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Environmental Impact Assessment Written Confirmation of the EIA Consent Decision

**Marine Works (Environmental Impact Assessment) Regulations
2007 (as amended) (“the Regulations”)**

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

ORML1957

15 December 2020

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1. Introduction

- 1.1 This document is the Environmental Impact Assessment ('EIA') Written Confirmation document for works proposed by Pembrokeshire Coastal Forum CIC in marine licence application ORML1957 to develop Marine Energy Testing Areas within Milford Haven Waterway and adjacent waters ("the Project").

2. The Project

2.1 Project Background

- 2.1.1 An application for a Marine Licence for the Project was submitted to NRW by Pembrokeshire Coastal Forum CIC on 27 November 2019 for the Marine Energy Testing area (META) Project Phase 2 consisting of test activities at 3 test sites; Warrior Way, Dale Roads and East Pickard Bay. Consent will be sought for a duration of up to 15 years.
- 2.1.2 The Meta Project 'the project' will support testing activities for the following:
- Scale wave device testing
 - Scale tidal device testing;
 - Full scale wave device testing;
 - Micro tidal device testing;
 - Testing of Remotely Operated Vehicle (ROV) or other monitoring equipment;
 - Site preparation methodologies;
 - Installation and decommissioning methodologies;
 - Salvage methodologies; and
 - Tow, float and mooring solution testing for floating offshore wind balance of plant technology. For example: Floating wind component testing might include testing of a floating wind turbine foundation on a semi-submersible platform. Neither the tower nor the wind turbine would be involved. A floating foundation may have wave energy converters integrated into the structure.
- 2.1.3 As the Project is a test site for marine renewable energy devices, the developer has taken a Rochdale envelope approach to the assessment with the defined parameters for potential devices at each of the 3 sites presented within Chapter 2: Project Details of the Environmental Statement (ES). An overview of the maximum and most likely activity testing scenarios are presented as follows:
- Maximum Scenario: single activity testing at any one time at Warrior Way and Dale Roads, and up to two testing activities at any one time at East Pickard Bay.
 - Most Likely Scenario: single activity testing at any one time at Warrior Way, Dale Roads and East Pickard Bay.

2.1.4 All activities listed in 2.1.2 require a Marine Licence under Part 4, (Chapter 1) Section 66 of the Marine and Coastal Access Act with the exception of the testing of the ROV.

2.2 Location

- 2.2.1 The Phase 2 META sites are located within Milford Haven Waterway and adjacent waters in Pembrokeshire. Coordinates are provided in Table 1 below with an overview presented in **Figure 1**.
- 2.2.2 The Warrior Way site (Table 1) is located within the Waterway offshore from the Pembrokeshire Science and Technology Park, south east of Pembroke Ferry, and at the mouth of the Cosheston Pill. The Warrior Way site encompasses an area of 10,900 m² (10.9 Ha) and lies entirely within the Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation (SAC).
- 2.2.3 The Dale Roads site (Table 2) lies outside the Dale shelf anchorage within the Waterway to the west of Great Castle Head, and south of St Ishmael's. The site encompasses an area of 196,200 m² (19.62 Ha) and lies entirely within the Pembrokeshire Marine/ Sir Benfro Forol SAC.
- 2.2.4 The East Pickard Bay site (Table 3) overlaps with the southern boundary of the Waterway. It lies immediately south of Sheep Island and runs south-eastward parallel to the coast towards Freshwater West Bay. The East Pickard Bay site encompasses an area of 2,580,000 m² (258 Ha) and lies entirely within the Pembrokeshire Marine/ Sir Benfro Forol SAC.

Table 1 Coordinates for the Warrior Way Site

Site name	Latitude	Longitude
Warrior Way	51.70271	-4.91975
	51.70123	-4.92013
	51.70126	-4.92048
	51.70136	-4.92098
	51.70139	-4.92148
	51.70179	-4.92405
	51.70362	-4.92795
	51.70462	-4.92651
	51.70339	-4.92349
	51.70285	-4.92163
	51.70271	-4.91975
	51.70271	-4.91975

Table 2 Coordinates for the Dale Roads Site

Site name	Latitude	Longitude
Dale Roads	51.71376	-5.12132
	51.71005	-5.12103
	51.7099	-5.12792
	51.71363	-5.1281
	51.71376	-5.12132

