throughout the study area, this habitat is widespread nationally as well as regionally.

In addition, small patches of *Sabellaria alveolata* and the piddocks in clay are found in existing pipelines or in small patches on the boundary of the cable route and, as noted by the applicant, will remain in place and undisturbed. NRW A confirmed that they were content that no potential impact to these habitats are predicted.

A number of mitigation measure are proposed as part of the project that would avoid and mitigate impact on benthic habitats. These include a geophysical survey to be undertaken to facilitate the micro siting wherever possible around sensitive habitats (condition reference 28 and 44). In addition, a number of pollution prevention measures will be put in place and secured through adherence to a Project Environment Management Plan (PEMP) (condition reference 33 of Annex 1) which will ensure measure are in place to prevent contaminant release affecting priority habitat or species, and include plans to cover accidental spillage. Finally, measures will be put in place to minimise the introduction and spread of invasive non-native species through production and implementation of a Biosecurity Plan (condition reference 41 of Annex 1).

In line with Section 6 of the Environment Wales Act and policy Env_01 of the WNMP, the applicant has considered the opportunities for offshore enhancement within document reference 8.23 ('Applicants Comments on the NSIP Action Plan and Opportunities for Offshore Environmental Net Gain' dated 15 March 2023). The applicant has committed to seek opportunities to enhance biodiversity where possible. Specifically, the applicant has committed to give consideration to biodiversity enhancement opportunities when finalising design for both cable protection and scour protection. It is expected that this consideration would be demonstrated as part of the Cable Specification Installation Plan, and Scour Protection Management Plan (condition reference 28 and 46 of Annex 1).

NRW considers that the biodiversity and ecosystems resilience duty under Section 6 has been satisfied in so far as consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

6.1.3 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. 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. Ramsar sites as a matter of government policy are afforded the status and protection as European Sites and have been considered accordingly by NRW in its decision making.

b) Factors relevant to our determination

A Habitats Regulations Assessment (HRA) of the Licensable Marine Activities has been carried out by NRW. To inform this assessment the applicant produced application document 5.2 (Report to Inform Appropriate Assessment dated March 2022). NRW A, JNCC, Natural England, Department of Agriculture and Rural Affairs of Northern Ireland (DEARA) and Nature Scot (as Statutory Nature Conservation Bodies) were consulted. NRW A and JNCC provided detailed comments, Natural England confirmed they had no comment to make on the project, and no responses were received from Nature Scot or the DEARA, therefore assumed to have no comment to make.

Reg 67(2) provides that a competent authority is not required to assess any implications of a plan or project which would be more appropriately assessed under Reg 63(1) or Reg 65(2) by another competent authority. The landward works of the Project fall outside the marine licensable area and are accordingly assessed as part of the HRA assessment carried out under the determination for a Development Consent Order (DCO). Therefore, NRW relies upon Regulation 67(2) in limiting the HRA carried out in respect of the project for the Marine Licence application determination to only the marine elements (those seaward of MHWS) with the non-marine aspects of the Project being more appropriately assessed in the HRA by the Secretary of State, as competent authority.

The Project is located in;

- Liverpool Bay SPA

Within the HRA carried out by NRW a likely significant effect (LSE) from the Licensable Marine Activities could not be ruled out on the following sites;

- Liverpool Bay SPA
- Y Fenai a Bae Conwy / Menai Strait and Conwy Bay SAC
- Puffin Island SPA

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- Dee Estuary SAC, SPA and Ramsar
- Anglesey Terns SPA
- Ribble and Alt Estuaries SPA and Ramsar
- Morecambe Bay and Duddon Estuary SPA and Ramsar
- Bowland Fell SPA and pSPA
- Lambay Island SAC and SPA
- Ailsa Craig SPA
- Ireland's Eye SPA
- Howth Head Coast SPA
- Wicklow Head SPA
- Skomer, Skokholm and the seas off Pembrokeshire SPA
- Rathlin Island SPA
- Saltee Islands SAC and SPA
- Grassholm SPA
- Aberdaron Coast and Bardsey Island SPA
- Copeland Islands SPA
- Traeth Lafan SPA
- Burry Inlet SPA and Ramsar
- Severn Estuary SPA and Ramsar
- River Dee and Bala Lake SAC
- North Anglesey Marine SAC
- West of Wales Marine SAC
- Bristol Channel Approaches SAC
- North Channel SAC
- Rockabill to Dalkey Island SAC
- Nord Bretagne DH SAC
- Roaringwater Bay and Islands SAC
- Récifs et lands de la Hague SAC
- Anse de Vauville SAC
- Banc et recifs de Surtainville SAC
- Blasket Islands SAC
- Tregor Goëlo SAC
- Côte de Granit rose-Sept-Iles SAC
- Mers Celtiques-Talus du golfe de Gascogne SAC
- Cap d'Erquy-Cap Frehel SAC
- Baie de Morlaix SAC
- Pen Llyn a'r Sarnau SAC
- Cardigan Bay SAC
- Pembrokeshire Marine SAC

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- Isles of Scilly complex SAC

Subject to mitigation measures being secured in the Marine Licence, NRW conclude that the regulated activities would not lead to an adverse effect on European Site integrity, either alone or in-combination with other plans or projects as detailed within the HRA.

The mitigation measures that are considered necessary in order to conclude that the Licensable Marine Activities would not lead to an adverse effect include:

1. Production and adherence to a Project Environment Management Plan (PEMP). The PEMP will include a Marine Pollution Contingency Plan (MPCP) and will also incorporate plans to cover accidental spills, potential contaminant release and include key emergency contact details. Typical measures will include; the use of chemicals approved under the Offshore Chemicals Regulations 2002; the storage of chemicals in secure designated areas with impermeable bunding (generally to 110% of the volume), and the use of double skin on pipes and tanks containing hazardous materials. (condition reference 33 of Annex 1)
2. Production and adherence to a project Biosecurity Plan (condition reference 41 of Annex 1) which will incorporate relevant best practice guidelines in order to limit the spread of non-native species.
3. Production and adherence to a Vessel Traffic Management Plan (condition reference 42 of Annex 1) that will detail appropriate mitigation in order to reduce and/or avoid disturbance and displacement on red throated diver and common scoter, features of the Liverpool Bay SPA. The Vessel Traffic Management Plan will also set measure to avoid impacts to marine mammals through collision with a vessel during works. The Vessel Traffic Management Plan would include, but not be limited to:
 - the restriction of vessel movements to existing navigation routes (where the densities of divers are typically relatively low);
 - the selection of routes that avoid known aggregations of birds when it is necessary to go outside of established navigational routes;
 - the adherence to direct transit routes to minimise vessel transit distances through areas used by divers;
 - the avoidance of over-revving of engines (to minimise noise disturbance);
 - briefing of vessel crew on the purpose and implications of these vessel management practices; and
 - the commitment to adopt best practice vessel handling protocols.
4. Production and adherence to a Marine Mammal Mitigation Protocol (condition reference 43 of Annex 1) that will set out potential mitigation and monitoring measure to reduce and prevent population level impacts to Marine Mammal features of European designated site through underwater noise. Potential mitigation options include:
 - Alternative foundation options;
 - Marine mammal observers to ensure the mitigation zone is free of marine mammals prior to piling commencing;

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- Acoustic deterrent device to ensure the mitigation zone is free of marine mammals prior to piling commencing;
- Passive Acoustic Monitoring to ensure the mitigation zone is free of marine mammals prior to piling commencing;
- At-source noise abatement systems (e.g. bubble curtains, casings, resonators); and
- Alternative hammer types (e.g. vibro-piling, BLUE piling technology).

NRW is therefore satisfied that the regulated 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 conditions securing the mitigations above.

6.1.4 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) can be obtained for specified purposes, the effect of which is to disapply the provisions under Regulations 43 and 45 which make it an offence to deliberately or accidentally, 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 provided that works are carried out in accordance with the EPS licence.

b) Factors relevant to our determination

NRW considers that the following protected species are likely to be impacted by the Licensable Marine Activities:

- Grey Seal
- Cetaceans including Harbour porpoise, Bottlenose dolphin, Common dolphin, Risso dolphin, and Minke whale

The representation from NRW A noted that an EPS may be required for unmitigated auditory injury Permanent Threshold Shift (PTS) and disturbance; however, they anticipate that the Licensable Marine Activities will not compromise species Favourable Conservation Status.

Consideration of Marine Mammals has been detailed in section 6.1.8 below including mitigation considered necessary and appropriate under the Marine Licence.

Based on the information presented and representation made by NRW A, NRW has no reason to believe should an EPS be required for Licensable Marine Activities that it would not be forthcoming.

Any determination made as part of this decision is 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.

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6.1.5 Marine Conservation Zones

a) The legal framework

Marine Conservation Zones (MCZ) 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 MCZ 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 Licensable Marine Activities on the MCZ due to the distance between the Licensable Marine Activities and the MCZ. Consideration of ornithological features which are highly mobile were considered as part of the assessment of the Skomer, Skokholm & Seas off Pembrokeshire SPA within the HRA which concluded no significant adverse effect on features of this site. Likewise, consideration of marine mammals was considered within the ES, and impacts on relevant features were also considered as part of the Pembrokeshire Marine SAC and concluded no significant adverse effect on features of this site.

6.1.6 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 has considered the impact of the Project on the following sites:

- Pen-y-Gogarth / Great Orme's Head Site of Special Scientific Interest

The Marine Licensable area does not lie within a SSSI. However, following advice received from NRW A, a detailed assessment was considered necessary to assess potential impacts on the breeding seabirds of the above SSSI. These features included Common Guillemot, Razorbill and Black-legged Kittiwake. Specifically, that displacement of auks and collision risk mortality of kittiwakes needed to be assessed. In response to concerns raised by NRW A, the applicant submitted Document Reference ML-1.4 (Marine Ornithology Great Orme Assessment dated 25 November 2022) providing further assessment of impacts on features of the Great Orme's Head SSSI. The assessment concluded that any significant adverse effect on kittiwake, guillemot and razorbill features of the site can be ruled out. NRW A confirmed following review of this assessment that they agreed with the conclusion that significant effect on the breeding seabird features could be ruled out.

NRW is satisfied that the Licensable Marine Activities do not have the potential to significantly impact on Pen-y-Gogarth / Great Orme's Head SSSI.

6.1.7 The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of 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 Regulations describe 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 Licensable Marine Activities meet the requirements of The Waste (England and Wales) Regulations 2011 when undertaken in accordance with appropriate conditions. Within Document Reference 4.8 (Applicant's response to R17Q1.1 dated 30 January 2023) the applicant set out proposed outlines for appropriate plans including the Project Environment Management Plan (PEMP). The PEMP will ensure that suitable waste management measures are in place (condition reference 33 of Annex 1).

The project seeks to dispose of spoil material and drill arising generated by construction activities at sea. To support the application the applicant submitted Document Reference 8.9 (Disposal site Characterisation Report dated April 2022) and Document Reference ML-1.12 (Contaminants analysis results presented in NRW Sediment Sampling Template Form Rev B dated 11 January 2023). Cefas was consulted on the suitability of the material to be disposed at sea and confirmed that the predominantly sand and sand/gravel sediment is suitable for disposal at sea. NRW is content that the proposal are in line with the relevant OSPAR guidelines for the management of dredged material and that material within the array area is suitable for disposal at sea.

The Disposal Site Characterisation Report demonstrates consideration by the applicant of the waste hierarchy in relation to the project and the consideration of alternatives. The report notes that the safe and effective installation of the infrastructure may involve installation techniques that give rise to spoil, whilst volumes of spoil will be minimised to that necessary for safe and effective installation it is not possible to prevent spoil generation. This concludes that where prevention is not possible disposal of material will be required.

The proposal to dispose of sediment within the project area is in line with NRW position on The Sustainable Management of Marine and Coastal Sediment (PS012) which sets that the preferred option when undertaking activities that require marine and coastal sediment removal or relocation is to retain the sediment as close as possible from where it originated, within the same sediment system. It is considered that the proposal is in line with this position.

Based on the assessment carried out and presented within the ES and the Disposal Site Characterisation Report, NRW is content that disposal of sediment produced during the construction activity can take place. Based on the information presented a new disposal site has been designated within the array area (IS067 Awel y Môr). As confirmed within ML1.2 dated 25 November 2022 (Applicant's response to Marine Licence Application consultation comments) the applicant has not sought to designate a disposal site within the Export Cable Corridor (ECC) or GyM interlink at this stage as there remains uncertainty as to whether this activity will be required. Should disposal of dredge material be required within the Interlink or ECC, further sample collection and sediment analysis may be required to support an application for this activity.

6.1.8 Other matters considered relevant to the need to protect the environment

Marine Mammals

Impact of Licensable Marine Activities on Marine Mammals was assessed and presented within the ES (document reference 6.2.7 Volume 2 Chapter 6: Marine Mammals April 2022). The impacts assessed included direct impacts such as disturbance from piling and vessel collision, as well as indirect impacts such as change in prey species abundance. As detailed within the ES the applicant proposed a Marine Mammal Mitigation Protocol (MMMP), and an outline of this document was provided (document reference 6.4.7.2 Volume 4 Annex 7.2 draft Outline MMMP dated April 2022). The MMMP sets out measures to reduce the risk of injury to marine mammals for example through the use of Marine Mammal Observers, soft start procedures for piling, and the potential use of Acoustic Deterrent Devices. It was proposed by the applicant that the detailed MMMP would be finalised post determination in consultation with the relevant SNCB and secured through a condition of the Marine Licence. In addition, the ES proposed a need for Project Environment Management Plan (PEMP) that will contain pollution prevention measures. The assessment carried out within the ES concluded that subject to mitigation including adherence to a MMMP being secured that any impact on marine mammals would be considered of minor or negligible in significance.

Although NRW A and JNCC in general considered that a comprehensive assessment of impacts of the project on marine mammals had been carried out and presented within the ES, a number of concerns were raised including:

- NRW A considered additional noise modelling was necessary to inform assessment of underwater noise and PTS onset, including the use of Interim Population Consequences of Disturbance (iPCoD) modelling for harbour porpoise disturbance and injury.
- JNCC and NRW A had concerns that cumulative PTS was excluded from the MMMP and the Report to Inform Appropriate Assessment.
- NRW A considered that the Vessel Traffic Management Plan that is primarily proposed by the applicant to mitigate impacts on ornithology, should also consider measure to reduce collision risk with marine mammals.
- NRW A did not agree with the use of a dose/response curves to conduct area based assessment to estimate area of harbour porpoise habitat disturbed.

To address these concerns, the applicant submitted further information document Reference ML1-8 (Marine Mammal Clarification Note dated 25 November 2022). As detailed within NRW A response dated 26 January 2023 and within the Statement of Common Ground 6 – between the applicant and Natural Resources Wales (Offshore) dated 15 March 2023, NRW A considered that the noise modelling and metrics used are appropriate for assessing the impacts on marine mammals. Within the ML1-8 Marine Mammal Clarification Note the applicant also confirmed that the final MMMP will present an updated assessment of cumulative PTS impact ranges and reflect mitigation measures based on the most up to date state of knowledge and best modelling practices. The applicant confirmed that the MMMP will mitigate PTS (both instantaneous and cumulative) and likely mitigation option include:

- Alternative foundation options;
- Marine mammal observers to ensure the mitigation zone is free of marine mammals prior to piling commencing;
- Acoustic deterrent device to ensure the mitigation zone is free of marine mammals prior to piling commencing;

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- Passive Acoustic monitoring to ensure the mitigation zone is free of marine mammals prior to piling commencing;
- At-source noise abatement systems (e.g. bubble curtains, casings, resonators), and
- Alternative hammer types (e.g. vibro-piling, BLUE piling technology).

