

Our ref: DEML2364

Date: 31 January 2024

Dear Emma Langley

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

### **LICENCE FOR EAST WEST INTERCONNECTOR REMEDIAL WORKS**

#### **LICENCE NUMBER: DEML2364**

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, dated **8 November 2023** for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, and hereby grant a Marine Licence for you to undertake the above stated works.

Accordingly, please find attached for your review and retention a copy of Marine Licence **DEML2364** and its conditions.

#### **Advisory Note**

Marine Licence, **DEML2364**, constitutes a statutory consent; therefore, the conditions set out herein must be complied with in full and will be binding upon any agent or contractor who undertakes any activity on the project on your behalf.

It is recognised that the works proposed under the marine licence are to repair specific areas of EWIC cable that have been identified as exposed or at risk of exposure. However, a number of points have been raised by consultees regarding the ongoing monitoring along the cable route, and potential information required to support future maintenance activities that may be required.

The Maritime and Coastguard Agency (MCA) noted that the location of the proposed works are in high density shipping areas and close proximity to a Traffic Separation Scheme (IMO routing measure). Therefore, the MCA encourages the advice below to be followed:

- The identification of any further potential cable exposure should be notified within **3 days** to local mariners and fishing organisations and regional fisheries contacts through a local notification and by informing Kingfisher Information Service of the location and extent of the exposure. Copies of all notices must be provided to MCA, Trinity House, and the UKHO within **5 days**.
- Any damage, destruction or decay seaward of MHWS should be notified no later than **24 hours** to the MCA, Northern Lighthouse Board, Kingfisher Information Service and the UKHO.

- A site-specific risk assessment should be carried out to consider the high-density shipping areas including a process for identifying high levels of traffic to avoid, and appropriate operational weather parameters.
- Consideration should be given to the monitoring of 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.

The Appropriate Nature Conservation Bodies (NRW inshore and JNCC offshore) have provided extended comments in relation to the level of assessment conducted in support of this licence. Please refer to their specific responses [JNCC](#) and [NRW](#). It is expected that this information will be used in support of future applications. These include advice on the following:

- Site-specific benthic survey data to evidence the presence/absence of habitats/species of nature conservation is expected to inform application.
- Information on the decommission plan of such deposits.
- Suitable displacement assessment to bird features of the SPA.
- The need for a complete cumulative assessment to include the potential impacts on seabed habitats and interruption to bed load sediment transport caused by introducing further cable protection in combination with other cable protection already present in the nearshore areas (Gwynt y Mor, Rhyl Flats, North Hoyle, Burbo Bank OWF) and for the Awel Y Mor Extension OWF which has been granted seabed consent.
- A robust quantification of the Zone of Influence for the works in relation to marine mammals, in particular for harbour porpoise, in line with published NRW positions statement ([NRW 2023. Position on Assessing Behavioural Disturbance of Harbour Porpoise \(\*Phocoena phocoena\*\) from underwater noise](#) and [JNCC 2020. Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs](#))

NRW advisors raise no objections on this occasion but specific comments have been received in relation to the type of protection. NRW advisors advise that the rock is as similar as possible to that which would naturally occur in the area where the cable protection is being placed, to encourage colonisation of local fauna. NRW advisors also indicate that whilst the principle of fronds accreting sediment is generally beneficial, polypropylene frond mattresses should be avoided due to the potential for the release of microplastics directly into the benthic environment. Therefore, we strongly recommend that you engage with Marine Area Advice prior to further marine licence applications for repairs on the EWIC.

You are urged to read the conditions of Marine Licence **DEML2364** carefully, in particular the need to advise Welsh Government Marine Enforcement Officers of the commencement of works within **10 days** prior to work starting.

Marine Licence, **DEML2364** is solely granted for the work to be undertaken at **EWIC cable route**; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

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

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

### **Rights of appeal**

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

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

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

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

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

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

The notice of appeal must include:

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

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

**Please be aware that you will be charged for any post licensing work associated with your licence.** If you have any queries regarding the fees, please email the Marine Licensing Team via [marinelicensing@naturalresourceswales.gov.uk](mailto:marinelicensing@naturalresourceswales.gov.uk)

If you have any questions about your permits or licenses and/or site management, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

Maria Alvarez

**Marine Licensing Team**  
**Natural Resources Wales**