Table 3 Coordinates for the Dale Roads Site

Site name	Latitude	Longitude
East Pickard Bay	51.66303	-5.0905
	51.66252	-5.08913
	51.66253	-5.08016
	51.66297	-5.07719
	51.66046	-5.07713
	51.66048	-5.09299
	51.66051	-5.11647
	51.66634	-5.12284
	51.66653	-5.11527

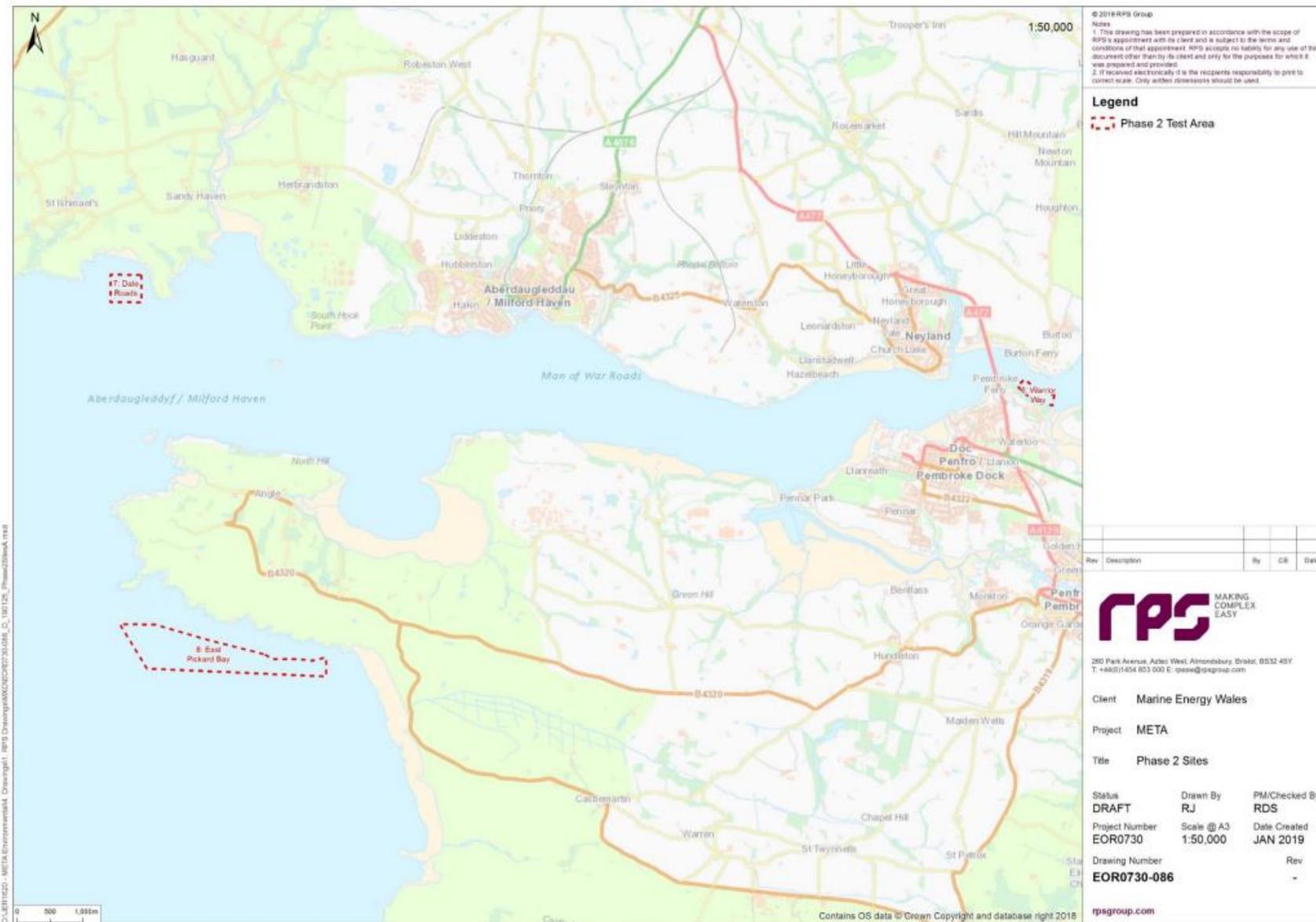


Figure 1: Overview of the META Phase 2 locations



2.3 Statement of need

- 2.3.1 Whilst there are a number of existing marine energy testing facilities within the UK, many marine energy technology developers are still at the testing and demonstration phase. Therefore, a need for appropriately targeted, innovative, local facilities in Welsh waters has been identified.
- 2.3.2 The provision of testing sites through the META Project will work towards de-risking technology and operations critical to the success of further larger scale or array deployments, as well as improving understanding of potential environmental impacts of marine energy deployments.

