

Sent by e mail

Date 23 October 2019

Dear MS Cowley

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

LICENCE FOR THE TEMPORARY DEPLOYMENT AND TESTING AOF A FULL SCALE WAVE ENERGY PROTOTYPE DEVICE

LICENCE NUMBER: ORML1924

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 11 June 2019 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 **ORML1924** and its conditions.

Advisory Note

Marine Licence, **ORML1924**, 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.

You are urged to read the conditions of Marine Licence **ORML1924** carefully, in particular the need to advise our Marine Enforcement Officers of the commencement of works within **10 days** prior to work starting.

Marine Licence, **ORML1924** is solely granted for the work to be undertaken at **ORML1924**; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

You had requested the Licence be granted for a period of 18 months, however following further discussion, the licence has been granted for a period of 3 years so contingency time is built in should poor weather be experienced during installation or decommissioning. As stated in the Environmental Statement however the device should only be tested for a maximum period of 12 months.

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 a that should be any of the conditions attached to the Licence then you must request written notice within 28 days of the receipt of this letter.

Pre-commencement conditions

There are a number of pre-commencement conditions contained within the licence that require submissions to NRW prior to installation as listed below:

- 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.

For information

No radio beacon or radar beacon operating in the Marine frequency bands shall be installed or used on the barge without prior written approval by OFCOM. The current contact details are available at the following website: <https://www.ofcom.org.uk/about-ofcom/contact-us>

If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

If archaeological artefacts are found please ensure information about discoveries is uploaded onto the Implementation Services secure web-based reporting system:
<https://www.wessexarch.co.uk/our-work/offshore-renewables-protocol-archaeological-discoveries>

To comply with condition 8.23.

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 the Welsh Government has changed the Marine Licensing fees and charges in Wales. You will be charged for any post licensing work associated with your licence. If you have any queries regarding the fee changes, please email the Marine Licensing Team via marinelicensing@naturalresourceswales.gov.uk

If the UK leaves the EU - either with or without a deal - the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW on behalf of Welsh Ministers will continue to issue licenses in line with our current practice. If you have any questions about your permits or licenses please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

Z McMellin

Zoe McMellin
Marine Licensing Team
Natural Resources Wales