NRW A and JNCC agree that the MMMP should consider mitigation for cumulative PTS unless guidance and advice at the time suggest otherwise. Both NRW A and JNCC agreed to the need for a MMMP to be finalised post consent in consultation with the SNCB.

As detailed within the document 8.12 Schedule of Mitigation and Monitoring Rev G, the applicant proposes that the Vessel Traffic Management Plan will look to incorporate best practice vessel handling measure to avoid risk of collision with marine mammals.

NRW consider the MMMP (condition reference 43 of Annex 1), PEMP (condition reference 33 of Annex 1) and Vessel Traffic Management Plan (condition reference 42 of Annex 1) are necessary and appropriate for mitigating impacts on marine mammals and can be secured through conditions of the Marine Licence.

NRW consider it necessary and appropriate to include condition reference 45 of Annex 1 in relation to reporting of noisy activities, specifically impact piling, to the UK Marine Noise Registry.

Marine Water and Sediment Quality

Marine Water and Sediment Quality was assessed and presented within the ES (document reference 6.2.3 Volume 2 Chapter 3: Marine Water and Sediment Quality). The assessment includes consideration of impacts including accidental release or spills, increase in suspended sediments, and release of sediment bound contaminants. The assessment concluded that all impact assessed had either a negligible or minor effect on water and sediment quality.

In NRW A response dated 3 August 2022 a number of concerns were raised in relation to the assessment including:

- the need for further information to properly assess the impact of sediment bound contaminants, and
- the need to reassess the impacts on phytoplankton or dissolved oxygen.

In response to concerns raised, the applicant produced document reference ML1.7 Marine and Water and Sediment Quality Clarification Note dated 25 November 2022 including further information surrounding sediment-bound contaminants and clarifications on the impact on phytoplankton and dissolved oxygen. NRW A were satisfied with the additional information provided and agreed that there is no risk to this receptor from the Licensable Marine Activities.

The ES proposes production and adherence to a Project Environment Management Plan (PEMP). The PEMP will include a Marine Pollution Contingency Plan (MPCP) and will also incorporate plans to cover accidental spills, potential contaminant release and include key emergency contact details. NRW A agree that a PEMP will be needed for the development.

NRW consider the PEMP can be secured through conditions of the Marine Licence (condition reference 33 of Annex 1).

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Offshore Ornithology

Impact of the Project on Offshore Ornithology was assessed and presented within the ES (document reference 6.2.4, Volume 2, Chapter 4, Offshore Ornithology) and impacts on designated sites considered within the Report to Inform Appropriate Assessment (application reference 6.5.1). The assessment considered impacts of the works during construction, operation and decommissioning phases of the Project and used existing data, site specific survey data as well as results from collision risk modelling and displacement analysis. Impact pathways considered included disturbance and displacement of foraging seabirds and collision of seabirds with offshore infrastructure leading to injury or mortality. The project has been designed with a commitment to a minimum wind turbine blade tip height of 22m above Mean High Water Springs, reducing the potential for collision risk as the majority of bird species fly below this height. As detailed within the ES, the applicant proposed mitigation including adherence to a Marine Mammal Mitigation Protocol (MMMP). Although the MMMP is not specifically designed for seabirds, it is expected that methods such as soft start procedures will allow bird species to move away from piling activities ahead of more intensive noise levels being reached. In addition, the applicant proposed a Vessel Traffic Management Plan particularly to reduce disturbance to common scoter and red-throated divers.

As detailed within ES, the Vessel Traffic Management Plan would include (but not be limited too);

- Restricting vessel movements to existing navigation routes (where the densities of divers are typically relatively low);
- Where it is necessary to go outside of established navigational routes, selecting routes that avoid known aggregations of birds;
- Maintaining direct transit routes (to minimise transit distances through areas used by divers);
- Avoidance of over-revving of engines (to minimise noise disturbance); and,
- Briefing of vessel crew on the purpose and implications of these vessel management practices.

The applicant concluded within their ES, subject to the mitigation measures detailed, that any impact on offshore ornithology receptors would not be significant.

A number of concerns were raised by NRW A, RSPB, JNCC and the Isle of Man Government relating the assessment and potential impact on offshore ornithology, including:

- NRW A considered that further assessment was required on breeding seabird features of the Pen-y-Gogarth / Great Orme's Head SSSI, specifically to consider displacement on auks and collision risk mortality of kittiwakes.
- JNCC requested further detail on the apportioning calculations for all SPAs.
- RSPB raised concern surrounding the potential displacement of red throated divers from parts of the SPA.
- RSPB raised concerns surrounding the baseline data used.
- RSPB raised concerns that collision impacts had not been considered for Manx shearwater.
- RSPB had concerns surrounding the collision rate modelling carried out for gannets.

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- Isle of Man Government had concerns whether ornithology receptors from their Manx shearwater sites had been suitably assessed.

The applicant provided the following further information to address concerns raised:

- Document reference ML1.3 (Offshore Ornithology Clarification Note dated 25 November 2022) providing further assessment of Manx shearwater displacement, apportionment calculations and clarifications surrounding the assessment methodology.
- Document Reference ML-1.2 (Applicant's Response to Marine Licence Application Consultation dated 25 November 2022) which included responses to concerns raised, clarifications and justifications surrounding the baseline data and assessment methodologies used.
- Document reference ML1.4 (Marine Ornithology Great Orme Assessment dated 25 November 2022) as further assessment on the breeding seabird features of the Pen-y-Gogarth / Great Orme's Head SSSI.
- Document reference ML1.5 (Clarification Note on Predicted Impacts Apportioned to Isle of Man Designated Sites dated 25 November 2022) with further information on the assessment of Isle of Man Manx shearwater sites.

NRW A were satisfied that within Document reference ML1.4 (Marine Ornithology Great Orme Assessment) suitable assessment had been carried out on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI, and agreed with the conclusion that there will be no significant effect on these features.

No further response was received from RSPB to the consultation of the further information. However, a Statement of Common Ground between the applicant and RSPB was provided by the applicant dated 15 March 2023. This Statement indicates that although there remain points of disagreement surrounding the assessment methodology RSPB acknowledged that the approach taken for collision risk modelling of gannets was in line with recognised current guidance from the SNCBs, and agreed that it was appropriate to scope out Manx shearwater from the collision assessment due to the low abundance of Manx Shearwater known to occur at the project area. However, RSPB remained in disagreement on the significance of the potential of displacement of red throated divers within the SPA and do not consider at this stage that significant effect can be ruled out. Nevertheless, NRW A and JNCC considered, based on the evidence provided (including evidence from the Gwynt y Môr windfarm monitoring), that the extent of supporting habitat for red throated divers within the Liverpool SPA would be maintained following construction of the project. NRW A also considered that the effect of displacement from the buffer of Gwynt-y-Môr windfarm was the most relevant evidence to use in this case due to the proposed location of Awel-y-Môr which is adjacent to, but not within Liverpool Bay SPA. NRW A and JNCC do, however, acknowledge that the displacement of red throated divers observed in this part of Liverpool Bay SPA is not consistent with what has been observed in other areas of Liverpool Bay (Burbo Bank Extension monitoring programme) or in other areas across UK and Europe. Therefore, NRW A and JNCC agree that that construction, operation and decommissioning validation monitoring should take place in line with the applicant commitments as detailed in document reference 8.11 (Marine Principles Document dated 15 March Revision H).

NRW welcome the applicant's commitment to carry out validation monitoring in relation to displacement of red-throated divers, and are content that this can be incorporated into the monitoring programme as proposed by the applicant (Document 8.12 Schedule of Mitigation and Monitoring Rev G), which can be agreed post consent as part of the Environmental Monitoring Plan (EMP). NRW consider that the EMP can be secured through licence conditions (condition reference 44 of Annex 1).

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NRW A and JNCC also consider a Vessel Traffic Management Plan is needed to mitigate vessel disturbance. NRW consider that a Vessel Traffic Management Plan to minimise any potential disturbance impact on seabirds can be secured through licence conditions (condition reference 42 of Annex 1).

No further response was received from Isle of Man Government following consultation of the further information. However, a Statement of Common Ground between the applicant and Isle of Man Government was provided dated 15 March 2023. Within which the Isle of Man Government confirm that following clarification provided by the applicant they are satisfied that adequate consideration had been given to receptors of Manx designated sites. NRW considers the issues raised by the Isle of Man Government resolved.

Benthic and Intertidal Ecology

NRW A confirmed they were satisfied that data collected and data sources used were sufficient to appropriately characterise the proposed area. NRW A also confirmed they were satisfied with the assessment methodology and the assessment conclusion with respect to potential impacts on benthic receptors, as outline in the ES.

The ES concluded that impact pathways arising from construction, operation and maintenance and decommissioning on intertidal and subtidal benthic ecological receptors will result in a minor adverse effect.

The ES proposes a number of mitigation measure related to Benthic and Intertidal Ecology, including:

- The production and adherence to a Project Environment Management Plan (PEMP). The PEMP will include a Marine Pollution Contingency Plan (MPCP) and will also incorporate plans to cover accidental spills, potential contaminant release and include key emergency contact details. Typical measures will include only using chemicals approved under the Offshore Chemicals Regulations 2002; storage of all chemicals in secure designated areas with impermeable bunding (generally to 110% of the volume); and using pipes and tanks with double skin when containing hazardous materials (condition reference 33 of Annex 1).
- The production and adherence to a project Biosecurity Plan which will incorporate relevant best practice guidelines in order to limit the spread of non-native species (condition reference 41 of Annex 1).
- The development and adherence to a Cable Specification and Installation Plan (CSIP) which will ensure that appropriate burial depths are achieved minimising risk of cable exposure whilst also limiting the amount of sediment disturbance. The CSIP will also consider the cable crossing are designed to mitigate environmental effects (condition reference 28 of Annex 1).
- The production and adherence to a Scour Protection Management Plan which will consider the need for scour protection where there is potential for scour to develop around the windfarm infrastructure (condition reference 46 of Annex 1).

NRW A noted that should the Port of Holyhead be used for the berthing of vessels during construction, operation or decommissioning, specific measures may be required due to the presence of the highly invasive carpet seasquirt, *Didemnum vexillum*.

The applicant has also committed to seek opportunity to enhance biodiversity where possible. Specifically, the applicant committed to give consideration to environmentally sensitive protection material when finalising design for both cable protection and scour protection. It is expected that this consideration would be demonstrated as part of the Cable Specification Installation Plan, and Scour Protection Plan (condition references 28 and 46 of Annex 1). This is further discussed in section 6.1.2.

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NRW consider the mitigation presented within the ES and listed above is necessary to mitigate impact to benthic and subtidal ecology and can be secured through conditions of the Marine Licence.

Physical Processes

NRW A confirmed they were satisfied with both the baseline description provided as well as the modelling undertaken in relation to hydrodynamics, waves and sediment transport. NRW A agree with the assessment methodology and the conclusions of the potential impacts on physical processes as outline in the ES which were considered to be negligible or minor.

NRW A acknowledge that the assessment of primary scour has been undertaken using recognised empirical equations supported by the knowledge of foundation design and dimension, and agree with the assessment presented. However, NRW A notes that secondary scour is highly dependent upon the specific shape, design and placement of scour protection, and there is currently no clear quantitative method or evidence base for predicting the dimensions of secondary scour. Given this uncertainty, NRW A consider that post construction monitoring should be undertaken in order to ascertain the spatial extent and volume of secondary scour. The applicant proposes within document ML.1.2 (applicant response to Marine Licence Consultation comments and associated documents dated 25 November 2022) that monitoring of secondary scour would be conducted as part of the asset protection surveys undertaken post consent, and that suitable monitoring plan could be agreed. NRW consider that requirements for monitoring of secondary scour can be secured through Marine Licence conditions (condition reference 46 of Annex 1).

NRW A support the applicant's intention that all dredge material from the seabed will be disposed within the site in order to ensure that the material is retained within the local sediment system. Further consideration surrounding the disposal of dredged material is presented within section 5.1.7

Fish and Shellfish

An assessment on Fish and Shellfish was presented within the ES (Volume 2, Chapter 6 Fish and Shellfish Ecology dated April 2022) which considered impacts including habitat loss, underwater noise, increase of suspended sediments and deposition and release of sediment contaminants. The assessment concluded that all impacts assessed had either a negligible or minor effect on fish or shellfish receptors within the study area.

The NFFO raised concern surrounding the reliance on a desk-based analysis rather than site specific surveys. Justification was provided by the applicant to address this concern and support the approach taken within document reference ML1.2 (Applicant's Response to Marine Licence Application Consultation Comments dated 25 November 2022). No further comment was provided from the NFFO.

NRW A considered that a robust assessment had been carried out to support the overall conclusion of the ES on Fish and Shellfish receptors. NRW A agreed that that the data sources used were sufficient to characterise fish and shellfish ecology through the array area and export cable corridor.

Although NRW A were broadly satisfied with the assessment carried out within their initial response dated 3 August 2022, they advised that they did not agree with some of the assumptions that had been incorporated into the modelling and considered that further information was required to support the conclusion made in relation to the cumulative assessment. The applicant produced document reference ML1.6 (Fish and Shellfish Clarification Note dated 25 November 2022) and document reference ML-1.24 (Cumulative Effects Assessment (CEA) Clarification Note dated 25 November 2022). NRW A confirmed that the documents and clarification provided resolved the issues previously raised and were

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broadly in agreement with the conclusion of the ES on Fish and Shellfish receptors through the array area and export cable corridor.

The ES identified relevant mitigation measures relating to fish and shellfish including:

- The production and adherence to a Project Environment Management Plan (PEMP). The PEMP will include a Marine Pollution Contingency Plan (MPCP) and will also incorporate plans to cover accidental spills, potential contaminant release and include key emergency contact details. Typical measures will include the sole use of chemicals approved under the Offshore Chemicals Regulations 2002; storage of all chemicals in secure designated areas with impermeable bunding (generally to 110% of the volume); and double skinning of pipes and tanks containing hazardous materials (condition reference 33 of Annex 1).
- The development and adherence to a Cable Specification and Installation Plan (CSIP) which will ensure that appropriate burial depths are achieved minimising risk of cable exposure whilst also limiting the amount of sediment disturbance. The CSIP will also consider the cable crossing are designed to mitigate environmental effects (condition reference 28 of Annex 1).
- The production and adherence to a Scour Protection Management Plan which will consider the need for scour protection where there is potential for scour to develop around the windfarm infrastructure (condition reference 46 of Annex 1).

NRW consider the mitigation presented within the ES and listed above is necessary to mitigate impact to fish and shellfish ecology and can be secured through conditions of the Marine Licence.

