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Morlais Tidal Demonstration Zone – Proposed Marine Licence condition to secure EMMP

Applicant: Menter Môn Morlais Limited

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(1) No tidal device(s) may be constructed or repowered until a plan setting out proposed details of the device(s) to be constructed or repowered and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by NRW:—

- (a) the number, dimensions, specification, and depth for each device;
- (b) the grid co-ordinates of the centre point of the proposed location for each device, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions

(2) No tidal device(s) may be constructed until the advisory group has been established in accordance with the Outline Environmental Management and Monitoring Plan (OEMMP). The undertaker shall not construct or repower any tidal device(s) otherwise than in accordance with the OEMMP and any related Detailed Environmental Management and Monitoring Plan (DEMMP).

(3) No tidal device(s) may be constructed or repowered until a Detailed Environmental Management and Monitoring Plan (DEMMP) the intention of which is to prevent injury marine mammals and diving birds in the operation of those devices, and which is in accordance with the requirements of the Outline Environmental Management and Monitoring Plan (OEMMP), and which incorporates the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by NRW:—

- (a) details of proposed pre-operational surveys including a programme and methodology, baseline report format and content;
- (b) details of the model approved by the advisory group established under the OEMMP used for the purposes of modelling collision and encounter risk to marine mammals and diving birds during the operation of the relevant tidal devices;
- (c) the outputs of the model;
- (d) details of the proposed monitoring activity that will be undertaken during the operation of the relevant devices surveys including a programme and methodology, report format and content;
- (e) details of the circumstances in which mitigation will be required;
- (f) details of the proposed mitigation measures to be deployed;
- (g) proposals for ongoing review and adaptation of the DEMMP

Thereafter, the relevant tidal devices shall be operated in accordance with the approved DEMMP

(4) The mitigation referred to in paragraph (3)(e) may include (without limitation)—

- (a) the use of visual deterrents;
- (b) the use of acoustic deterrent devices;
- (c) subject to the terms and conditions of this licence, changing the location of tidal devices;
- (d) protocols restricting the operation of devices at certain times or conditions

(5) NRW must not approve any DEMMP unless it is satisfied that it provides such mitigation as is necessary to avoid adversely affecting the integrity of a European Site (as defined in The Conservation of Habitats and Species Regulations 2017 or The Conservation of Offshore Marine Habitats and Species Regulations 2017) to the extent that marine mammals or diving birds are a protected feature of that European Site