



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: EirGrid PLC
Application reference no: DEML2364

East West Interconnector Remedial Works

Deployment of concrete mattresses and rock bags at
four locations within Welsh Waters

31 January 2024

Contents

Marine Licensing Decision	1
1. APPLICATION DETAILS	4
1.1. The Application	4
2. APPLICATION PROCEDURE	6
2.1. The Application	6
2.2. Documents considered	6
2.3. Commercial Confidentiality	6
2.4. Publicity and advertising	6
2.5. Environmental impact Assessment	6
3. CONSULTATION	7
3.1. Consultees.....	7
4. BASIS FOR OUR DECISION	9
4.1. The need to protect the environment:.....	9
4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations	9
4.1.2. Biodiversity and resilience of ecosystems duty	10
4.1.3. European Protected Sites and Ramsar Sites.....	10
4.1.4. European Protected Species	12
4.1.5. Marine Conservation Zones.....	12
4.1.6. Sites of Special Scientific Interest (SSSIs).....	12
4.1.7. The Waste (England and Wales) Regulations 2011	12
4.1.8. Other matters considered relevant to the need to protect the environment.....	13
4.1.9. Conclusion of our considerations under the need to protect the Environment....	14
4.2. The need to protect human health	14
4.3. The need to prevent interference with legitimate uses of the sea	14

Application Number: DEML2364

4.4. Marine Policy Documents	15
4.5. Other matters NRW thinks relevant.....	15
4.5.2. Sustainable management of natural resources.....	16
5. Conclusions and Recommendations.....	16
6. AUTHORISATION	16
ANNEX 1	17

Application Number: DEML2364

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 4;
- 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.

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the company set out below: Company name: EirGrid PLC Company number: 338522 Address: The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4, D04 FW28
Application Reference Number	DEML2364
Date Application was duly made	08 November 2023
Proposal[s] covered by the Application	East West Interconnector (EWIC) Remedial Works: deployment of concrete mattresses and rock bags at four locations within Welsh Waters. (the Project)
Licensable marine activities	• deployment of (fronded) concrete mattresses, and • deployment of (fronded) precise rock filter units (rock bags) (the Proposed Activities)

Application Number: DEML2364

Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	DEML2364 P2226K_AHOCT31_Rev1 Updated Application form DEML2364 - P2226K_AHOCT28_Rev0_App_C_Biosecurity_Risk_Assessment DEML2364 - P2226K_R6309_Rev0_ESI Environmental Report DEML2364 - P2226K_R6310_Rev0_App_A_HRA DEML2364 - P2226K_R6311_Rev0_App_B_WFD Assessment DEML2364 - WNMP signposting - EWIC Remedial Works Rev0 DEML2364 clarification worst case scenario table 2-1 requested

Application Number: DEML2364

2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 08 November 2023. 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.

2.2. Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received by consultees as NRW considered relevant.

2.3. Commercial Confidentiality

The Applicant made no claim that any information forming part of the Application was subject to commercial confidentiality and we have not received any information in relation to the Application that appears to be commercially confidential.

2.4. Publicity and advertising

As the Proposed Activities are located offshore, no notice was given to any Local Authority as required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act).

As required by s. 68 of the 2009 Act NRW has required the Applicant to publish notice of the Application.

Public notice advertising the Project was placed in Rhyl Journal on 22 November 2023. The application documents were made available to the public by the Public Register ([Public register - Customer Portal \(naturalresources.wales\)](#)) and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

The public were given a period of 28 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.

2.5. 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 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 environmental impact assessment (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.

Having considered the Application NRW has determined that it does not constitute a development requiring EIA under the Regulations.

3. CONSULTATION**3.1. Consultees**

NRW considered it appropriate to consult the bodies listed in the table below on 28 November 2023, due to their particular expertise. These bodies were consulted for a period of 28 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	N	
Local Port Authority (Holyhead, Beaumaris, Amlwch, Menai Bridge, Conwy)	N	
Maritime & Coastguard Agency (MCA)	Y	08 January 2024
MoD - Safeguarding Defence	Y	15 December 2023
National Federation of Fishermen's Organisations (NFFO)	N	
NRW	Y	03 January 2024
Royal Society for the Protection of Birds (RSPB)	N	
Royal Yachting Association (RYA)	Y	12 December 2023
Trinity House (TH)	Y	19 December 2023
Welsh Fishermen's Association	N	
WG Marine and Fisheries Division/WG Marine Enforcement Officers	N	
Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW)	Y	19 December 2023
Chamber of Shipping	N	
NERL Safeguarding	Y	29 November 2023
JNCC	Y	14 December 2023 clarification received on 15 January 2024

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

Application Number: DEML2364

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 4 of this decision document.

4. BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW has had regard to the factors set out in section 4 below in accordance with the 2009 Act.

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

- the need to protect the environment (see section 4.1);
- the need to protect human health (see section 4.2);
- the need to prevent interference with legitimate uses of the sea (see section 4.3);
- 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 4.1 to 4.5 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 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see section 4.5 below).

4.1. 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.

4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations

a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

b) Factors relevant to our determination

Application Number: DEML2364

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

- North Wales (GB641011650000)
- The Skerries (GB611010390000)

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. WFD stage 2 scoping has been completed and concluded that the project is considered as having no risk of causing deterioration or preventing any water body or WFD Protected Area from reaching its objectives. Taking account of the advice from technical officers it is considered compliant with the Water Framework Directive/Regulations.

Based on this assessment it is considered that the Proposed Activities when considered alone and in combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status.

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

4.1.2. 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

NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

4.1.3. 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. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often

Application Number: DEML2364

SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

b) Factors relevant to our determination

The Project is located in and may affect the following European Protected Site(s):

- Liverpool Bay SPA (overlap)
- Gogledd Môn Forol / North Anglesey Marine SAC (overlap)
- Irish Seafront SPA (UK9020328) (0.8km)
- Morwenoliaid Ynys Môn / Anglesey Terns SPA (5.9km)
- Aber Dyfrdwy / Dee Estuary SAC (12km)
- Afon Dyfrdwy a Llyn Tegid / River Dee and Bala Lake SAC (37km)
- Pen Llŷn a'r Sarnau/Lleyn Peninsula and the Sarnau SAC (55km)
- Bae Ceredigion / Cardigan Bay SAC (140km)

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW Advisory (A) and JNCC, as the Appropriate Nature Conservation Bodies, were consulted on the HRA.

The following conclusions of the HRA have been considered by NRW in making this decision. An appropriate assessment was considered necessary in relation to the likely significant effects on features of overlapping sites (Liverpool SPA and North Anglesey Marine SAC), in relation to changes in supporting habitats and feature disturbance. Likely significant effects were also considered for disturbance of mobile features of Pen Llyn a'r Sarnau and Cardigan Bay SACs (bottlenose dolphin and grey seals). NRW A did not agree with the assessment approach carried out by the applicant in relation to marine mammals, and considered that the assessment would be more robust if further quantification was given surrounding the zone of influence of the disturbance and comparison to the North Anglesey Marine SAC disturbance threshold. However, due to the size, location and nature of the works NRW A agreed with the overall conclusion of the HRA, that the proposal will not adversely affect the integrity of any Natura 2000 sites without the need of any additional mitigation measure.

Likewise, JNCC agreed with the overall conclusion of the HRA but considered that the approach could be improved particularly for the ornithology assessment. JNCC did not consider that works would lead to adverse effect on features of the sites and advice was provided to support future assessment.

These advisories highlighted by the ANCBs which have been included in the Cover Letter to the Marine Licence to support the applicant on any future application.

The applicant submitted a Biosecurity Risk Assessment (*P2226K_AHOCT28_Rev0_App_C_Biosecurity_Risk_Assessment*) to control the risk of spread of INNS in support of their application. NRW A agreed with the Plan and NRW consider it appropriate to include condition 3.18 to require the Project to work in line with this plan.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Site(s) [when undertaken in accordance with appropriate conditions, i.e., condition 3.18]

4.1.4. European Protected Species

a) The legal framework

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (EPS licence) must be obtained in order, whether deliberately or accidentally, to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places.

b) Factors relevant to our determination

NRW considers that no protected species are likely to be impacted by the Project

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

4.1.5. 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 Proposed Activities on the Skomer MCZ due to its location.