Seascape, Landscape and Visual Impacts

Seascape, Landscape, and Visual Impacts was presented within the ES (Volume 2, Chapter 10: Seascape, Landscape and Visual Impact Assessment, document reference 6.2.10). The ES identifies a number of areas where the Project would likely lead to significant adverse effects, including that the proposal will have significant adverse effects on views from the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Eryri National Park (ENP), along with section of the Wales Coast Path. Additionally, the ES notes significant adverse effect on the community of Moelfre and Benllech and on several special qualities of the Isle of Anglesey AONB. The ES also identifies significant adverse effect on 7 Seascape Character Areas (SCA) which form part of the setting of the designated landscapes. The ES identifies non-significant adverse effects on the Clwydian Range and Dee Valley AONB.

The ES notes that the project design was refined following PEIR based on consultee feedback, this included reducing the array footprint from 88km² to 78km², and reducing the number of turbines from 91 to 50. A revision was also carried out to the westerly extent of the array boundary as a result of concerns raised regarding seascape impacts. This lowered the magnitude of change across parts of the Isle of Anglesey AONB and ENP as well as on numerous settlements and the Wales Coast path that are located around the North Wales Coast.

NRW A and IACC agree that the project is likely to have numerous and extensive significant adverse effects on seascape, landscape and visual receptors within the Isle of Anglesey AONB and Eryri National Park and within their settings, both along and cumulatively with other offshore wind farms. NRW A agree that there would be non-significant but adverse effects on the Clwydian Range and Dee Valley AONB as well as further non-significant but adverse effects on the Isle of Anglesey AONB and ENP. NRW A and IACC acknowledged the design change following stakeholder engagement; however, they still consider that significant effects remain for a substantial portion of the east coast of Anglesey. In addition, both NRW A and IACC highlighted that the proposal, as identified within the ES, would likely have an adverse night-time visual effect on the Isle of Anglesey AONB and ENP. Dark skies are a noted feature of the Peace & Tranquillity Special Quality within the AONB.

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A number of key concerns were raised, summarised below:

- NRW A considered that in parts of the assessment there was an under-estimation of some seascape, landscape and visual effects on designated landscape receptors within the SLVIA.
- NRW A advised that the proposal would result in unacceptable adverse effects on the Isle of Anglesey AONB and ENP and is contrary to the purpose of conservation and enhancement of natural beauty.
- NRW A acknowledged that the Western extent of the array had been reduced and that there had been a reduction in the number of wind turbine generators being applied. However, NRW A still considered this reduction insufficient to reduce the likely significant effects at numerous viewpoints within the Isle of Anglesey AONB and ENP. NRW A advised that further substantial reduction in array area and/or scale would be required to minimise the effects. NRW A advised that further consideration should be given to NRW guidance on "*Seascape & visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance*" in informing reduction of scale.
- NRW A and IACC advise that opportunities for enhancement of the designated landscapes should be considered in accordance with Welsh National Marine Plan SOC_06.
- IACC raised concerns about impact of lighting on night-time effects
- NRW A and IACC raised concerns surrounding the likely significant effects of the project alone and cumulatively with other offshore wind farms.

To address these concerns, further information was submitted by the applicant including the following:

- Document reference ML1.10 (Applicant's response to NRW REP1-080-3.1.24 to 3.1.25 dated 25 November 2022) providing response to NRW A request for further substantial reduction in the array area and number of turbines and consideration of NRW guidance. Table 1 set out a rationale for the location and size of the array. Reference is also provided to Chapter 4 of the ES - Site Section Alternatives, which describes how the project fell into the Crown Estate leasing criteria for offshore wind farm extensions, which limited the site selection to the vicinity of the existing Gwynt y Môr windfarm.
- Document reference ML1.2 (Applicant's response to Marine Licence Application consultation comments dated 25 November 2022) providing response to concerns raised surrounding disagreement within the assessment, highlighting the assessment methodology that had been undertaken.
- Commitment to a Landscape Enhancement Package which is proposes to fund enhancement measures to be developed in consultation with NRW, Eryri National Park, IACC and Conwy County Borough Council.
- Proposal for a Lighting and Marking Plan to be agreed in order to manage risk to navigation and aviation safety, and as secured through Requirement 3 of the DCO that aviation lighting will be operated at the lowest possible permissible level for maintaining safety to navigation and aviation.

It is recognised within the Statement of Common Ground (document reference 8.33 Statement of Common Ground 5 – between the applicant and Natural Resources Wales on Seascape , Landscape and Visual Assessment dated 15 March 2023) that there is considerable common ground on the assessment approach and findings; however, there remains disagreement in professional opinion/technical judgement on a number of areas surrounding the sensitivity of the receptor and the degree of significance attributed to it.

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NRW A and IACC agree that the project is likely to have numerous and extensive significant adverse effects on seascape, landscape and visual receptors within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and ENP and within their settings. NRW A maintain that the reduction in extent of array area and number of turbines is not sufficient to mitigate the likely significant effect across numerous viewpoints within the Isle of Anglesey AONB and ENP. However, the applicant considers that a further substantial reduction in the array area, number of turbines or turbine scale that would be required to reduce the effect to the extent suggested by NRW A is not possible and have detailed this within Table 1 of document reference ML-1.10.

As detailed within document reference 8.33 Statement of Common Ground 5 – Natural Resources Wales Seascape, Landscape and Visual Assessment (dated 15 March 2023), NRW A considered that there was a potential for significant adverse cumulative effects with future windfarms located in leased and pre-assessed areas. The applicant considered that due to the limited information available, it was unable to make a meaningful cumulative assessment in regard to future offshore wind project including Mona Offshore Wind Farm and Morgan Offshore Wind farm. On the 11 July 2023 the applicant provided the SoS with a “Review of cumulative and in-combination effects” which included consideration of the proposed Morgan, Mona and Morcambe offshore wind farm projects. The review concluded that at this stage it was not possible to rule out the potential for additional cumulative effects on seascape, landscape and visual receptors in relation to the Mona Project and the Isle of Anglesey AONB. However, it noted the difficulty in carrying out a meaningful assessment due to the early development of these projects. SoS was satisfied that the conclusion of the ES remains valid and, as detailed in the ExA Report, no matters relating to other project and proposal were weighed for or against the DCO being made.

Within the ExA Report in respect of the associated DCO, it is concluded that as a result of the offshore works there would be a range of significant and non-significant adverse effects on the seascape, landscape and visual receptors, along the North Wales coast including on statutory designated landscapes, including the Isle of Anglesey AONB, the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, Eryri National Park, and non-designated landscapes including the Great Orme Heritage Coast and the North Anglesey Heritage Coast. The harm identified would conflict with the statutory purpose to conserve and enhance the natural beauty of AONBs and National Parks. However, the ExA refers to National Policy Statement EN-1 which recognises that energy infrastructure project will likely have effects on the landscape and a project being visible within a designated area should not in itself be a reason for refusing. The ExA acknowledges that the applicant has aimed to avoid and mitigate, including the reduction in the size of the array area and number of Wind Turbine Generators to that proposed at the scoping stage, and lighting limits proposed to be secured in the DCO. In addition a proposed landscape enhancement scheme is proposed to compensate for some of the harm identified and is secured in the DCO, the scheme would not strictly mitigate the harm caused but could provide benefits that would potentially enhance the identified receptors and their special qualities. Despite this the ExA acknowledges that substantial harm remains to seascape, landscape and visual receptors as a result of the offshore works. The ExA consider that the substantial benefits of the project in both, the scale and national need for the urgently required renewable energy and in terms of the local socioeconomic benefits, are sufficient to outweigh the negative impacts that have been identified. The SoS agreed with the conclusion of the ExA on this matter. NRW have no reason to disagree and concur with the finding of the ExA and SoS on the matter.

As detailed within the WNMP Implementation guidance, development of marine renewable energy infrastructure may result in changes to the seascape character of Wales and that these changes are inevitable as result of Welsh Government ambition for marine renewable energy.

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The Awel y Môr project is considered to make a significant contribution at a national scale for both Wales and the wider UK, and would provide significant renewable energy generating in excess of 350MW of electricity. There would also be local socioeconomic benefits to the proposal as have been set out in volume 3 chapter 3 Socioeconomics of the ES.

NRW in line with National Policy Statement EN-1 and Welsh National Marine Plan Policy Soc_06 and Soc_07 agree with the conclusion of the SoS, that although there will be harm in relation to seascape and visual receptors that cannot be adequately mitigated, the substantial benefit of the project for the provision of renewable energy and the socioeconomic benefits outweigh this harm.

Offshore Archaeology and Cultural Heritage

Cadw provided a list of scheduled monuments and listed buildings which could be affected visually, within 3km of landfall, but agrees that impacts will not be significant and will only be temporary during the construction phase of the Project. As presented within Application Document 4.21 (Statement of Common Ground 8 – Cadw), Cadw considered the assessment carried out within the ES appropriate and agreed with the mitigation measures proposed by the applicant.

Janet Finch Saunders MS provided representation dated 8 July 2022, raising concerns that the Awel y Môr – Gwynt y Môr interlink area has not been fully surveyed/assessed. The applicant responded to concerns raised within Document reference ML1.2 dated 25 November 2022 (Applicant's response to Marine Licence Application consultation comments), acknowledging the data gap but considered that the existing data for the Gwynt y Môr site was adequate for characterisation of the ES. Furthermore stated that the data gap would be further addressed through the requirements of the offshore Written Scheme of Investigation, that would ensure a full assessment of the area is achieved pre-construction. NRW consider that the offshore WSI can be secured through adherence to Marine Licence conditions (condition reference 47 of Annex 1).

The Welsh Archaeological Trust (WAT) deferred to Royal Commission on the Ancient and Historic Monuments of Wales (RCAHMW) with regards to impacts on offshore heritage assets.

The RCAHMW were satisfied with the assessment carried out within the ES in relation to the historic environment in the offshore and intertidal area. The assessment concluded that, subject to appropriate mitigation measures, all effects could be reduced to minor adverse.

The following mitigation has been proposed by the applicant and considered necessary by NRW:

- A requirement for a Protocol for Archaeological Discoveries that provides a system for reporting and investigating all archaeological discoveries during the course of the development (condition reference 47 of Annex 1).
- The identification of any Archaeological Exclusion Zones (AEZs) around known wrecks sites and potential geophysical anomalies and any monitoring this might require (condition reference 47 of Annex 1).
- The submission of a Written Scheme of Investigation for a programme of archaeological work. An outline WSI was provided Application Reference 8.3 (ES Volume 8 Document 8.3 Outline Offshore Archaeological Written Scheme of Investigation). Advice was provided by the RCAHMW on the outline document which should be fed into the final documentation (condition reference 47 of Annex 1).

The WAT confirmed that they were engaging in the examination of the associated DCO in relation to the visual impacts of the proposed turbines on the setting of terrestrial heritage assets. This has been considered by the ExA within their ExA Report. The ExA was satisfied that the applicant had provided

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an adequate description of the significance of the heritage assets affected by the Project and the contribution of their setting to that significance. Detailed consideration of effect on onshore heritage assets was considered by the ExA including those relating to the impact of the project on the setting of these assets. The ExA considered that the Project would not lead to substantial harm or total loss of significance of any designated heritage asset. However acknowledged harm would be caused to various heritage assets, the ExA considered that assets subject to minor harm would include Barn to NW of Faenol Brodor; Bodelwyddan Castle and Registered Park and Garden; Penmon Historic Landscape (HLW); Creuddyn and Conwy HLW; Llandudno Conservation Area (CA); Penrhyn Registered Park and Garden. The ExA considered that moderate harm would be caused to Llandudno Pier and Puffin Island Monastic Settlement, detailed consideration can be seen in section 5.6 and 10 of the ExA Report. The National Policy Statement EN-1 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for the loss. The ExA consider that the substantial benefits of the project in both the scale and national need for the urgently required renewable energy and in terms of the local socioeconomic benefits are sufficient to outweigh the negative impacts that have been identified. The SoS within Decision Letter date 20 September 2023 agreed with the conclusion of the ExA on this matter.

The Awel y Môr project is considered to make a significant contribution at a national scale for both Wales and the wider UK, and would provide significant renewable energy generating in excess of 350MW of electricity. There would also be local socioeconomic benefits to the proposal as have been set out in volume 3 chapter 3 Socioeconomics of the ES.

NRW in line with National Policy Statement EN-1 and Welsh National Marine Plan Policy Soc_05 agree with the conclusion of the SoS, that although there will be harm to heritage assets that cannot be adequately mitigated, the substantial benefit of the project for the provision of renewable energy and socioeconomic benefits outweigh this harm.

Decommissioning

The ES identifies the intention to completely remove all infrastructure at the end of the operational lifetime of the project, unless closer to the time of decommissioning it is decided that removal would lead to a greater environmental impact than leaving some components in-situ. The applicant proposed the production of a Decommissioning Programme. NRW A agree that a decommissioning plan should be produced that retains a number of decommissioning options including the full removal of infrastructure. The options should be reassessed closer to the time of decommissioning in consultation with NRW A (condition reference 54 of Annex 1).

The chamber of Shipping support that infrastructure should be fully removed on decommissioning, noting that leaving infrastructure in-situ can lead to navigational safety hazards as well as preventing future use of the seabed area. Similarly in order to reduce navigational risk the MCA request that post decommissioning that a swath bathymetric survey is conducted of the cable route and array area and reports provided to the UKHO and MCA.

NRW concur that a Decommissioning Plan is required and should be reviewed and updated accordingly nearer the time decommissioning works are to take place, NRW also concur with the MCA and consider that condition securing post decommissioning survey can be secured through licence conditions (condition reference 54 of Annex 1).

Department for Energy Security and Net Zero (Formally Department for Business, Energy and Industrial Strategy) confirmed that a Decommissioning Programme would be required under section 105 of the

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Energy Act (2004) and for the department to hold a Financial Security Sum from the applicant to avoid taxpayer-funded decommissioning. The DCO includes Requirement 21 which relates to Decommissioning obligation under the Energy Act.

6.1.9 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 Licensable Marine Activities are implemented in accordance with the conditions set out in Annex 1.

6.2 The need to protect human health

Aviation Safety

NATS raised initial concerns surrounding potential impacts of the works, particularly of the turbines themselves on their radar systems. However, NATS confirmed in a letter submitted to the Planning Inspectorate on 16 March 2023 that mitigation to be secured through provision of the DCO had been agreed with the applicant. This will ensure that a suitable Primary Radar Mitigation Scheme is put in place. As detailed within the ExA Report Volume 1 (dated 20 June 2023) the ExA were satisfied that the DCO contained this provision. NRW note that these are captured within Requirement 23 of the DCO, therefore do not consider there is a need to duplicate the requirement within the Marine Licence.

Suitable lighting and marking will be required both for the purpose of navigation (as discussed in section 6.3) but additionally for aviation safety. A Lighting and Marking Plan is proposed by the applicant which will be produced in accordance with guidance and in consultation with relevant stakeholders. NRW consider that the Lighting and Marking Plan can be secured through appropriate licence condition on the Marine Licence (condition reference 35 of Annex 1).

