



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Natural Resources Wales
29 Newport Road
Cambria House
Cardiff
CF24 0TP
Ffôn • Tel: 0300 065 3000

Ebost • email: marinelicensing@naturalresourceswales.gov.uk

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

Marine Licence: ORML1618v1

The Natural Resources Body for Wales (“NRW”) acting on behalf of the Licensing Authority hereby authorise:

Minesto UK Limited
Celtic House 41-43 Market Street,
Holyhead,
Anglesey,
Wales,
LL65 1UN
Company No: 03266902

(Hereinafter referred to as “the Licence Holder”) to carry out construction works and deposit in the sea the substances or articles the particulars of which are set out at paragraph 1.1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This Licence shall be valid from the beginning of the day of **30 July 2019**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **11 April 2023** (hereinafter referred to as the end or expiry date of this Licence).

This Licence ORML1618v1 supersedes Licence ORML1618 in its entirety.

For the purposes of this Licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to three decimal places

Signed: 

For and on behalf of the Licensing Authority

Date of issue: 29 July 2019

SCHEDULE of CONDITIONS

1. Particulars of the works

- 1.1 The type of works for which the deposit of the substances or articles as specified in paragraph 1.4 of this Schedule are:

Installation, operation, maintenance and decommissioning of a tidal energy device.

- 1.2 Details of the works requiring the deposit of the substances or articles as specified at paragraph 1.1 of this Schedule are:-

Installation, operation, maintenance and decommissioning of a single Minesto Deep Green Utility (DGU) unit with a generating capacity of 0.5 MW, comprising of the following elements, as described in the application dated 16th June 2016 and in the variation application dated 20th June 2019:

- **DGU unit: composite materials, up to 12 metres (wing span) by 3.3 metres, weighing between 10 and 16 tonnes;**
- **Tether between DGU and foundation: Dyneema cable with plastic casing, up to 105 metres length;**
- **Subsea umbilical: Braided steel cable, up to 200 metres on seabed + water depth (maximum of 100 metres) 100 mm width;**
- **Gravity Base Structure Foundation: Concrete, up to 12 metres by 25 metres, approximately 1000 tonnes;**
- **Scour protection: Rock armour, up to 15 metres², approximately 1 metre in height around foundation;**
- **Anchor clump weights for barge, hook up barge or self-contained barge: Concrete or steel, 9 metres² per clump weight, eight anchors totalling 72 metres²**

Any alterations to the parameters of the device or materials for deployment must be agreed in writing with NRW prior to their deployment taking place.

- 1.3. Such works are as detailed in the drawing(s) and sectional plan(s) detailed below which were submitted in support of the Licence Holder's application to NRW acting on behalf of the Licensing Authority dated **16 June 2016**.

Project Area & Overview dated 19/11/2015

Indicative Device Location dated 27/05/2016

- 1.4 The substances or articles authorised for deposit and removal at sea are:

Deposit: Iron/Steel, Stone/Rock, Concrete, Plastic/Synthetics

Removal: Iron/Steel, Stone/Rock, Concrete, Plastic/Synthetics, Silt, Sand, Gravel

Licence No: ORML1618v1

Date: 30 July 2019

- 1.5. The Licence Holder and any Operator and Contractor acting on their behalf is permitted to deposit the substances or articles specified at paragraph 1.4 of this Schedule, at the following location(s):

Within the Project Development Area boundary of the following coordinates:

1. 4° 48.345'W 53° 17.819'N
2. 4° 47.129'W 53° 19.024'N
3. 4° 46.510'W 53° 18.763'N
4. 4° 46.703'W 53° 18.224'N
5. 4° 46.896'W 53° 17.687'N
6. 4° 47.426'W 53° 17.260'N
7. 4° 48.266'W 53° 17.123'N

- 1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **16 June 2016**, and as detailed in the following documents:

Listed in Annex A

2. Additional Persons Responsible for the Deposit of the Substances or Articles

- 2.1 The Licence Holder must ensure that details of the Operator(s) and Contractor(s) utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority prior to the commencement of works.
- 2.2 The Licence Holder must ensure that the details of the vessels utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority and Welsh Government Enforcement Officers prior to the commencement of the works.
- 2.3 Only those Operator(s) or Contractor(s) whose details have been notified to NRW acting on behalf of the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by NRW acting on behalf of the Licensing Authority in writing prior to operating under this Licence.
- 2.4 All vessels employed to perform the deposit operation permitted by this Licence shall be so constructed and equipped as to be capable of the proper performance of these operations in compliance with the conditions set out in the Schedule to this licence.

