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

### **Marine Licence: ORML1924**

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

**Bombora WavePower Europe Ltd  
Cleddau Reach  
The Offices  
Pembroke Dock  
SA72 6UJ**

**Company registration number: 10733443**

(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 **23 October 2019**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **22 October 2022** (hereinafter referred to as the end or expiry date of this Licence).

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 decimal degrees

Signed:

For and on behalf of the Licensing Authority

Date of issue: 23 October 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:

**The installation, operation, maintenance and decommissioning of a full-scale wave 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:-

**The temporary deployment and testing of a full scale wave energy prototype device (75m, by 15m at the base, (17m across the membranes), by 7m high), an acoustic doppler current profiler and subsea termination unit, aids to navigation and a 1,450 m subsea / subtidal communication cable on the seabed off East Pickard Bay on the south side of Angle Peninsula.**

The project comprises the deployment and removal of:

- **a full-scale energy device – Wave Energy Converter (WEC) mWave (75m, by 15m (17 across the membranes) by 7m high)**
- **an acoustic doppler current profiler**
- **subsea umbilical termination unit**
- **aids to navigation**
- **a 1,450 m subtidal 150mm armoured communication cable fed through a plastic conduit in the intertidal and onshore area**
- **a maximum of 4, 2 Tonne rock bags to secure the cable**
- **a maximum of 100, 5 Tonne rock bags for scour protection**
- **temporary moorings deployed for installation or maintenance**

- 1.3 Any alterations to the parameters of the device or materials for deployment must be agreed in writing with NRW acting on behalf of the Licensing Authority prior to their deployment taking place

- 1.4 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 **11 June 2019**

- **Plan A**            **mWave and Designated Sites**
- **Plan B.1**        **mWave in relation to tidal levels**
- **Plan B.2**        **Cable route in relation to tide levels**
- **Plan C**           **Marine licence area**

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

**Deposit: Iron/Steel, Stone/Rock, Synthetics, Wave Energy Converter Device**

**Removal: Iron/Steel, Stone/Rock, Synthetics, Wave Energy Converter Device**

Licence No: ORML1924  
Date: 23 October 2019

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

**On the seabed off East Pickard Bay on the south side of the Angle Peninsula, Pembrokeshire**

**Within the area bounded by joining the points detailed in Annex A**

- 1.7 The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **11 June 2019**, and as detailed in the documents detailed in Annex B.

## **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
  - 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.

Licence No: ORML1924

Date: 23 October 2019

## **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](mailto: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: [milfordhavenfisheriesoffice@gov.wales](mailto:milfordhavenfisheriesoffice@gov.wales)**

## **6. Force Majeure**

- 6.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.5 of this Schedule, are deposited otherwise than in the area authorised by this Licence at paragraph 1.6, 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 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
- 8.2 The Licence Holder must submit an Environment Management Plan, (EMP) 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 EMP must include, but may not be limited to those measures identified in the ES and:
- Underwater noise monitoring;
  - Scour monitoring;
- 8.4 The Licence Holder must submit an Environmental Monitoring and Mitigation Plan, (EMMP), 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.
- 8.5 The EMMP must include, but may not be limited to:
- All monitoring and mitigation measures outlined in the Environmental Statement;
- 8.6 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.
- 8.7 The Licence Holder must submit a Navigational 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.
- 8.8 The Licence Holder must submit an Aids to Navigational Management 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.
- 8.9 The Licence Holder must have addressed all MCA recommendations as appropriate to the project, contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.

- 8.10 The Licence Holder must re-establish the absence of breeding choughs prior to cable laying or decommissioning if the works are to take place close to their breeding season (late March to mid May). In the event that breeding pairs are discovered a method statement must be produced demonstrating how disturbance to the birds will be reduced and submitted to NRW acting on behalf of the Licensing Authority for written approval prior to commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.
- 8.11 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 8.1 to 8.10 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.

### **General Conditions**

- 8.12 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.
- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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.

Licence No: ORML1924

Date: 23 October 2019

- 8.20 The Licence Holder must ensure that all equipment, temporary structures, waste and/or debris associated with the works are removed on completion of the works.
- 8.21 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.
- 8.22 The Licence Holder must ensure that the appropriate authorities are informed, (NRW, MCA, Trinity House and the UKHO), within 24 hours should there be any damage, decay or destruction to the device or cable whilst on the seabed.
- 8.23 The Licence Holder must ensure that should any aspects of the works, other than the mWave device itself, reduce navigable water depths by more than 5% referenced to chart datum, further consultation with the MCA and Trinity House must be undertaken to ensure existing and future safe navigation is not compromised.
- 8.24 The Licence Holder must comply with The Crown Estate's Protocol for Archaeological Discoveries: Offshore Renewables Projects for reporting finds of archaeological interest should any object of archaeological interest be found during the works.

## EXPLANATORY NOTES

*This page does not form part of this Licence **ORML1924** 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.