In addition, NRW consider it necessary to include condition reference 36 of Annex 1 to ensure that such lights are exhibited in line with requirements of the Air Navigation Order 2016 and determined in consultation with Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

Isle of Man Government confirmed that the wind farm would not pose an operational issues to the Ronaldsway Airport.

Risk to navigation safety and thus human life has been discussed further in section 6.3 below.

6.2.1 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 provided that the Licensable Marine Activities are implemented in accordance with the conditions set out in Annex 1.

6.3 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.

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Navigation safety

Concerns were raised by the Chamber of Shipping (CoS) to the potential impact of the works on navigational safety. The CoS raised concern surrounding the possible location of the met mast, particularly if it was to lie in an isolated area outside the array as an isolated structure would pose an elevated risk to navigation. The applicant responded to concerns raised within document reference ML-1.2 (applicant's response to Marine Licence Application Consultation Comments dated 25 November 2022), the applicant highlighted the need for meteorological measurements to be taken on the windward side of the array without being affected by the array itself. The applicant noted that both Rhyl Flats and North Hoyle offshore wind farms have met masts located externally from the array. As detailed within Application Reference 6.29 (Environmental Statement Volume 2 Chapter 9: Shipping and Navigation) and proposed within document Reference 6.4.9.1 (Environmental Statement Annex 9.1: Navigation Risk Assessment), the final layout design will be agreed in consultation with Maritime and Coastguard Agency (MCA) and Trinity House (TH) to ensure safety to navigation. NRW consider this can be adequately secured through Marine Licence conditions (condition reference 34 of Annex 1).

The CoS raised concerns that impacts of a powered collision incident or from drifting and unpowered collision had not been appropriately considered. Further information was provided by the applicant document reference ML-1.2 (applicant's response to Marine Licence Application Consultation Comments dated 25 November 2022). Within Statement of Common Ground 13 (UK Chamber of Shipping dated 30 January 2023) The CoS confirmed that although they were not fully satisfied with the consideration given, they acknowledged that the additional risks associated are not overly significant due to low frequency of risk.

Isle of Anglesey County Council is a Statutory Harbour Authority for the ports of Amlwch, Beaumaris, and Menai Bridge and also manages a number of moorings alongside the south east and eastern coastline of the island. IACC were satisfied that the impact on commercial shipping and recreational navigation had been appropriately assessed within Chapter 9 of the ES. IACC consider that the mitigation measures proposed within outline Navigational Risk Assessment (Volume 4 Annex 9.1: Navigation Risk Assessment dated April 2022) are appropriate. NRW consider that the mitigation detailed within the Navigation Risk Assessment can be secured through licence condition as detailed below.

The NFFO emphasised that exposed seabed cable represents a snagging hazard for fishing gear. This impact had been identified and considered within ES Volume 2 Chapter 8 Commercial Fisheries. NRW is satisfied that the risk has been appropriately identified and managed as the applicant has committed to cable burial as the preferred option for cable protection, appropriate marking and charting of infrastructure and to develop a cable specification and installation plan to mitigate this impact. In addition in line with advice from the MCA, NRW consider licence condition necessary for issuing of relevant notices in the extent that buried cable become exposed (condition 37 of Annex 1).

The MCA confirmed that the detailed Navigational Risk Assessment (NRA) carried out by the applicant had been conducted to their satisfaction and in accordance with the published guidance MGN654 and NRA risk assessment methodology. The MCA confirmed that appropriate traffic data had been collected in accordance with MGN654. Subject to adequate mitigation the MCA are content with the conclusion of the assessment and considers that risk to navigation and Search and Rescue (SAR) will be tolerable or broadly acceptable. Key mitigation measures are summarised below.

Trinity House (TH) confirmed within Application document 4.23 (the Statement of Common Ground 12 – Trinity House dated 30 January 2023) their agreement with the assessment undertaken within the ES and NRA. TH considers that, subject to mitigation, the potential risk from the project is As Low As Reasonably Practicable. Key mitigation measures are summarised below.

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Following consideration of the application documents and consultation responses received, NRW consider that a number of conditions will be required in order to ensure navigational safety this includes:

- A Lighting and Marking Plan, ensuring that from commencement to decommissioning the project will exhibit such lights, marks, sounds, signals and other aids to navigation as considered necessary for the purpose of maintaining navigation safety and have a programme in place to ensure these are inspected and maintained (condition reference 35 of Annex 1).
- Emergency Response Plans and Search and Rescue Procedures agreed with the MCA (condition reference 36 of Annex 1).
- A requirement to notify relevant organisations and marine users prior to commencement of any phase of licensed activities and upon completion (condition reference 1, 2, 3, 4, 5, 9, 11, 12, 13, 14 and 29 of Annex 1).
- Requirement that the devices are regularly inspected and maintained, including cables, with the requirement for the Marine Licence Holder to inform the relevant authorities including the MCA and TH in case of damage to, destruction or decay of any devices or exposure of cables exposure of cables on or above the seabed (condition reference 35 and 37 of Annex 1).
- Requirement that all structures in the Licensable Marine Activities are coloured in a manner to ensure safety to navigation, this is to be yellow from the waterline to a height as directed by TH and the remainder in grey (condition reference 39 of Annex 1).
- Requirement that navigational safety is not compromised including the identification of any cable protection that exceeds 5% reduction of navigable depth (condition reference 38 of Annex 1).
- Marine Pollution Contingency Plan (condition reference 33 of Annex 1).
- Cable Burial Risk Assessment to determine appropriate burial depth for the subsea cable and to determine where additional protection is necessary (condition reference 28 of Annex 1).
- Prior approval of a Project Layout Plan in consultation with the MCA and TH to ensure navigation safety has appropriately been considered (condition reference 34 of Annex 1).
- Prior approval of Navigation Monitoring Specification including vessel traffic monitoring during the construction period and for a period of 3 years post construction (condition reference 50 of Annex 1).
- Following completion of construction, the requirement for a Post Construction As-Built Report detailing the final number of installed wind turbine generators, as built plans, and co-ordinates of the location of each turbine, offshore platform, met mast constructed and inter array and export cable routes (condition reference 31 and 32 of Annex 1).
- A requirement that hydrographic surveys final data is supplied as a digital full density data set, and survey report to the UKHO and MCA for the updating of nautical charts and publications (in line with MGN 654 Annex 4) and to include a cable route survey post-construction (condition reference 50 of Annex 1).

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Fisheries

Janet Finch Saunders MS highlighted the need for further dialogue with commercial fishermen and fisheries groups, and raised concerns with regards to the baseline data used, specifically as to whether the assessment had properly accounted for vessels with a length of 12m or under which is considered to make up a large proportion of the Welsh fleet (representation dated 8 July 2022).

A response was provided by the applicant within Document reference ML1.2 (Applicant's response to Marine Licence Application consultation comments dated 25 November 2022). The applicant highlighted that the ES acknowledged that Vessel Monitoring System (VMS) data available does not include vessels under 15m in length; however, the assessment also included landing made by vessels both under and over 10 meters in length, the limitation of these data sources were also identified within the ES in Chapter 8, Section 8.4.4. In addition, the applicant confirmed that as detailed within the ES, consultation and engagement with fisheries group and individuals had taken places and incorporated into the description of the existing fishing activities presented within the ES.

The Isle of Man Government (IoM) raised initial concerns that the Isle of Man fishing interest had not been appropriately considered. A response was provided by the applicant within Document reference ML1.2 (Applicant's response to Marine Licence Application consultation comments dated 25 November 2022) identifying how Isle of Man fishing interest had been considered. A Statement of Common Ground between the applicant and the IoM (document reference 8.37 dated 15 March 2023) confirmed that issues raised during the consultation have been resolved, and agreed that no significant adverse effects on commercial fisheries are predicted to arise from the development following the application of mitigation, including a Fisheries Co-Existence and Liaison Plan.

In order to mitigate impact on the fishing industry, the applicant has proposed to produce and implement a Fisheries Liaison and Co-existence Plan, the NFFO agreed with the need for a Fisheries Liaison and Coexistence Plan and provided advice on its content which has been shared with the applicant. NRW consider that adherence to a Fisheries Liaison and Coexistence Plan can be secured through condition reference 48 of Annex 1.

6.3.1 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 Licensable Marine Activities are implemented in accordance with the conditions set out in Annex 1.

6.4 Marine Policy Documents

a) The Legal framework

Under s58 and s69 of MACAA 2009 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.

Welsh National Marine Plan (WNMP)

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The WMNP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

b) *Our determination***UK Marine Policy Statement 2011**

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

Welsh National Marine Plan

The applicant has considered the proposal by reference to and in accordance with the Welsh National Marine Plan throughout the ES, and additionally application document reference 8.1.2 (Planning Statement Appendix 2: Welsh National Marine Plan policy checklist dated April 2022) was provided with the application.

The application is a Nationally Significant Infrastructure Project (NSIP) and as such the applicant has considered the national need, benefits and impacts as set out in the relevant National Policy Statement (NPS) including EN-1 (overarching National Policy Statement for Energy) and EN-3 (National Policy Statement for Renewable Energy Infrastructure).

The WNMP Policy ELC_01 Low Carbon Energy (supporting wind) details that proposal for offshore wind energy generation will be supported where they contribute to the objectives of the WNMP, and comply with the relevant general policies and sector safeguarding policies.

WNMP SAF_01 includes relevant safeguarding policies for specific sectors including recreational boating activity and Ports and Harbours. Potential impact on these sectors have been considered within the ES including chapter 9 Shipping and Navigation and considered within the Navigational Risk Assessment. As detailed in the ES, safety zones will be used during the construction period, however site access for transition through the array area would not be prohibited during the operation period. Therefore it is not anticipated to be significant levels of recreational displacement as a result of the works. In addition, and as detailed within the ES, due to the location of the work and proximity to local ports it is not anticipated that the activities associated with construction or operation of the site will significantly hinder third party traffic access to local ports. Navigation mitigation is also discussed further in section 6.1.8 above.

Policies ECON_01 and 02 of the WNMP support proposals for economically sustainable activities identifying the renewable sector as a potential significant contributor. There will be local socioeconomic benefits to the proposal as set out in the ES Volume 3 Chapter 3: Socioeconomics. In addition, the applicant has considered interaction with other users, and opportunities for coexistence, this includes the development of a Fisheries Co-existence Plan. NRW consider that the proposal complies with these policies.

The proposal is considered to comply with the relevant cross cutting general policies and has appropriately considered impact of the works including on marine ecosystems (Policy ENV_01), water quality (Policy ENV_06), underwater noise (ENV_05) and Invasive non-native species (ENV_03) which topics are discussed above in section 6.1.8.

As is highlighted within the WNMP Implementation Guidance, Welsh Ministers have declared a climate emergency and has set statutory emission reduction targets. Welsh Government has also set targets for the generation of renewable energy including the generation of 70% of Wales electricity consumption from renewable sources by 2030. The WNMP identifies offshore wind energy as a proven and

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strategically important technology with large scale development supported through policy ELC_01. Similarly, the NPS EN-1 supports the development of major renewable infrastructure project due to the urgent need for renewable energy.

The Awel y Môr Project seeks to contribute significantly towards the national renewable energy targets for Wales by producing electricity with a capacity in excess of 350MW, for the equivalent of approximately 500,000 homes.

As detailed in section 6.1.8, due to the location and scale of the project, potential harm to seascapes and landscape (SOC_06 and SOC_07) as well as to settings of heritage assets (SOC_05) remain after mitigation. The WNMP recognises that development of marine renewable energy infrastructure may result in changes to the seascape character of Wales and that these changes are an inevitable result of Welsh Government ambition for marine renewable energy (WNMP Implementation Guidance). Similarly, the NPS EN-1 recognises that all proposed energy infrastructure is likely to have visual effects and that judgement will need to be made whether harmful effects outweigh the benefit of the scheme.

The Awel y Môr project is expected to make a significant contribution at a national scale for both Wales and the wider UK, and provide in excess of 350MW of renewable energy. Moreover, there will be local socioeconomic benefits to the proposal as have been set out in the ES Volume 3 Chapter 3: Socioeconomics. Therefore, although potential harm remains after mitigation to both visual seascape/landscape receptors and heritage assets, the significant benefit of the project provides a convincing case for proceeding in line with the WNMP.

NRW considers that this decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

6.5 Other matters NRW thinks relevant

6.5.1 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

As is detailed above, The Awel y Môr project is expected to make a significant contribution at a national scale for both Wales the wider UK) and provide in excess of 350MW of renewable energy. There would also be local socioeconomic benefits to the proposal as have been set out in the ES Volume 3 Chapter 3: Socioeconomics. Therefore, NRW considers it has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW is satisfied that its decision is consistent with the sustainable development principle as defined in the Well-being and Future Generations (Wales) Act 2015 to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.5.2 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.

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b) (b) Our determination

NRW is satisfied that this decision 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.

7 Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the Marine Licence sought by the Marine Licence Application. We have reached this decision having had regard to the relevant legal framework outlined in section 5 and 6. We have also explained in section 5 and 6 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Licensable Marine Activities should be granted.

Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

8 AUTHORISATION

Report by: Peter Morrison Position: Lead Specialist Officer	Date: 14 November 2023	Signed: Peter Morrison
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 14 November 2023	Signed: EJLitt

9 ANNEX 1

As is detailed in section 2 the licensable activities for the Project have been split between 4 marine licences. The table below sets out the conditions imposed and reasons for those conditions.

Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
1	<p>Notification of Commencement</p> <p>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.</p> <p><i>Reason: To ensure the Licensing Authority are aware of the commencement of Licensed Activities.</i></p>	3.1.1	3.1.1	3.1.1	3.1.1
2	<p>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.</p> <p><i>Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.</i></p>	3.1.2	3.1.2	3.1.2	3.1.2
3	<p>The Licence Holder must ensure that local mariners and fishermen's organisations, HM Coastguard and UKHO are made fully aware of the Licensed Activities through local notices to</p>	3.1.3	3.1.3	3.1.3	3.1.3

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>mariners 10 days prior to the commencement of the Licensed Activities, or an individual phase of the Licensed Activities is expected to commence. The notice should detail the start date of the works and expected vessel routes from the port to the location.</p> <p><i>Reason: To minimise interference with other sea users and ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>				
4	<p>The Licence Holder must ensure that local notification to marine users are updated and reissued at weekly intervals while construction activities are ongoing and at least 5 days before any planned operations and maintenance works. This must be supplemented with VHF radio broadcasts agreed with the Maritime and Coastguard Agency.</p> <p><i>Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>	3.1.4	3.1.4	3.1.4	3.1.4
5	<p>The Licence Holder must notify The Kingfisher Information Service of Seafish no less than 14 days prior to the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence. The notice should detail the start date of the works and expected vessel routes from the port to the location.</p> <p><i>Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>	3.1.5	3.1.5	3.1.5	3.1.5
6	<p>The Licence Holder must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the</p>	3.1.6	3.1.6	n/a	n/a

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>commencement of Licences Activities, or an individual phase of the Licensed Activities is expected to commence, in writing of the following information;</p> <ul style="list-style-type: none"> (i) the date of the commencement of construction of the authorised project; (ii) the date of any offshore electrical installations are brought into use, and (iii) the maximum height of any construction equipment to be used; <p><i>Reason: To ensure aviation safety and inclusion on aviation charts</i></p>			Licence does not include construction infrastructure which would impact aviation safety (i.e. Wind Turbine Generators, met masts or Offshore Substation Platforms)	Licence does not include construction infrastructure which would impact aviation safety (i.e. Wind Turbine Generators, met masts or Offshore Substation Platforms)
7	<p>Notification of Vessels and/or Vehicles</p> <p>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.</p> <p><i>Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.</i></p>	3.2	3.2	3.2	3.2
8	<p>Notification of Agents/Contractors/Sub-contractors</p>	3.3	3.3	3.3	3.3

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>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.</p> <p><i>Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this licence and in order to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.</i></p>				
9	<p>Notification of HM Coastguard</p> <p>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 zone32@hmcg.gov.uk and renewables@hmcg.gov.uk.</p> <p><i>Reason: To ensure the safety of navigation.</i></p>	3.4	3.4	3.4	3.4
10	<p>Inspection of Licensed Activities</p> <p>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.</p>	3.5	3.5	3.5	3.5

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<i>Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.</i>				
11	<p>Notification of Completion</p> <p>The Licence Holder must notify the Licensing Authority within 10 days of completion of the Licensed Activities, or an individual phase of the Licensed Activities.</p> <p><i>Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.</i></p>	3.6.1	3.6.1	3.6.1	3.6.1
12	<p>The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within 10 days of completion of the Licensed Activities, or an individual phase of the Licensed Activities.</p> <p><i>Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.</i></p>	3.6.2	3.6.2	3.6.2	3.6.2
13	<p>The Licence Holder must notify the UK Hydrographic Office of the Licensed Area and the Licensed Activities within 10 days of the completion of the Licensed Activities or an individual phase of the Licensed Activities.</p>	3.6.3	3.6.3	3.6.3	3.6.3

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p><i>Reason: To permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>				
<p>14</p>	<p>The Licence Holder must notify The Kingfisher Information Service of Seafish as soon as reasonably practicable and no later than 24 hours after completion of the Licensed Activities or an individual phase of the Licensed Activities.</p> <p><i>Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>	<p>3.6.4</p>	<p>3.6.4</p>	<p>3.6.4</p>	<p>3.6.4</p>
<p>15</p>	<p>Accident or Emergency</p> <p>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, Trinity House and the Maritime and Coastguard Agency within 48 hours of the incident occurring.</p> <p><i>Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.</i></p>	<p>3.7.1</p>	<p>3.7.1</p>	<p>3.7.1</p>	<p>3.7.1</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
16	<p>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.</p> <p><i>Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.</i></p>	3.7.2	3.7.2	3.7.2	3.7.2
17	<p>The Licence Holder must submit a Dropped Object Plan (DOP) to the Licensing Authority for written approval at least 4 months prior to commencement of Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the DOP detailed in condition 3.7.3 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the action outlined in the document must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p><i>Reason: To ensure a plan is in place to for actions to be taken for objects accidentally dropped during licensed Activities.</i></p>	3.7.3-3.7.4	3.7.3-3.7.4	3.7.3-3.7.4	n/a no licenced activities taking place within or above the watercourse.
18	<p>Distribution of Copies of this Licence</p> <p>The Licence Holder is required to ensure that a copy of this Licence is given to:</p>	3.8	3.8	3.8	3.8

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<ul style="list-style-type: none"> • 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. <p><i>Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.</i></p>				
19	<p>Inspection of Documents</p> <p>Copies of this Licence shall be made available at the following locations:</p> <ul style="list-style-type: none"> • 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 	3.9	3.9	3.9	3.9

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>of any substances or articles permitted as part of the Licensed Activities;</p> <ul style="list-style-type: none"> on board each vessel or vehicle carrying out Licensed Activities. <p>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.</p> <p><i>Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.</i></p>				
20	<p>Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities</p> <p>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 the Licensing Authority and Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.</p>	3.10	3.10	3.10	3.10

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	<i>Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s), sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.</i>				
21	<p>Equipment, Structures and Access</p> <p>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.</p> <p><i>Reason: To minimise impacts on the marine environment and other users of the sea/seabed.</i></p>	3.11	3.11	3.11	3.11
22	<p>Removal of Deposited Material</p> <p>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, or as otherwise agreed, and shall not replace such material until the Licensing Authority has given its written approval.</p>	3.12	3.12	3.12	3.12

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<i>Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.</i>				
23	<p>Pollution Prevention</p> <p>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.</p> <p><i>Reason: To minimise the risk of pollution incidents and to ensure the timely report of such incidents to enable the Licensing Authority to take action as appropriate.</i></p>	3.13	3.13	3.13	3.13
24	<p>Spillage of Pollutants</p> <p>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</p> <p><i>Reason: To minimise the risk of fuels/other contaminants entering the marine environment.</i></p>	3.14	3.14	3.14	3.14

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
25	<p>Prevention of Disposal of Man-made Debris</p> <p>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.</p> <p><i>Reason: To minimise the amount of man-made materials disposed of at sea.</i></p>	3.15	3.15	3.15	3.15
26	<p>Project Parameters</p> <p>The Licence Holder must ensure the Licensed Activities fall within the parameters detailed within Category 6: Environmental Statement Volume 2, Chapter 1 : Offshore Project Description Revision B submitted 31 May 2022 , detailed within Marine Licence Parameters dated 30 January 2023 Revision A and as set out in Appendix 1.</p> <p><i>Reason: To ensure that the activities are within the limits of those assessed within the Environmental Statement.</i></p>	3.16.1	3.16.1	3.16.1	3.16.1 description of works are provided within ES Volume 3, Chapter 1: Onshore Project Description. Condition therefore reflects this.
27	<p>No Works relating to the Offshore Substation Platform shall be carried out until the Licensing Authority has given written approval.</p>	3.16.2	3.16.2	n/a licence activities does not include construction of	n/a licence activities does not include construction of

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<i>Reason: To ensure that the activities are within the limits of those assessed within the Environmental Statement. Specifically ensuring that ORML2233G and ORML2233T when taken together do not authorise the construction of more than two offshore substation platforms</i>			the offshore substation platform.	the offshore substation platform.
28	<p>Cable Specification and Installation Plan</p> <p>The Licence Holder must submit a Cable Specification and Installation Plan (CSIP) to the Licensing Authority for written approval at least 4 months prior to commencement of the cable construction and deposit works outlined in Table 1 or an individual phase of cable construction and deposit work. No deposit of cable and cable protection may be undertaken prior to written agreement from the Licensing Authority. The CSIP must include the following information unless otherwise approved by the Licensing Authority (parameter envelopes should be provided if necessary):</p> <ul style="list-style-type: none"> i. Technical specifications; ii. Location, including outlines of cable crossings, burial, and surface laid sections; iii. Timings, including duration of works; iv. Burial risk assessment to ascertain burial depths and cable laying techniques including cable protection. The assessment 	3.17	3.17	3.17	<p>n/a</p> <p>The CSIP relates to the offshore export cable. Following landfall the onshore Export Cable Corridor passes below a tidal section of the River Clwyd west of Rhuddlan. The licensable activities include the installation of ducts and export cables. The entry and exit points for the trenchless crossing will be landward of mean high water springs. Relevant</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>should identify any cable protection that exceeds 5% of navigable depth referenced to chart datum. In the event that any area of cable protection exceeding 5% of navigable depth is identified, the details of any steps to be taken to ensure existing and future safe navigation is not compromised, should be presented;</p> <p>v. Proposed locations, types, and quantities of cable protection to be deposited;</p> <p>vi. Installation and cable laying techniques;</p> <p>vii. Cable crossing armouring methodology;</p> <p>viii. Installation machinery failure contingency plan;</p> <p>ix. Transport management plan;</p> <p>x. Location, type, and quantity of any wet-stored cabling and/or cable protection and the proposed duration of the wet storage;</p> <p>xi. Proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables, and</p> <p>xii. Specific consideration to be given to the choice of cable protection material that can be demonstrated to maximise</p>				<p>control for this activities includes the onshore construction method statement secured in Requirement 10 of the Development Consent Order and therefore does not need to be duplicated in the Marine Licence.</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>environmental biodiversity benefits, whilst meeting technical need.</p> <p>The Licence Holder must ensure that any actions outlined in the CSIP detailed in condition 3.17.1 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.</p> <p><i>Reason: : To ensure the proposed works follow best practice, have been assessed within the Environmental Statement and appropriate mitigation is in place to reduce environmental and navigational risk.</i></p>				
29	<p>Programme of Works</p> <p>The Licence Holder must submit a Programme of Works for each individual phase of the Licensed Activity to the Licensing Authority for written approval at least 4 months prior to commencement. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Programme of Works for each individual phase of the Licensed Activities must include:</p> <ul style="list-style-type: none"> i. The planned timetable for each of the Licensed Activities ii. A plan for notifying the Licensing Authority, Maritime and Coastguard Agency and Trinity House of the commencement and 	3.18	3.18	3.18	<p>n/a</p> <p>The entry and exit points for the trenchless crossing will be landward of mean high water springs. As licensable works are included by the developer as part of the onshore export cable corridor phases of works</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>completion of each phase of licensed activities and of any changes to the planned timetable.</p> <p>iii. Provide a full list of materials to be deposited and removed from the marine environment</p> <p>The Licence Holder must ensure that any actions outlined in the Programme of Works detailed in condition 3.18.1 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.</p> <p><i>Reason: To ensure the programme of works is appropriate.</i></p>				will be approved by DCC under Requirement 5 of the DCO
30	<p>Operations and Maintenance Plan (OMP)</p> <p>The Licence Holder must submit a OMP to the Licensing Authority for written approval at least 4 months prior to operation of wind turbines. Operation may not commence prior to written approval from the Licensing Authority. The OMP must include detail of the methodology for operation and maintenance of infrastructure, and must include a timescale for the periodic review of the document.</p> <p>The Licence Holder must ensure that any actions outline in the OMP detailed in condition 3.19.1 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</p>	3.19	3.19	3.19	n/a

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p>Reason: <i>To ensure that the impacts of maintenance activities are within the limits of those assessed within the Environmental Statement</i></p>				
<p>31</p>	<p>Installed Cable Report</p> <p>The Licence Holder must provide to the Licensing Authority the following information within 4 months of completion of the Licensed Activities for written approval:</p> <p>(i) The final locations (in WGS84) and technical specifications of the cables</p> <p>(ii) The final locations (in WGS84) of buried and surface-laid sections of the cables;</p> <p>(iii) The final locations (in WGS84), types, and quantities of cable protection used, deposited, or installed, and</p> <p>(iv) Identification of potential dangers to navigation</p> <p>In the event that any potential danger to navigation is identified following the completion of the Licensed activities the Licence Holder must propose measures to ensure the safety of navigation</p>	<p>3.20</p>	<p>3.20</p>	<p>3.20</p>	<p>n/a</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>in writing to the Licensing Authority for written approval. The measures must be implemented as approved.</p> <p><i>Reason: To ensure the Licensing Authority is aware of the as laid position of the cable and rock protection and to ensure the protection of navigational safety. To allow adaptive management of potential navigation risk based on the final as laid design.</i></p>				
<p>32</p>	<p>Post Construction As-Built Report</p> <p>The Licence Holder must provide to the Licensing Authority the following information within 4 months of completion of the Licensed Activity for written approval:</p> <ul style="list-style-type: none"> i. Confirmation of construction completion date; ii. Final number of installed wind turbine generators; iii. As built plans; iv. Latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore platform, substation, and meteorological mast provided as Geographical Information System data referenced to WGS84) datum 	<p>3.21</p>	<p>3.21 Authorised works do not include installation of wind turbine generators and meteorological mast, therefore requirement (ii) is not required and requirement (iv) has been adapted accordingly. Requirement (v) includes the export cable</p>	<p>n/a only cable and cable protection are authorised to be deposited under this licence, with requirements to provide detail of the installed cable secured in condition 3.20</p>	<p>n/a</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>v. Latitude and longitude coordinates of the inter array; provided as Geographical Information System data referenced to WGS84 datum.</p> <p>In the event that any potential danger to navigation is identified following the completion of the Licensed Activities the Licence Holder must propose measures to ensure the safety of navigation in writing to the Licensing Authority for written approval. The measures must be implemented as approved.</p> <p>Reason: <i>To ensure the Licensing Authority is aware of all project infrastructure and to ensure the protection of navigational safety. To allow adaptive management of potential navigation risk based on the final as constructed design</i></p>		route in place of the array cables.		
33	<p>Project Environmental and Management Plan (PEMP)</p> <p>The Licence Holder must submit a PEMP to the Licensing Authority for written approval at least 6 weeks prior to commencement of Licensed Activities. The PEMP must include a Marine Pollution Contingency Plan. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the PEMP detailed in condition 3.22.1 of ORML2233G and ORML2233T and condition 3.21.1 of ORML2233L 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</p>	3.22	3.22	3.21	n/a The entry and exit points for the trenchless crossing will be landward of mean high water springs, and licensable works are included by the developer as part of the onshore export cable corridor. As

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p><i>Reason: To minimise the risk of pollution incidents occurring by adopting best practice techniques. To ensure appropriate environmental mitigation are adhered too.</i></p>				<p>such the Pollution Prevention and Emergency Incident Response Plan is secured within Requirement 10 of the Development Consent Order and therefore does not need to be duplicated in the Marine Licence.</p>
<p>34</p>	<p>Project Layout Plan</p> <p>The Licence Holder must submit a Project Array Layout Plan to the Licensing Authority for written approval at least 6 months prior to the commencement of Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The plan should set out the proposed details of the authorised project, including the:</p> <p>(i) number, dimensions, specification, foundation type(s) and depth for each WTG, offshore substation platforms, and meteorological masts;</p>	<p>3.23</p>	<p>3.23 Authorised works do not include installation of wind turbine generators and meteorological mast, therefore requirement (i) and (ii) has been adapted accordingly.</p>	<p>n/a licence activities does not include construction of the offshore WTG, offshore substation platform or met mast.</p>	<p>n/a licence activities does not include construction of the offshore WTG, offshore substation platform or met mast.</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>(ii) the grid coordinates of the centre point of the proposed location for each WTG, offshore substation platforms, and meteorological masts;</p> <p>(iii) proposed layout of all cables; and</p> <p>(iv) location and specification of all other aspects of the authorised project.</p> <p>The Licence Holder must ensure that any actions outlined in the Project Layout Plan detailed in condition 3.23.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the action outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p><i>Reason: To ensure that the infrastructure to be constructed remain within the limits of those assessed within the Environmental Statement and are appropriately arranged to maintain navigational safety.</i></p>				
35	<p>Lighting and Marking Plan</p> <p>The Licence Holder must submit a Lighting and Marking Plan to the Licensing Authority for written approval at least 4 months prior to commencement of Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The Lighting and</p>	3.24.1-3.24.5	3.24.1-3.24.5	3.22.1-3.22.5	n/a licensable activities are taking place below the seabed.

