

Sent by e mail

Date 15 December 2020

Dear Mr James Dyer (Pembrokeshire Coastal Forum) c/o Bethan Simes

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

LICENCE FOR Marine Energy Test Areas (META) Phase 2 Sites: Warrior Way site, Dale Roads site and East Pickard Bay site, within and in proximity to the Milford Haven waterway, Pembrokeshire.

LICENCE NUMBER: ORML1957

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, duly made on 19 December 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 ORML1957 and its conditions.

Advisory Note

We would like to highlight the following:

The site is within port limits and you should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council prior to operations commencing.

We would remind you that all structures and navigation marks should be in accordance with the statutory requirements of the Milford Haven Port Authority, Trinity House and the MCA.

Prior written approval from OFCOM may be required prior to installation of any radio beacon and/or radar beacon operating in the marine frequency bands.

We would encourage early and ongoing engagement with the public group Milford Harbour Users Association, particularly with regard to the Warrior Way site and navigational safety and notifications for leisure craft and recreational users.

NRW Technical Experts (NRW TE) would encourage you where possible to look to increase learning and understanding of the interactions between tidal stream devices and marine mammals, specifically:

- a) operational monitoring of noise; &
- b) operational monitoring of collision and behaviour around devices.

Additionally, NRW TE would encourage that the onsite ADCP and wave buoy deployments should be utilised over the 15 year licence period to inform the understanding of the impact of wave devices on the wave regime within the lee of the deployments.

We would advise you engage with BEIS regarding decommissioning obligations for META Phase 2 under the Energy Act (2004); test centres in England and Wales are responsible for decommissioning of their tenant's infrastructure.

Marine Licence, ORML1957, 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.

Specific to Condition 3.28 within the licence; if no monitoring is proposed you are still required to submit a device specific-pre-deployment monitoring plan detailing the rationale for this approach which must be agreed in writing with the Licensing Authority prior to any deployment operation.

You are urged to read the conditions of Marine Licence ORML1957 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, **ORML1957** is solely granted for the work to be undertaken at **Marine Energy Test Areas (META) Phase 2 Warrior Way site, Dale Roads site and East Pickard Bay site**; 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 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

The UK left the EU on 31 January 2020 and has entered a transition period until the 31 December 2020. The legal obligations relating to compliance with environmental permits and legislation continue to apply. NRW will continue to issue and regulate all permits and licenses in line with our current practice. 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



Seran Davies
Marine Licensing Team
Natural Resources Wales