3. Distribution of copies of this Licence

- 3.1 The Licence Holder is required to ensure that a copy of this Licence and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:
- 3.1.1. All Operator(s) and Contractor(s) whose names have been provided to NRW acting on behalf of the Licensing Authority and

Licence No: ORML1618v1
Date: 30 July 2019

- 3.1.2 The Masters of all vessels employed in the pursuance of this Licence whose details have been submitted to NRW as detailed at paragraph 2.2.
- 3.2 Copies of this Licence shall also be available at the following locations:
 - 3.2.1 at the address of the Licence Holder;
 - 3.2.2 at any site office, located at or adjacent to the site of the works, used by the Licence Holder, operator(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1.4 of this Schedule; and,
 - 3.2.3 on board each vessel with responsibility for vehicles from which licensed deposits are to be made.

4. Inspection of the Operation

- 4.1 The documents referred to in paragraph 3 shall be available at all reasonable times for inspection by officers appropriately authorised by NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.
- 4.2 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers **10 days** before the licensed operation, or an individual phase of the operation is expected to commence.
- 4.3 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the works.
- 4.4 The Licence Holder must allow officers of the Maritime and Coastguard Agency, Welsh Government Marine Enforcement Officer or any other person authorised by NRW acting on behalf of the Licensing Authority to inspect the works at any reasonable time.

5. Contacts

- 5.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

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

Email: marinelicensing@naturalresourceswales.gov.uk

- 5.2 For the purposes of this Licence any references to Marine Enforcement Officers shall mean the relevant officers located at:-

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

**Tel: 01646 693412
Email: milfordhavenfishery@gov.wales**

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.4 of this Schedule, are deposited otherwise than in the area authorised by this Licence at paragraph 1.5, full details of the circumstances shall be notified to NRW acting on behalf of the Licensing Authority within **48 hours** of the incident occurring.

"Force majeure" may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened.

7. Changes to this Licence

- 7.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this Licence was based has changed or is likely to change, he/she shall notify NRW acting on behalf of the Licensing Authority at the earliest opportunity of the details.
- 7.2 Similarly in the event that the Licence Holder wishes any of the particulars set down in the Schedule to be altered he/she shall inform NRW acting on behalf of the Licensing Authority at the earliest opportunity before taking any further action.

8. Project Specific Conditions

Pre-Commencement Conditions

- 8.1 The Licence Holder must submit a full method statement for the installation, operation and maintenance of the DGU unit to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

The method statement must include, but may not be limited to:

- Full list of materials to be deposited and removed;
- Duration of installation;
- Planned maintenance schedule;
- Project timescales.

- 8.2 The Licence Holder must submit a Decommissioning Plan to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to

commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority

- 8.3 The Licence Holder must submit an Environmental Monitoring Strategy (EMS) to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

The EMS must include, but may not be limited to:

- Underwater noise monitoring;
- Scour monitoring;
- Marine mammal monitoring.

- 8.4 The Licence Holder must submit an Adaptive Environment Management Plan (AEMP) to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

The AEMP must include, but may not be limited to:

- All mitigation measures outlined in the Environmental Statement;
- Adaptive management
- Operational management and mitigation;
- Marine mammal mitigation protocol.

- 8.5 The Licence Holder must submit an Emergency Response Co-operation Plan (ERCoP) to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

- 8.6 The Licence Holder must submit a navigational marking plan for the barge, buoy or similar platform to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

- 8.7 The Licence Holder must submit an archaeological Written Scheme of Investigation (WSI) to NRW acting on behalf of the Licensing Authority for written approval at least **8 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

The WSI must include, but may not be limited to:

- Any Archaeological Exclusion Zones (AEZ);
- Watching Briefs;
- Scour monitoring at DGU foundation.

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

- 8.9 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 8.1 to 8.8 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 8.10 The Licence Holder must ensure third party verification, in terms navigational safety requirements, of the barge, buoy or similar platform, moorings and DGU unit tether designs is undertaken by a suitably qualified person prior to the installation and construction to confirm suitability of mooring arrangements.

Evidence of the third party verification must be available for inspection at all reasonable times at the locations detailed in paragraph 3 by NRW acting on behalf of the Licensing Authority and/or Marine Enforcement Officers.

General Conditions

- 8.11 The Licence Holder must ensure that the DGU unit is operational for a maximum of **5 years** only throughout the duration of the licence.
- 8.12 The Licence Holder must ensure a minimum clearance depth of **20 meters** below LAT (lowest astronomical tide) datum between the DGU unit and water surface is maintained at all times during operation to avoid risks to navigation.
- 8.13 The Licence Holder must ensure that the works are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.
- 8.14 The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners 5 days prior to the commencement of the works.
- 8.15 The Licence Holder must ensure that HM Coastguard, in this case the National Maritime Operations Centre, nmoccontroller@hmcg.gov.uk, is made aware of the works prior to commencement.
- 8.16 The Licence Holder must notify the UK Hydrographic Office of the works, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.
- 8.17 The Licence Holder must ensure bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.
- 8.18 The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.
- 8.19 The Licence Holder must ensure all equipment, materials, machinery and PPE used are in a clean condition prior to their arrival on site, and upon removal from site, to minimise risk of introducing non-native species into the marine environment.