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>Marking Plan must consider all stages of the Licensed Activities and provide details on location and specification of all infrastructure and aspects of the Project, navigation lights and marking of Project infrastructure, in addition to any additional aids to navigation required.</p> <p>The Licence Holder must ensure that any actions outlined in the Lighting and Marking Plan detailed in condition 3.24.1 of ORML2233G and ORML2233T and condition 3.22.1 of ORML2233L 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.</p> <p>The Licence Holder must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the Lighting and Marking Plan using the reporting system provided by Trinity House.</p> <p>The Licence Holder must ensure that the Licensed Activities exhibit such lights, marks, sounds, signals and other aids to navigation and to take such steps for the prevention of danger to navigation as directed by Trinity House.</p> <p>The Licence Holder must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning, notify the Licensing Authority and Trinity House of any failure of the aids to navigation and the</p>				

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.</p> <p><i>Reason: To ensure safety of navigation</i></p>				
36	<p>The Licence Holder must exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2016 and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.</p> <p>The Licence Holder must ensure that the lights installed in accordance with condition 3.24.6 will be operated at the lowest permissible lighting intensity level.</p> <p><i>Reason: To ensure safety of aviation</i></p>	3.24.6-3.24.7	3.24.6-3.24.7	n/a Licence does not include construction infrastructure which would impact aviation safety (i.e. Wind Turbine Generators, met masts or Offshore Substation Platforms)	n/a Licence does not include construction infrastructure which would impact aviation safety (i.e. Wind Turbine Generators, met masts or Offshore Substation Platforms)
37	<p>Navigational Safety</p> <p>The Licence Holder must ensure a regular programme of monitoring of structure condition. In case of damage, destruction or decay of any structure or part of a structure, excluding the exposure of cables, the Licence Holder shall, as soon as possible and no later than 24 hours after becoming aware of such damage, destruction or decay, notify Trinity House, Maritime and</p>	3.25	3.25	3.23	n/a licensable activities are taking place below the seabed.

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>Coastguard Agency, Kingfisher Information Service or Seafish, UKHO and the Licensing Authority.</p> <p>In the event of buried cables becoming exposed on or above the seabed, the Licence Holder must issue a notice to mariners and notify the Kingfisher Information Service of the location and extent of exposure no later than 3 days following its identification. Copies of all said notices must be provided to the Licensing Authority, Trinity House and Maritime and Coastguard Agency within 5 days.</p> <p>No part of the Licensed Activities may commence prior to written approval from the Licensing Authority in consultation with the Maritime and Coastguard Agency that a Search and Rescue checklist has been agreed and is in place in line the requirements of MGN654 "Offshore Renewable Energy Installations *OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response (or any successor document)</p> <p><i>Reason: To ensure the safety of navigation.</i></p>				
38	<p>Depth Reduction</p> <p>The Licence Holder must ensure that any depth reductions resulting from cable protection activity do not compromise safe navigation and that there is no more than 5% reduction in surrounding depth referenced to Chart Datum at any location</p>	3.26	3.26	3.24	n/a licensable activities are taking place below the seabed.

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>within the Licensed Area without prior written approval from the Licensing Authority.</p> <p><i>Reason: To ensure the safety of navigation.</i></p>				
39	<p>Colouring of infrastructure</p> <p>The Licence Holder must colour all structures yellow (colour code RAL 1023) from at least the waterline to a height as directed by Trinity House. Unless the Licensing Authority otherwise directs, the Licence Holder must paint the remainder of the structures grey (colour code RAL 7035).</p> <p><i>Reason: To ensure the safety of navigation.</i></p>	3.27	3.27	n/a licence activities does not include construction of the offshore WTG, offshore substation platform or met mast.	n/a licensable activities are taking place below the seabed.
40	<p>Offshore Construction Method Statement (CMS)</p> <p>The Licence Holder must submit a CMS to the Licensing Authority for written approval at least 4 months prior to commencement of the Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the CMS detailed in condition 3.28.1 of ORML2233G and ORML2233T, condition 3.25.1 of ORML2233L 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</p>	3.28	3.28	3.25	n/a The entry and exit points for the trenchless crossing will be landward of mean high water springs, and licensable works are included by the developer as part of the onshore export cable corridor. As

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p><i>Reason: to ensure construction procedures are approved adopting best working practices and have considered environmental and navigational mitigation.</i></p>				<p>such the relevant control for this activities includes the onshore construction method statement secured in Requirement 10 of the Development Consent Order and therefore does not need to be duplicated in the Marine Licence.</p>
<p>41</p>	<p>Biosecurity Plan</p> <p>The Licence Holder must submit a Biosecurity Plan to the Licensing Authority for written approval at least 4 months prior to commencement of the Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Biosecurity Plan detailed in condition 3.29.1 of ORML2233G and ORML2233T and condition 3.26.1 of ORML2233L are implemented</p>	<p>3.29</p>	<p>3.29</p>	<p>3.26</p>	<p>n/a The entry and exit points for the trenchless crossing will be landward of mean high water springs, and licensable works are included by the developer as part of the</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>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.</p> <p><i>Reason: To minimise the risk of spread of INNS.</i></p>				<p>onshore export cable corridor. As such the Invasive Non-native Species Management Plan is secured within Requirement 10 of the Development Consent Order and therefore does not need to be duplicated in the Marine Licence.</p>
42	<p>Vessel Traffic Management Plan</p> <p>The Licence Holder must submit a Vessel Traffic Management Plan to the Licensing Authority for written approval at least 4 months prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Vessel Traffic Management Plan detailed in condition 3.30.1 of ORML2233G and ORML2233T and condition 3.27.1 of ORML2233L</p>	3.30	3.30	3.27	<p>n/a licensable activities are taking place below the seabed.</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>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.</p> <p><i>Reason: To ensure appropriate measures are adopted to minimise potential disturbance impact on seabirds through vessel activities, and to set measures to minimise risk to marine mammals through collision with vessels.</i></p>				
<p>43</p>	<p>Marine Mammal Mitigation Protocol</p> <p>The Licence Holder must submit a Marine Mammal Mitigation Protocol to the Licensing Authority for written approval at least 4 months prior to commencement of piling activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Marine Mammal Mitigation Plan detailed in condition 3.31.1 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.</p> <p><i>Reason: To minimise the risk to marine mammals through piling activities.</i></p>	<p>3.31</p>	<p>3.31</p>	<p>n/a licensable activities do not include piling works</p>	<p>n/a licensable activities do not include piling works</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
44	<p>Environmental Monitoring Plan</p> <p>The Licence Holder must submit an Environmental Monitoring Plan (EMP) including the specification of the Pre-construction, construction and Post construction Monitoring to the Licensing Authority for written approval. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The EMP must include but not limited to, specification for;</p> <ul style="list-style-type: none"> i) monitoring, including methodologies and timings; ii) physical and ecological pre- and post- construction monitoring surveys to take place across the construction area; iii) monitoring surveys designed to ensure minimal disturbance to, and loss of key benthic habitats and species during the construction including the identification of areas for micro-sitting where possible; iv) underwater noise monitoring to measure noise generated from piled foundations; v) ornithological monitoring plan, and vi) timetable for related reporting. 	3.32	3.32	3.28	n/a licensable activities are taking place below the seabed.

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>The Licence Holder must ensure that any actions outlined in the EMP detailed in condition 3.32.1 of ORML2233G and ORML2233T and condition 3.28.1 of ORML2233L 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</p> <p>The pre-construction monitoring EMP required under condition 3.32.1 of ORML2233G and ORML2233T and condition 3.28.1 of ORML2233L must be submitted to the Licensing Authority for written approval at least 4 months before surveys are due to commence.</p> <p>The construction monitoring EMP required under condition 3.32.1 of ORML2233G and ORML2233T and condition 3.28.1 of ORML2233L must be submitted to the Licensing Authority for written approval at least 4 months prior to construction.</p> <p>The post construction monitoring EMP required under condition 3.32.1 of ORML2233G and ORML2233T and condition 3.28.1 of ORML2233L must be submitted to the Licensing Authority for written approval at least 4 months prior to operation of the Wind Turbine Generators.</p>				

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>The Licence Holder must submit environmental monitoring reports for approval to the Licensing Authority in accordance with the timetable approved within the Environmental Monitoring Plan.</p> <p><i>Reason: To ensure that suitable monitoring is carried out and information collated during monitoring is robust and tailored to detect changes from the baseline, testing predictions.</i></p>				
45	<p>UK Marine Noise Registry</p> <p>The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the proposed dates and locations and nature of the Impact Pile Driving Activities at least 10 days prior to its commencement.</p> <p>The Licence Holder must amend the marine noise registry proposed activity form should the timing of the Impact Pile Driving alter or no longer remain part of the project.</p> <p>The Licence Holder must complete an entry into the Marine Noise Registry detailing the actual dates, location(s) and nature of the Impact Pile Driving every 6 months following the commencement of Impact Pile Driving until the completion of Impact Pile Driving with the final entry to be completed within 8 weeks of completion of the noisy activity.</p> <p><i>Reason: To ensure noisy activities are recorded as part of the UK commitment to the Marine Strategy Framework Directive (MSFD).</i></p>	3.33	3.33	n/a licensable activities do not include piling works	n/a licensable activities do not include piling works

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
<p>46</p>	<p>Scour Protection Management Plan</p> <p>The Licence Holder must submit a Scour Protection Management Plan to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Scour Protection Management Plan detailed in condition 3.34.1 of ORML2233G and ORML2233T and condition 3.29.1 of ORML2233L 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.</p> <p><i>Reason: To consider the need for scour protection where there is potential for scour to develop around wind farm infrastructure.</i></p>	<p>3.34</p>	<p>3.34</p>	<p>3.29</p>	<p>n/a licensable activities are taking place below the seabed.</p>
<p>47</p>	<p>Marine Archaeology</p> <p>The Licence Holder must submit a Protocol for Archaeological Discoveries (PAD) to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p>	<p>3.35</p>	<p>3.35</p>	<p>3.30</p>	<p>n/a The entry and exit points for the trenchless crossing will be landward of mean high water springs, and</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>The Licence Holder must ensure that any actions outlined in the PAD detailed in condition 3.35.1 of ORML2233G and ORML2233T and condition 3.30.1 of ORML2233L 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.</p> <p>The Licence Holder must submit an Offshore Written Scheme of Investigation (Offshore WSI) to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity or an individual phase of Licenced Activities. The Offshore WSI must be in accordance with the outline Offshore WSI (Application Reference 8.3 Outline Offshore Archaeological Written Scheme of Investigation). No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The Offshore WSI must detail the archaeological assessment and mitigation works offshore and within the inter-tidal area including providing the position and extent of Archaeological Exclusion Zones and establish methods for their monitoring.</p> <p>The Licence Holder must ensure that any actions outlined in the Offshore WSI detailed in condition 3.35.3 ORML2233G and ORML2233T and condition 3.30.3 of ORML2233L are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be</p>				<p>licensable works are included by the developer as part of the onshore export cable corridor. As such measures relating to archaeology will be appropriately secured through the onshore WSI secured through the Development Consent Order (Requirement 12 of the DCO).</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.</p> <p><i>Reason: To minimise impact to the Historic Environment and ensure the integrity of archaeologically important items are not compromised.</i></p>				
48	<p>Fisheries Co-Existence and Liaison Plan</p> <p>The Licence Holder must submit a Fisheries Co-Existence and Liaison Plan to the Licensing Authority for written approval at least 4 months prior to commencement of the Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Fisheries Co-Existence and Liaison Plan detailed in condition 3.36.1 of ORML2233/G and ORML2233/T and condition 3.33.1 of ORML2233/L 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.</p> <p><i>Reason: To minimise disruption to the fishing industry and ensure the safety of navigation.</i></p>	3.36	3.36	3.31	n/a licensable activities are taking place below the seabed.
49	Chemical Risk Assessment (CRA)	3.37	3.37	3.32	n/a

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>The Licence Holder must produce and implement a CRA report. The Licence Holder must ensure that the CRA report is available for inspection at all reasonable times at the location detailed in paragraph 3.9 by the Licensing Authority and/or Marine Enforcement Officers.</p> <p>The CRA must include details of:</p> <p>(i) how and when the chemicals are used, stored and transported;</p> <p>(ii) best practice guidelines for the equipment/techniques used, and</p> <p>(iii) an assessment of the integrity of the equipment and the risk of spills.</p> <p><i>Reason: To minimise the risk of pollution incidents occurring by adopting best practice techniques.</i></p>				
50	<p>Navigation Monitoring Specification</p> <p>The Licence Holder must ensure that a Navigation Monitoring Specification for pre-construction and post construction navigation monitoring survey is submitted to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activities or an individual phase of Licenced Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. Unless otherwise approved by the</p>	3.38	3.38	3.33	n/a licensable activities are taking place below the seabed.

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>Licensing Authority, the Navigation Monitoring Specification must include but not limited to:</p> <ul style="list-style-type: none"> i) Detailed swath bathymetric survey to IHO Order 1a of the Licensable Area extending to appropriate buffer around the site. ii) All proposed cable routes. iii) Vessel traffic monitoring by automatic identification system (AIS) for the duration of the construction period and for three consecutive years following the completion of the construction of the authorised project, unless otherwise agreed with the Licensing Authority. iv) Detail of the programme/timetable of monitoring and reporting. v) Proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables. vi) Compliance with MGN 654 (Safety of Navigation: Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response), (or any successor document) 				

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developer including the submission of full density data and reports to the Maritime and Coastguard Agency and the UK Hydrographic Office for the update of nautical charts and publications.</p> <p>The Licence Holder must ensure that any actions outlined in the Navigation Monitoring Specifications detailed in condition 3.38.1 of ORML2233G and ORML2233T and condition 3.33.1 of ORML2233L 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.</p> <p>The Licence Holder must submit a report to the Licensing Authority for written approval in line with timetable agreed in the Navigation Monitoring Specification.</p> <p>In accordance with condition 3.38.1 of ORML2233G and ORML2233T and condition 3.33.1 of ORML2233L the Licence Holder must complete hydrographic surveys of the Licensed Area, or subsections thereof, to the IHO Order 1a survey standard. On completion of these surveys the results and corresponding report of surveys must be submitted to the UK Hydrographic Office, with notification to the Maritime and Coastguard Agency.</p> <p><i>Reason: To ensure the safety of navigation.</i></p>				