4.1.6. Sites of Special Scientific Interest (SSSIs)

a) The legal framework

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (**1981 Act**) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

b) Factors relevant to our determination

NRW is satisfied that there is no impact pathway to any SSSI.

4.1.7. The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 (as amended) 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 Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011.

4.1.8. Other matters considered relevant to the need to protect the environment

Cable Protection

Although NRW A were satisfied that the works would not lead to adverse effect on a designated site and raised no objection to the proposed works advice was provided surrounding the cable protection design.

NRW A advised in relation to cable protection that the rock used is as similar as possible to that which would naturally occurs in the area where the cable protection is being placed, to encourage colonisation of local fauna. Also, with regards to the use of frond mattresses, whilst the principal of fronds accreting sediment is generally beneficial, NRW A advise that polypropylene frond mattresses are not used due to the potential for the release of microplastics directly into the benthic environment. Both advisory notes have been communicated to the applicant as part of the cover letter to the marine licence.

Historic Environment

RCAHMW confirmed that the works location where some distance from any known archaeological feature therefore no impact is predicted. However, as the works have the potential to discover previously unknown archaeological material, for example while undertaking geophysical surveys, although RCAHMW recognise that this is unlikely due to the area concerned already being highly mapped, should material be discovered RCAHMW have requested that these are reported. NRW consider it appropriate to include condition 3.21 to follow the protocol for Archaeological Discoveries which would require any archaeological finds to be reported.

Invasive Non-Native Species

WNMP policy ENV_03 *Invasive non-native species* requires that proposals how they avoid or minimise the risk of introducing and spreading invasive non-native species. The applicant submitted a Biosecurity Risk Assessment (*P2226K_AHOCT28_Rev0_App_C_Biosecurity_Risk_Assessment*) in support of their application. NRW A noted that introduction of new hard substrate could act as a stepping-stone to spread INNS in the area. However, it was acknowledged that the assessment and mitigation proposed by the applicant through implementation of the biosecurity risk assessment were appropriate. NRW consider it appropriate to secure adherence to the biosecurity risk assessment through condition 3.18 of the Marine Licence.

Pollution Prevention

Application Number: DEML2364

NRW also considers it appropriate to include pollution control licence conditions to minimise impacts on the marine environment in line with WNMP policy SOC_03 *Marine pollution incidents*. These conditions are detailed in Annex 1.

4.1.9. Conclusion of our considerations under the need to protect the Environment

IN SUMMARY, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the Application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.2. The need to protect human health

No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified.

4.2.1. 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 Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.3. 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.

The Maritime and Coastguard Agency (MCA) requested clarification whether depth reduction will be above 5% in navigable depth references to chart datum as this could trigger the need for mitigation. However, the applicant confirmed on 12 January 2024 that the height for the new installations (using 0.4m as a worst-case scenario) does not exceed the 5% limit reduction on navigable water depth at any of the locations. NRW consider appropriate to include condition 3.20 to ensure depth reductions do not compromise safety of navigation. The MCA also requested notifications to mariners and fishermen's organisations, and the local HMCG prior commencement of activities. These notifications are covered under conditions 3.1-3.4 of the marine licence.

Trinity House and the MCA requested the inclusion of a condition to ensure that UKHO are notified of the commencement of the proposed activity and informed of the survey results and depth reductions for charting purposes. NRW has included condition 3.19 in the marine licence to require reporting to UKHO before and after the Proposed Activities.

The MCA requested notification following identification of any further potential cable exposure. NRW discussed the matter with MCA and confirmed that the application is for specific rock protection activity along sections of the EWIC already exposed or at risk of exposure, the application did not cover any ongoing maintenance activity along the entirety of the EWIC route. MCA were satisfied with the clarification provided and agreed that the condition was not necessary for the proposed works. However, NRW has advised the applicant that should exposures be identified during routine monitoring of the cable route they should notify and liaise with the MCA.

NRW had considered appropriate to include a cable protection reporting condition (condition 3.22) to ensure recording of locations of cable protection and the risk to navigation is obtained.

4.3.1. 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 Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.4. Marine Policy Documents

a) The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise.

UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

Welsh National Marine Plan (WNMP)

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 as set out in the UK Marine Policy Statement 2011.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

The Proposed Activities are particular in line with policies CAB_01 *Subsea cabling (supporting)*, ECON_02 *Coexistence* and ECON_01 *Sustainable economic growth* as it will reduce the risk of damage to EWIC, allowing for the continuation of electricity transport between Wales and Ireland and reduce the risk to other marine users of entanglement and/or further damaging the interconnector.

4.5. Other matters NRW thinks relevant

4.5.1. 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

Application Number: DEML2364

goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e., seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.5.2. 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.

b) Our determination

NRW is satisfied that this decision, when implemented in accordance with the attached conditions, 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.

5. Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed 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.

6. AUTHORISATION

Report by: Maria Alvarez Position: Lead Specialist Marine Licensing Officer	Date: 22 January 2024	Signed: Maria Alvarez
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 31 January 2024	Signed: 

Application Number: DEML2364

ANNEX 1

Conditions imposed and reasons for those conditions.

Note: Condition numbers used below reflect the condition numbers used in the licence.

CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.2** 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.

Reason: To ensure the Licensing Authority are aware of the commencement of Licensed Activities.

- 3.1.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.

- 3.1.3** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

Reason: To minimise interference with other sea users and ensure other vessels in the vicinity can safely plan and conduct their passage.

3.2 Notification of Vessels and/or Vehicles

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

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.

3.3 Notification of Agents/Contractors/Sub-contractors

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

Application Number: DEML2364

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.

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at **zone31@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

3.5 Inspection of Licensed Activities

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

Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.

3.6 Notification of Completion

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

Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.

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

Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.

3.7 Accident or Emergency

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

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.

- 3.7.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that

Application Number: DEML2364

the methodology for such recovery or removal has been approved by the Licensing Authority.

Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.

3.8 Distribution of Copies of this Licence

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

- All agents, contractors and subcontractors 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.

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.

3.9 Inspection of Documents

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

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

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

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.

Vessels, Plant and Equipment

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

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor,

Application Number: DEML2364

subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

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.

3.11 Refuelling of Plant and Equipment

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

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

3.12 Equipment, Structures and Access

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

Reason: To minimise impacts on the marine environment and other users of the sea/seabed.

Safety

3.13 Removal of Deposited Material

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

Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.

Pollution control

3.14 Pollution Prevention

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number **0300 065 3000**.

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.

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into

Application Number: DEML2364

the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

3.16 Prevention of Disposal of Man-made Debris

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

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17 Cleanliness of Equipment

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

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions**3.18 Implementation of Biosecurity Risk Assessment of Equipment**

The Licence Holder must implement a biosecurity risk assessment "DEML2364 - P2226K_AHOCT28_Rev0_App_C_Biosecurity_Risk_Assessment" submitted the 01 November 2023. The biosecurity risk assessment must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers.

Reason: To minimise the risk of spread of invasive non-native species.

3.19 Notifications to UKHO

3.19.1 The Licence Holder must notify The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at least 10 days before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

3.19.2 The Licence Holder must ensure that depth changes are notified The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) within 5 days of completion of the Licensed Activities. The information supplied must include a description of the works, positions of the work area (WGS84) and changes in navigable depth.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.20 Depth Reductions

The Licence Holder must ensure that any depth reductions resulting from the Works do not compromise safe navigation and that there is no more than 5% reduction in surrounding depth referenced to Chart Datum at any point without prior written approval from the Licensing Authority.

Reason: To ensure the safety of navigation.

3.21 Protocol for Archaeological Discoveries

The Licence Holder must comply at all times with the Crown Estate's Offshore Renewables Protocol for Archaeological Discoveries. The protocol can be obtained by contacting: protocol@wessexarch.co.uk. A copy of the Protocol must be available to all contractors' personnel to ensure they are fully aware of the Protocol.

Reason: To ensure all archaeological finds are reported and historical environment is protected.

3.22 Cable protection report

The Licence Holder must provide to the Licensing Authority the following information within 4 months of completion of the licensable activity for written approval:

- (i) The final locations (in WGS84), types, and quantities of cable protection used, deposited, or installed, and
- (ii) Identification of potential dangers to navigation

In the event that any potential danger to navigation is identified following the completion of the licensable 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.

Reason: To ensure the Licensing Authority is aware of the as laid position of the cable protection and to ensure the protection of navigational safety.