Licence No: ORML1618v1
Date: 30 July 2019

- 8.20 The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to Natural Resources Wales using their hotline number **0300 065 3000**; NRW acting on behalf of the Licensing Authority must also be notified at the earliest possible date.
- 8.21 The Licence Holder must ensure that all equipment, temporary structures, waste and/or debris associated with the works are removed on of completion of the works.
- 8.22 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.

Annex A – Condition 1.6 Documents List

- EIA Scoping Report (Minesto, 2013): EIA Scoping Report (Minesto, 2013).pdf
- EIA Scoping Opinion (NRW, 2014): SC1309_NRW Scoping Opinion (NRW, 2014).pdf
- Disposal Site Study (Xodus, 2015a): L-100194-S06-REPT-001_R02_Holyhead Deep disposal site.pdf
- Geophysical survey operations report (Bibby, 2015a): L-100194-S00-REPT-015_A01.pdf
- Geophysical survey results report (Bibby, 2015b): L-100194-S00-REPT-016_A01.pdf
- Habitats Assessment Report (CMACS Ltd, 2015a): L-100194-S00-REPT-010_A01.pdf
- Environmental Baseline Report (CMACs Ltd, 2015b): L-100194-S00-REPT-011_A01.pdf
- Underwater noise technical assessment (Xodus, 2015b): L-100194-S01-TECH-006_A01_Underwater Noise Modelling.pdf
- Marine mammal collision risk modelling study (SMRU, 2015): SMRUC-MIN-2015-007_Marine mammal collision risk modelling study (SMRU, 2015).pdf
- Offshore Ornithology Baseline Assessment (Xodus, 2015c): L100194-S03-REPT-002_A01_Offshore Ornithology Baseline.pdf
- Offshore ornithology collision modelling and density estimates (NRP, 2016): L-100194-S00-REPT-009_A03_Ornithology_Collision_Modelling.pdf
- Fish and Shellfish Baseline Assessment (Xodus, 2015): L-100194-S01-TECH-004_A01_Fish and Shellfish Ecology.pdf
- Evaluation of Economic Impacts on Fishing report (AWJ Marine, 2015): L-100194-S00-REPT-013_A01_Evaluation of Economic Impacts on Fishing report (AWJ Marine, 2015).pdf
- Maritime traffic survey report - summer 2014 (Anatec, 2015a): L-100194-S00-REPT-018_A01_Maritime Traffic Survey Report – Summer 2014 (Anatec, 2015a).pdf
- Maritime traffic survey report - spring 2015 (Anatec, 2015b): L-100194-S00-REPT-019_A01_Maritime Traffic Survey Report – Spring 2015 (Anatec, 2015b).pdf
- Navigational Risk Assessment (Anatec, 2015c): L-100194-S00-REPT-005_A01_Navigation Risk Assessment.pdf
- Offshore marine archaeological desk based assessment (Wessex, 2015): L-100194-S00-REPT-014_A01_Deep Green Holyhead Deep Tidal Project – Offshore Marine Archaeological Desk-Based Assessment.pdf
- Habitats Regulations Appraisal report: L100194-S14-REPT-001_A01_HRA

Licence No: ORML1618v1

Date: 30 July 2019

- Clarification following NRW technical consultation (Xodus, Nov 16): L-100194-S21-REPT-001
- Ornithology clarification – February 2017 (Xodus, Feb 17): L-100194-S21-REPT-003

EXPLANATORY NOTES

*This page does not form part of this Licence **ORML1618** or its associated schedule but the licence holder is recommended to read the following guidance notes.*

1. The granting of this licence does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 72 of the Marine and Coastal Access Act 2009, NRW acting on behalf of the Licensing Authority may vary or revoke this Licence if it appears to the NRW that the Licence Holder is in breach of any conditions in it or for any other reason that appears to NRW to be relevant.
3. A person who contravenes Section 65 (1) of the Marine and Coastal Access Act 2009, or fails to comply with any condition of a Marine Licence, commits an offence under Part 4, Chapter 3, Section 85 of the Marine and Coastal Access Act 2009.
4. It is a defence, Under Part 4, Chapter 3, Section 86 of the Marine and Coastal Access Act 2009, for a person charged with an offence under Section 85 (1) to prove that:
 - a) the activity was carried out for the purpose of securing the safety of a vessel, aircraft or marine structure or for the purpose of securing life, and,
 - b) that he/she took steps within reasonable time following the incident to inform NRW acting on behalf of the Licensing Authority of:
 - (i) the fact that the activity was carried out,
 - (ii) the locality and circumstances in which it was carried out, and
 - (iii) any substance or objects concerned.
5. If the works authorised by this Licence are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence **at least 4 months** prior to the expiry date of this Licence.