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
<p>51</p>	<p>Disposal Returns</p> <p>Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted by 31 January and 31 July each year. The returns must specify the full Licence number and amount deposited (tonnage) each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.</p> <p>If this Licence expires during the course of the calendar year and is not superseded by a further Licence relating to the Licensed Activities, a certified return of quantities of substances or articles deposited under this Licence shall be submitted not later than 28 working days after the Licence End Date.</p> <p><i>Reason: To ensure the compliance with Licensed dredge disposal amounts and locations and reporting to OSPAR commission.</i></p>	<p>3.39</p>	<p>3.39</p>	<p>n/a licensable activities do not include disposal of dredged material.</p>	<p>n/a licensable activities do not include disposal of dredged material.</p>
<p>52</p>	<p>Inspection of Disposal Vessel</p> <p>Subject to meeting any mandatory health and safety obligations, the Licence Holder must provide, at reasonable notice, access and, if necessary, appropriate transportation to the disposal vessel to facilitate any inspection that the Licensing Authority, or Marine Enforcement Officers consider may be necessary.</p> <p><i>Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.</i></p>	<p>3.40</p>	<p>3.40</p>	<p>n/a licensable activities do not include disposal of dredged material.</p>	<p>n/a licensable activities do not include disposal of dredged material.</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
53	<p>Record of Quantity of Disposed Material</p> <p>The Licence Holder must keep a written log of Disposal Activities at the Designated Disposal Site as described in Table 2. This log must be available for inspection by appropriately authorised officers of the Licensing Authority and Marine Enforcement Officers. The Log must contain the following information:</p> <ul style="list-style-type: none"> • the name of the vessel; • the quantity and type of each substance disposed at sea; • the date and time of Disposal Activities, and • latitude and longitude position (in WGS84) of the deposit within the Designated Disposal Site. <p><i>Reason: To allow the Licensing Authority and Marine Enforcement Officers to check compliance with the Licence.</i></p>	3.41	3.41	n/a licensable activities do not include disposal of dredged material.	n/a licensable activities do not include disposal of dredged material.
54	<p>Decommissioning Programme</p> <p>The Licence Holder must submit a Decommissioning Programme for the approval of the Licensing Authority at least 4 months prior to commencement of any Licensed Activities or an individual phase of Licenced Activities.</p> <p>The Decommissioning Programme must include a timetable and decommissioning method statement. No Licensed Activities may</p>	3.42	3.42	3.34	n/a The entry and exit points for the trenchless crossing will be landward of mean high water springs, and licensable works

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<p>be undertaken prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must review and submit an updated Decommissioning Programme for the approval of the Licensing Authority at least 4 months prior to any decommissioning work taking place. No decommissioning work can take place prior to written approval from the Licensing Authority.</p> <p>The Licence Holder must ensure that any actions outlined in the Decommissioning Programme detailed in condition 3.42.3 of ORML2233G and ORML2233T and condition 3.34.3 of ORML2233L 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.</p> <p>The Licence Holder must ensure that all Wind Turbine Generators, cables and associated infrastructure are decommissioned prior to the Licence End Date unless otherwise approved by the Licensing Authority.</p> <p>Post Decommissioning the Licence Holder must conduct a swath bathymetric survey of the cable route and the installed generating assets area and provide the data and survey report(s) to the Maritime and Coastguard Agency and UK Hydrographic Office.</p>				<p>are included by the developer as part of the onshore export cable corridor. As such Decommissioning of the activity will be secured through the onshore decommissioning programme which is controlled by Requirement 22 of the Development Consent Order therefore is not duplicated in the Marine Licence.</p>

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Condition reference	Condition and Reason	ORML2233G relevant condition	ORML2233T relevant condition	ORML2233L relevant condition	ORML2233C relevant condition
	<i>Reason: To minimise the impacts to the marine environment and ensure the safety of navigation during decommissioning activities.</i>				
55	<p>Compliance Report</p> <p>The Licence Holder must produce and submit a report on compliance with the conditions in this Marine Licence for the approval of the Licensing Authority at least 2 months prior to commencement of the Licensed Activities or an individual phase of Licenced Activities.</p> <p>The report must identify where the monitoring has been or is to be undertaken for each phase of construction and identify relevant plans and how conditions have been and are to be addressed. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p> <p><i>Reason: To ensure compliance with the licence prior to commencement of Licensed activities.</i></p>	3.43	3.43	3.35	n/a

10 ANNEX 2

Documents submitted in support of the licence application submitted 30 May 2022.

Ref	Document Title	Comments
RW123.0	Application Form	Application form updated 17 June 2022 after duly making request.
ML2.13.1	Marine Licence Area Coordinates (Generation, Interlink and Transmission)	
1.4.1	Guide to the Marine Licence Application	
2.13	Marine Licence Plan Areas Map	
5.2.	RIAA_vFinal.pdf	
5.2.1.	RIAA_Annex1_HRA_Screening_Update_Non-Ornithology_vFinal	
5.2.2.	ES_RIAA_Annex2_HRA_Screening_Update_Ornithology_vFinal	
5.2.3.	ES_RIAA_Annex3_HRA_European_Site_Information_vFinal	
5.2.4.	ES_RIAA_Annex4_HRA_Bottlenose_Dolphin_and_Grey_Seal_Additional_Information_vFinal	
5.2.5.	ES_RIAA_Annex5_Ornithology_Appportioning_Note_vFinal	
5.2.6.	RIAA_Annex6_Screening_Matrices_vFinal	
5.2.7.	RIAA_Annex7_Integrity_Matrices_vFinal	
5.2.8.	ES_RIAA_Annex8_RTD_DistributionEvidenceNote_vFinal	
5.4.	Other Consents and Licences_vFinal	
5.4.1.	MarineLicencePrinciples_vFinal	
6.7.1.	Non-technical_Summary_English_vFinal	
6.7.2.	Non-technical_Summary_Welsh_vFinal	
6.8.1.	Scoping Opinion	
6.1.1.	ES_Volume1_Chapter1_Introduction_vFinal.	
6.1.2.	ES_Volume1_Chapter2_PolicyandLegislation_vFinal	

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6.1.3.	ES_Volume1_Chapter3_EIA_Methodology_vFinal	
6.1.4.	Volume1Chapter4_SSA_vFinal	
6.1.3.1.	ES_Volume1_Annex3.1_CEA_vFinal	
6.1.3.2	ES_Volume1_Annex3.2_TransboundaryScreening_vFinal	
6.1.4.1	ES_Volume1_Annex4.1_SSAIdentificationofAreaofSearchReport_vFinal	
6.1.4.2	ES_Volume1_Annex4.2_SSAShortlistingOutcomesReport_vFinal	
6.2.1	ES_Volume2_Chapter1_OffshorePD_vFinal	
6.2.2	ES_Volume2_Chapter2_MarinePhysProc_vFinal	
6.2.3	ES_Volume2_Chapter 3_MWSQ_vFinal	
6.2.4	ES_Volume2_Chapter4_OffshoreOrnithology_vFinal	
6.2.5	ES_Volume2_Chapter5_Benthic_Ecology_vFinal	
6.2.6	ES_Volume2_Chapter6_Fish&Shellfish_vFinal	
6.2.7	ES_Volume2_Chapter7_MarineMammals_vFinal	
6.2.8	ES_Volume2_Chapter8_CommercialFisheries_vFinal	
6.2.9	ES_Volume2_Chapter9_ShippingandNavigation_vFinal	
6.2.10.	ES_Volume2_Chapter10_SeascapeLandscapeVisual_vFinal	
6.2.11	ES_Volume2_Chapter11_Offshore_Archaeology_vFinal.	
6.2.12	ES_Volume2_Chapter12_OMU_vFinal	
6.2.13	ES_Volume2_Chapter13_Aviation_vFinal	
6.2.14	ES_Volume2_Chapter14_Inter-relationships_vFinal	
6.2.15	ES_Volume2_Chapter15_OffshoreConclusions_vFinal	
6.3.1	ES_Volume3_Chapter1_OnshorePD_Final	
6.3.5	ES_Volume3_Chapter5_Onshore Biodiversity_Final	
6.4.2.1	ES_Volume4_Annex2.1_PhysProBaseline_vFinal	
6.4.2.2	ES_Volume4_Annex2.2_Mod_Calib_vFinal	
6.4.2.3	ES_Volume4_Annex2.3_PhysProResults_vFinal	

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6.4.2.4.1	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part1	
6.4.2.4.2	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part2	
6.4.2.4.3	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part3	
6.4.2.4.4	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part4	
6.4.2.4.5	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part5	
6.4.2.4.6	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part6	
6.4.2.4.7	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part7	
6.4.2.4.8	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part8	
6.4.2.4.9	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part9	
6.4.2.4.10	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part10	
6.4.2.4.11	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part11	
6.4.2.4.12	ES_Volume4_Annex2.4_GeologicalResultsArray_vFinal_Part12	
6.4.2.5.1	ES_Volume4_Annex2.5_GeologicalResultsECC_vFinal_Part1	
6.4.2.5.2	ES_Volume4_Annex2.5_GeologicalResultsECC_vFinal_Part2	
6.4.2.5.3	ES_Volume4_Annex2.5_GeologicalResultsECC_vFinal_Part3	
6.4.2.5.4	ES_Volume4_Annex2.5_GeologicalResultsECC_vFinal_Part4	
6.4.3.1.	ES_Volume4_Annex3.1_WFDAAssessment_vFinal.pdf	
6.4.4.1.	ES_Volume4_Annex4.1_OffshoreOrnithologyBaseline_vFinal	
6.4.4.2.	ES_Volume4_Annex4.2_OffshoreOrnithologyDisplacement_vFinal	
6.4.4.3.	ES_Volume4_Annex4.3_OffshoreOrnithologyCRM_Final	
6.4.4.4.	ES_Volume4_Annex4.4_MigratoryCRM_vFinal	
6.4.4.5.	ES_Volume_4_Annex4.5_Scoping&ConsultationResponsesAnnex_vFinal	
6.4.4.6.	ES_Volume4_Annex4.6_OffshoreOrnithologyPVA_Final.pdf	
6.4.5.1.	ES_Volume4_Annex5.1_BenthicCharacterisationArray_vFinal	

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6.4.5.2.	ES_Volume4_Annex5.2_BenthicCharacterisationECC_vFinal	
6.4.5.3.	ES_Volume4_Annex5.3_BenthicCharacterisationIntertidal_vFinal	
6.4.6.1.	ES_Volume4_Annex6.1_Fish_Shellfish_Ecology_Technical_Baseline_Report_vFinal	
6.4.6.2.	ES_Volume4_Annex6.2_UnderwaterNoiseReport_vFinal	
6.4.7.1.	ES_Volume4_Annex7.1_MarineMammalBaseline_vFinal	
6.4.7.2.	ES_Volume4_Annex7.2_MMMP_vFinal	
6.4.7.3.	ES_Volume4_Annex7.3_MarineMammalQuantitativeAssessmentAssumptions_vFinal	
6.4.8.1.	ES_Volume4_Annex8.1_CommercialFisheriesBaseline_Final	
6.4.8.2.	ES_Volume4_Annex_8.2_CommercialFisheriesConsultationRecord_vFinal	
6.4.9.1.	ES_Volume4_Annex9.1_NRA_vFinal	
6.4.10.1.	ES_Volume4_Annex10.1_SLVIAMethodology_vFinal	
6.4.10.2.	ES_Volume4_Annex10.2_ConsultationSLVIA_vFinal	
6.4.10.3.	ES_Volume4_Annex10.3_SimpleAssessment_vFinal	
6.4.10.4.	ES_Volume4_Annex10.4_VisFrequency_vFinal	
6.4.10.5.	ES_Volume4_Annex10.5_Policy_vFinal	
6.4.11.1.	ES_Volume4_Annex11.1_OffshoreArchaeologyDBA_vFinal	
6.4.12.1.	ES_Volume4_Annex12.1_CharterAnglingBaseline_Final	
6.4.12.1.1	ES_Volume4_Annex12.1_CharterAnglingBaseline_Final	
6.5.5.3.	ES_Volume5_Annex5.3_AyM_Wintering_Birds_Survey_Report_Final	
6.5.5.8.	ES_Volume5_Annex5.8_BreedingBirdsSurvey_Final.pdf	
6.5.5.11.	ES_Volume5_Annex5.11_NoiseModellingForImportantOrnithologicalFeatures_Final	
6.6.10.4.1	SLVIA_Fig_1_Study Area	
6.6.10.4.2	SLVIA_Fig_2a_MDS_A_Layout	

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6.6.10.4.3	SLVIA_Fig_2b_MDS_B_Layout	
6.6.10.4.4	SLVIA_Fig_2c_SNP_AONB_sensitivity	
6.6.10.4.5	SLVIA_Fig_3_Landform	
6.6.10.4.6	SLVIA_Fig_4_SCA_National	
6.6.10.4.7	SLVIA_Fig_5_SCA_Regional	
6.6.10.4.8	SLVIA_Fig_6_LCA_National	
6.6.10.4.9	SLVIA_Fig_7a_LCA_Regional	
6.6.10.4.10	SLVIA_Fig_7b_LCA_Legend	
6.6.10.4.11	SLVIA_Fig_8_Designations	
6.6.10.4.12	SLVIA_Fig_9_LANDMAP	
6.6.10.4.13	SLVIA_Fig_10a_Light_Pollution	
6.6.10.4.14	SLVIA_Fig_10b_Tranquility	
6.6.10.4.15	SLVIA_Fig_11_VR	
6.6.10.4.16	SLVIA_Fig_12a_BT_ZTV_MDS_A	
6.6.10.4.17	SLVIA_Fig_12b_HH_ZTV_MDS_A	
6.6.10.4.18	SLVIA_Fig_12c_CZTV_MDS_A	
6.6.10.4.19	SLVIA_Fig_13a_BT_ZTV_MDS_B.	
6.6.10.4.20	SLVIA_Fig_13b_HH_ZTV_MDS_B	
6.6.10.4.21	SLVIA_Fig_13c_CZTV_MDS_B	
6.6.10.4.22	SLVIA_Fig_14_HZTV_MDS_A	
6.6.10.4.23	SLVIA_Fig_15_ZTV_SCA_A1	
6.6.10.4.24	SLVIA_Fig_16_ZTV_LCA_A1_Part1	
6.6.10.4.25	SLVIA_Fig_16_ZTV_LCA_A1_Part2	
6.6.10.4.26	SLVIA_Fig_17_1_BT_ZTV_VR_A1_Part1	
6.6.10.4.27	SLVIA_Fig_17_1_BT_ZTV_VR_A1_Part2	
6.6.10.4.28	SLVIA_Fig_17_2_HH_ZTV_VR_A1_Part1	
6.6.10.4.29	SLVIA_Fig_17_2_HH_ZTV_VR_A1_Part2	