**Annex A**

<b>Marine Licence Application Area</b>			
<b>WGS84 Latitude DD.dddd° N</b>	<b>WGS84 Longitude DD.dddd° W</b>	<b>OSGB36 Easting (m)</b>	<b>OSGB36 Northing (m)</b>
51.6669	-5.09	186418.6	200985.3
51.6667	-5.0901	186409.9	200966.1
51.6667	-5.0899	186423.1	200965.3
51.6666	-5.0899	186427.7	200955.4
51.6665	-5.0899	186423.6	200940.5
51.6658	-5.0904	186388.7	200858.7
51.6656	-5.091	186344	200842.6
51.6654	-5.0913	186323.5	200821.7
51.6648	-5.0926	186230.3	200759.3
51.6637	-5.0942	186115.9	200641.6
51.6631	-5.0939	186134.4	200576.3
51.6621	-5.092	186259.7	200457
51.6618	-5.0903	186374.6	200424.3
51.6618	-5.0886	186493.2	200417.5
51.6625	-5.0887	186491.1	200494.3
51.6626	-5.0817	186970.5	200481.7
51.6605	-5.0817	186964.1	200246.1
51.6605	-5.083	186873.8	200249.6
51.6597	-5.0821	186929.7	200164.5
51.6592	-5.0845	186764.7	200109.7
51.66	-5.0856	186688.7	200210.4
51.66	-5.0891	186445.9	200216.8
51.6609	-5.0892	186447.2	200320.1
51.6609	-5.091	186321.4	200325.4
51.6613	-5.0927	186205	200366.8
51.6622	-5.0946	186080.8	200474.1
51.6632	-5.0959	185992.4	200585.8
51.6642	-5.0956	186018.2	200702.6
51.6655	-5.0937	186159.1	200836.5
51.6659	-5.0927	186229.6	200886.4
51.6664	-5.091	186346	200930.5
51.6667	-5.0906	186378	200963.7
51.6667	-5.0903	186396.5	200964.5
51.6669	-5.0901	186412	200987.8
51.667	-5.0901	186412	200998.5
51.667	-5.09	186419.6	200999

<b>Communications Cable Route</b>				
	WGS84 Latitude DD.dddd° N	WGS84 Longitude DD.dddd° W	OSGB36 Easting (m)	OSGB36 Northing (m)
Landfall	51.6669	-5.0901	186415	200986.2
	51.6663	-5.0907	186371.1	200925.1
	51.6651	-5.0931	186194	200799.2
	51.6641	-5.0947	186078.8	200684.7
	51.6637	-5.095	186060	200643
	51.6632	-5.0947	186076.1	200588.2
	51.6623	-5.0929	186194.5	200486.3
	51.6618	-5.0911	186316.1	200424.2
	51.6618	-5.0882	186519.6	200407.5
	51.6618	-5.0844	186779.7	200403
	51.6617	-5.0842	186798.1	200392.3
	51.6615	-5.0841	186801.3	200367.5
mWave connection	51.6613	-5.0844	186781	200350.8

Licence No: ORML1924  
Date: 23 October 2019

## **Annex B - detail of documents referred to in condition 1.6**

### **Licence application received 11 June 2019**

### **Marine Licence application form dated 11<sup>th</sup> June 2019**

### **mWave Marine Energy Environmental Statement dated June 2019**

Non-Technical summary

Chapter 1	Introduction
Chapter 2	Project Description
Chapter 3	Need and alternatives
Chapter 4	Environmental assessment methodology
Chapter 5	Coastal processes
Chapter 6	Underwater noise
Chapter 7	Benthic, subtidal and intertidal ecology
Chapter 8	Fish and shellfish
Chapter 9	Marine mammals
Chapter 10	Marine ornithology
Chapter 11	Commercial fisheries
Chapter 12	Shipping and navigation
Chapter 13	Marine Archaeology
Chapter 14	Seascape and landscape
Chapter 15	Other users
Chapter 16	Onshore geology, hydrogeology and land quality
Chapter 17	Terrestrial ecology

### **Appendices to Environmental Statement**

Appendix 2.1	Noise Assessment
Appendix 2.2	Environmental Management Plan table of contents
Appendix 2.3	Draft Environmental Mitigation and Monitoring Plan
Appendix 3.1	Policy and Legislation
Appendix 7.1	SEACAMS Backscatter data
Appendix 8.1	Sightings data in Basking Shark Study area
Appendix 8.2	Fish and shellfish survey data
Appendix 9.1	Marine mammals -WWBIC Sightings data
Appendix 9.2	Marine mammals -UK cetacean distribution
Appendix 10.1	Marine ornithology – Policy and legislation
Appendix 10.2	Marine Ornithology – Summary of desk study area
Appendix 11.1	Commercial Fisheries Landing data
Appendix 13.1	Marine Archaeology
Appendix 17.1	Phase 1 Survey Habitat Map and notes
Appendix 17.2	Breeding birds
Appendix 17.3	NVC Quadrat locations and results
Appendix 17.4	Chough survey winter 2018/2019

### **Plans (as referenced in Condition 1.4)**

Plan A	mWave and Designated Sites
Plan B.1	mWave in relation to tidal levels
Plan B.2	Cable route in relation to tide levels
Plan C	Marine licence area

Water Framework Directive Assessment

Habitats Regulation Assessment: No Significant Effects Report