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6.6.10.4.30	SLVIA_Fig_18_ZTV_LD_A1_Part1	
6.6.10.4.31	SLVIA_Fig_18_ZTV_LD_A1_Part2	
6.6.10.4.32	SLVIA_Fig_19_ZTV_WCP_A1	
6.6.10.4.33	SLVIA_Fig_20_ZTV_Met_Office_A1	
6.6.10.4.34	SLVIA_Fig_21_Aviation_Lights_MDS_A_A1	
6.6.10.4.35	SLVIA_Fig_22_Aviation_Lights_MDS_B_A1	
6.6.10.4.36	SLVIA_Fig_23_CZTV_MDS_A_and_B	
6.6.10.4.37	SLVIA_Fig_24_CZTV_OWF	
6.6.10.4.38	SLVIA_Fig_25_CZTV_OWF_MDS_A	
6.6.10.4.39	SLVIA_Fig_26_CZTV_Onshore_IoA	
6.6.10.4.40	SLVIA_Fig_27_CZTV_Onshore_CD	
6.6.10.5.1	SLVIA_Fig_28a-e_VP1_Bull_Bay_near_Amlwch- Wales_Coast_Path	
6.6.10.5.2	SLVIA_Fig_29a-i_VP2_Point_Lynas_- _PRoW_to_north_of_lighthouse	
6.6.10.5.3	SLVIA_Fig_30a-g_VP3_Mynydd_Eilian_-near_trig_point	
6.6.10.5.4	SLVIA_Fig_31a-o_VP4_Moelfre_Headland_at_sculpture	
6.6.10.5.5	SLVIA_Fig_32a-e_VP5_Red_Wharf_Bay	
6.6.10.5.6	SLVIA_Fig_33a-g_VP6_Bwrdd_Arthur_-north_of_trig_point	
6.6.10.5.7	SLVIA_Fig_34a-h_VP7_Penmon_Point_-north- east_of_parking	
6.6.10.5.8	SLVIA_Fig_35a-h_VP8_Beaumaris_-Wales_Coast_Path	
6.6.10.5.9	SLVIA_Fig_36a-e_VP9_Bangor_Pier_(Southern_End)	
6.6.10.5.10	SLVIA_Fig_37a-i_VP10_Carnedd_Llewelyn	
6.6.10.5.11	SLVIA_Fig_38a-e_VP11_Llanfairfechan	
6.6.10.5.12	SLVIA_Fig_39a-i_VP12_Conwy_Mountain	
6.6.10.5.13	SLVIA_Fig_40a-n_VP13_Great_Orme_- _near_summit_complex	

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6.6.10.5.14	SLVIA_Fig_41a-e_VP14_Wales_Coast_Path_near_Penrhyn_(Traeth_yr_Ora)	
6.6.10.5.15	6.6.10.5.15_AyM_SLVIA_Fig_42a-e_VP15_Great_Orme_-_Café.pdf	
6.6.10.5.16	SLVIA_Fig_43a-e_VP16_Benlech_Bay_View_Road	
6.6.10.5.17	SLVIA_Fig_44a-g_VP17_Penrhyn_Castle_terrace	
6.6.10.5.18	SLVIA_Fig_45a-h_VP18_Llandudno_paddling_pool	
6.6.10.5.19	SLVIA_Fig_46a-c_VP19_Rhos-on-Sea	
6.6.10.5.20	SLVIA_Fig_47a-f_VP20_Bryn_Euryn_O3	
6.6.10.5.21	SLVIA_Fig_48a-e_VP21_Mynydd_Marian	
6.6.10.5.22	SLVIA_Fig_49a-m_VP22_Abergele_promenade	
6.6.10.5.23	SLVIA_Fig_50a-f_VP23_Rhyl_Aquarium	
6.6.10.5.24	SLVIA_Fig_51a-i_VP24_Graig_Fawr	
6.6.10.5.25	SLVIA_Fig_52a-e_VP25_Prestatyn_Nova_Centre	
6.6.10.5.26	SLVIA_Fig_53a-c_VP26_Bryn-Ilwyn_Viewpoint_(Prestatyn_Hillside_viewpoint,_Gwaenysgor).pdf	
6.6.10.5.27	SLVIA_Fig_54a-f_VP27_Point_of_Ayr	
6.6.10.5.28	SLVIA_Fig_55a-e_VP28_Trwyn_y_Penrhyn_parking_layby	
6.6.10.5.29	SLVIA_Fig_56a-g_VP29_Colwyn_Bay_promenade	
6.6.10.5.30	SLVIA_Fig_57a-b_VP30_Hilbre_Point	
6.6.10.5.31	SLVIA_Fig_58a-b_VP31_Crosby	
6.6.10.5.32	SLVIA_Fig_59a-b_VP32_Formby_Lifeboat_Station_(Formby_Point)	
6.6.10.5.33	SLVIA_Fig_60a-b_VP33_Southport_(pier)	
6.6.10.5.34	SLVIA_Fig_61a-e_VP34_Snowdon_summit	
6.6.10.5.35	SLVIA_Fig_62a-b_VP35_Blackpool_Tower	
6.6.10.5.36	SLVIA_Fig_63a-g_VP36_Tal_y_Fan	
6.6.10.5.37	SLVIA_Fig_64a-e_VP37_Cefn_Coch_Stone_Circle	

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6.6.10.5.38	SLVIA_Fig_65a-g_VP38_Foel_Fras	
6.6.10.5.39	SLVIA_Fig_66a-b_VP39_North_Wales_Path_at_Garreg_Fawr	
6.6.10.5.40	SLVIA_Fig_67a-e_VP40_Above_Capelulo_-_North_Wales_Path	
6.6.10.5.41	SLVIA_Fig_68a-b_VP41_Wales_Coast_Path_north-east_of_Rhôs-mynach-fawr	
6.6.10.5.42	SLVIA_Fig_69a-g_VP42_Mynydd_Bodafon_-_Trig_Point	
6.6.10.5.43	SLVIA_Fig_70a-e_VP43_Mynydd_y_Garn	
6.6.10.5.44	SLVIA_Fig_71a-e_VP44_Beaumaris_Castle	
6.6.10.5.45	SLVIA_Fig_72a-c_VP45_Conwy_Castle_-_Chapel_Tower	
6.6.10.5.46	SLVIA_Fig_73a-d_VP49_Menai_Suspension_Bridge	
6.6.10.5.47	SLVIA_Fig_74a-e_VP50_Gwrych_Castle_-_Terrace	
6.6.10.5.48	SLVIA_Fig_75a-c_VP52_Pen-y-Dinas_Camp_at_interpretation_sign	
6.6.10.5.49	SLVIA_Fig_76a-b_VP53_Puffin_Island	
6.6.10.5.50	SLVIA_Fig_77a-c_VP54_y_Foel_(Common_land_and_hill_east_of_Dyserth)	
6.6.10.5.51	SLVIA_Fig_78a-b_VP55_Footpath_above_Cilgwyn_Mawr	
6.6.10.5.52	SLVIA_Fig_79a-c_VP56_Pen-y-corddyn-mawr	
6.6.10.5.53	SLVIA_Fig_80a-c_VP57_Moelfre_Isaf	
6.6.10.5.54	SLVIA_Fig_81a-b_VP58_Little_Orme_on_the_Wales_Coast_Path	
6.6.10.5.55	SLVIA_Fig_82a-e_VP59_Llandundo_promenade_-_lifeboat_slipway_-_Copy	
6.6.10.5.56	SLVIA_Fig_83a-g_VP60_Foel_Lus	
6.6.10.5.57	SLVIA_Fig_84a-k_VP61_Llandudno_Promenade_near_Venue_Cymru	
6.6.10.5.58	SLVIA_Fig_85a-e_VP62_Great_Orme_Marine_Drive_Wales_Coast_Path_near_Toll_Booth	
6.6.10.5.59	SLVIA_Fig_86a-c_VP63_A55_at_Penmaenmawr	

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6.6.10.5.60	SLVIA_Fig_87a- c_VP64_A55_at_Puffin_Roundabout_Dwygyfylch	
6.6.10.5.61	SLVIA_Fig_88a- c_VP65_A55_at_jetty_north_of_Penmaen_Rhôs	
6.6.10.5.62	SLVIA_Fig_89a- h_VP66_Liverpool_to_Dublin_Ferry_route_north_of_Great_Or me	
6.6.10.5.63	SLVIA_Fig_90a- e_VP67_Liverpool_to_Dublin_Ferry_route_north_of_Conwy_B ay	
8.1.2	WNMPcompliance	
8.2.1	ES_Report8.2_Annex1_EvidencePlanReportAppendicesAtoC	
8.2.2	ES_Report8.2_Annex2_EvidencePlanReportAppendicesDtoF	
8.2	EvidencePlan_vFinal	
8.3	OffshoreWSI	
8.5	Fisheries-Cooperation-Strategy	
8.7	O&M_Final	
8.9	Disposal_Site_Characterisation_vFINAL	
8.11	ScheduleofMitigation	
8.12	ScheduleofMonitoring_vFinal	

Information submitted from applicant following request from Royal Commission on the Ancient and Historic Monuments of Wales submitted on 07 July 2022.

Ref	Title	Comments
6.3.8	Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage	
6.5.8.1	Volume 5, Annex 8.1: Archaeological Desk-Based Assessment	
6.5.8.3	Volume 5, Annex 8.3: Detailed Gradiometer Survey Report	
6.5.8.4	Volume 5, Annex 8.4: Outline Onshore Archaeological Watching Brief 2021	
6.5.8.5	Volume 5, Annex 8.5: Onshore WSI	

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Information submitted 25 November 2022 following further information request letter dated 8 September 2023

Ref	Title	Submission Date	Comment
ML-1.1	Applicant's Response to NRW-MLT Request for Further Information_RevA	25 November 2022	
ML-1.2	ResponsetoMLConsultation_RevA	25 November 2022	
ML-1.3	Offshore Ornithology Clarification Note RevA	25 November 2022	
ML-1.4	Marine Ornithology Great Orme Assessment_Clean_RevB	25 November 2022	
ML-1.5	Clarification Note on Predicted Impacts Apportioned to Isle of Man designated Sites RevB	25 November 2022	
ML-1.6	Fish and Shellfish Clarification Note RevB	25 November 2022	
ML-1.7	Marine Water and Sediment Quality Clarification Note Rev B	25 November 2022	
ML-1.8	Marine Mammal Clarification Note RevB	25 November 2022	
ML-1.9	Marine Vessel Emissions Clarification Note RevB	25 November 2022	
ML-1.10	Applicant's Response to NRW Request for Further information RevA	25 November 2022	
ML-1.11	Contaminants Analysis Method Statement RevA	25 November 2022	
ML-1.12	Contaminants analysis results presented in NRW sediment sampling template form RevA	25 November 2022	
ML-1.13	Clwyd Estuary Crossing ML Application Form	25 November 2022	
ML-1.14	Marine Licence Principles Document (Clean	25 November 2022	
ML-1.15	Marine Licence Principles Tracked RevD	25 November 2022	
ML-1.16	Schedule of Mitigation RevD	25 November 2022	

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ML-1.17	Application Documents Tracker RevA	25 November 2022	
ML-1.18	Table of Environmental Statement Conclusion RevA	25 November 2022	
ML-1.19	Response to WxQ1 ML Relevant RevA	25 November 2022	
ML-1.20	Figure of French Sites Screened into RIAA RevA	25 November 2022	
ML-1.21	Fisheries Liaison & Co-Existence Plan RevB	25 November 2022	
ML-1.22	Plan of Watercourse Crossings: Part 1 (Figures 1-10)	25 November 2022	
ML-1.23	Table of Wind Turbine Generator Maximum Design Scenarios RevA	25 November 2022	
ML-1.24	Cumulative Effects Assessment Clarification Note RevA	25 November 2022	
ML-1.25	Applicant's Marine Licence Relevant Response to Written Representation from NRW RevA	25 November 2022	
ML-1.26	Level B Harassment Threshold Comparison Note RevA	25 November 2022	
ML-1.27	Statement of Common Ground 05: NRW – SLVIA RevB	25 November 2022	
ML-1.28	Statement of Common Ground 06: NRW – Offshore RevB	25 November 2022	
ML-1.29	Statement of Common Ground 07: NRW – Onshore RevB	25 November 2022	
ML-1.30	Marine Ornithology Great Orme Assessment (Tracked)	25 November 2022	
ML-1.31	Statement of Common Ground Trinity House RevB	25 November 2022	
ML-1.32	Statement of Common Ground 15 JNCC RevB	25 November 2022	
ML-1.33	Statement of Common Ground 11 Maritime and Coastguard Agency RevB	25 November 2022	
ML-1.34	Clwyd Crossing Marine Licence Application Covering Letter RevA	25 November 2022	
ML-1.35	River Clwyd HDD Crossing Marine Licence Area Coordinates RevA	25 November 2022	
ML-1.36	Clwyd Crossing ML Application Plan RevA	25 November 2022	
ML-1.37	ES Volume 3, Chapter 7: Hydrology, Hydrogeology and Flood Risk RevB	25 November 2022	

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ML-1.38	ES Volume 5, Annex 7.5: Afon Clwyd Trenchless Crossing Works HDD RevA	25 November 2022	
ML-1.39	Outline Construction Method Statement RevD	25 November 2022	
ML-1.40	Outline Noise and Vibration Management Plan RevC	25 November 2022	
ML-1.41	Outline Pollution Prevention and Emergency Incident Response Plan RevC	25 November 2022	
ML-1.42	Outline Code of Construction Practice RevD	25 November 2022	
ML1.12	Contaminants analysis results presented in NRW sediment sampling template form Rev B	12 January 2023	

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Updated documents and Application response to consultation comments

Ref	Title	Date submitted	Comments
4.8	Applicant Response to R17Q1.1 RevA	30 January 2023	
4.17	Marine Licence Principle Clean RevE	08 March 2023	
4.17	Marine Licence Principles Tracked RevE	08 March 2023	
2.1	Response to ML Re-Construction RevA	08 March 2023	
2.2	Marine Licence Principles Clean RevG	08 March 2023	
2.2	Marine Licence Principles Tracked RevG	08 March 2023	
2.3	Schedule of Mitigation and Monitoring RevF	08 March 2023	

Updated documents that had been presented during the examination of the DCO but are relevant to the Marine Licence determination submitted on 24 March 2023

Ref	Title	Comments
X	Document Tracker_RevF	
4.21	SoCG_8_Cadw_RevC	
4.22	SoCG_15_JNCC_RevC	
4.23	SoCG_TrinityHouse_RevC	
4.24	SoCG_CoS_RevB	
5.7	Designated Landscapes and Relevant Tests RevA	
5.6	Life Cycle Assessment for the Awel y Mor Offshore Windfarm RevA	
7.30	SoCG_16_NWWT_RevC	
7.31	SoCG_11_Maritime_and_Coastguard_Agency_RevC	
7.32	SoCG_02_DCC_RevD	
8.11	Marine_Licence_Principles_Clean_RevH	
8.11	Marine Licence Principles Tracked	
8.12	Schedule_of_Mitigation_and_Monitoring_Clean_RevG	

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8.18	Other_Consents_and_Licences_Clean_RevB	
8.23	Applicant's Comments on NSIP Action Plan and Opportunities for Offshore Environmental Net_Gain_RevA	
8.31	SoCG_03_CCBC_RevC	
8.32	SoCG_04_Isle_of_Anglesey_County_Council_RevC	
8.33	SoCG_05_NRW_SLVIA_RevD	
8.34	SoCG_06_NRW_Offshore_RevD	
8.35	SoCG_07_NRW_Onshore_RevD	
8.36	SoCG_09_National_Trust_RevD	
8.37	SoCG_10_Isle_of_Man_Government_RevC.	
8.38	SoCG_14_RSPB_RevB	
8.39	Application_Errata_List_Clean_RevB	
8.78	Landscape_Enhancement_Scheme_Principles_RevA	
C2.5	Joint_Position_Statement_Section_106_RevB	
CS.6	Landscape_Enhancement_and_Tourism_Fund_Update_RevC	
CS.7	SoCG_01_NWLPA_SLVIA_RevD	
CS.8	Statement_of_Commonality_for_SoCG_RevJ	