2.4. Regulating regimes

- 2.4.1 The Project overlaps between two consenting main regimes.
- 2.4.2 A marine licence under the Marine and Coastal Access Act 2009, administered by Natural Resources Wales acting on behalf of the Licensing Authority, Welsh Ministers. Aspects applied for via a Marine Licence are identified in section 2.1.2.
- 2.4.3 Planning permission under the Town and Country Planning Act 1990 for Warrior Way is required from Pembrokeshire County Council who have jurisdiction extending to the mid channel of The Haven waterway at this point. This is currently being applied for under 20/0756/PA.

3. Environmental Impact Assessment

- 3.0.1 Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.
- 3.0.2 The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive in Wales and England for marine licence applications.
- 3.0.3 Pursuant of Regulation 8 of the Regulations, Natural Resources Wales (NRW) considered under SC1817 that the proposed works fell under Schedule A2, para 13

and para 20 of the Regulations on the assessment of the effects of the project on the environment, specifically:

Schedule A2, paragraph 13. Industrial installations for the production of electricity, steam and hot water (unless included in Schedule A1); and; paragraph 20. Installations for hydroelectric energy production.

- 3.0.4 Accordingly, the Marine Licence application required for the Project was accompanied by an Environmental Statement (ES).
- 3.0.5 NRW provided comments on a Scoping Report entitled 'EOR0730 META EIA Scoping Report Rev03_FINAL' dated 16 November 2018 submitted by RPS Energy on behalf of Marine Energy Wales (case reference: SC1817).

3.1 The Environmental Statement (ES)

- 3.1.1 The Environmental Statement outlined the proposed project organised under the topic headings below.
- 3.1.2 ES technical chapters:
- Introduction
 - Project Description
 - Need for Project and Alternatives
 - Environmental Assessment Methodology
 - Coastal Processes
 - Underwater Noise
 - Benthic Subtidal and Intertidal Ecology
 - Fish and Shellfish
 - Marine Mammals, Basking Shark and Otter
 - Marine Ornithology
 - Commercial Fisheries
 - Shipping & Navigation
 - Marine Archaeology
 - Seascape
 - Socio-Economics
 - Other Users
- 3.1.3 The ES is considered to satisfy the requirements of Regulation 12 (2) and Schedule 3 of the Regulations. Specific comments pertinent to each ES chapter can be found in section 7.

3.2 Other Legislative and Policy Framework

Relative considerations under other legislation and / or policy are set out below:

3.2.1 Marine and Coastal Access Act 2009, Section 66, Part 4 (Chapter 1) (“the Act”)

3.2.1.1 Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted. The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the Regulations”) transpose the EIA Directive into UK law for marine licence applications.

3.2.2 Water Framework Directive (Council Directive 2000/60/EC)

3.2.2.1 The sea from the mean low water mark up to 1 nautical mile from shore is protected under the WFD which requires a project or activity does not cause or contribute to deterioration in status of European Union (EU) water bodies or ‘prevent the water body achieving ‘good status’.

3.2.2.2 The Potential effect of the Project was also screened against the Water Framework Directive objectives for the following Water Bodies:

- Milford Haven Inner (GB531006114100)
- Milford Haven Outer (GB641008220000)
- Pembrokeshire South (GB11008590003)

3.2.2.3 A Water Framework Directive Compliance Assessment was concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the above listed waterbodies

3.2.2.4 Further details are described within the Water Framework Directive Compliance assessment.

3.2.3 Waste Framework Directive (Council Directive 2008/98/EC)

3.2.3.1 ‘Establishes a legal framework for treating waste in the EU. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.’ Waste generated by a project or activity must be dealt with in an environmentally friendly way. To do this it applies the waste hierarchy from the WaFD, which gives an order of preference for how waste is dealt with (prevention, re-use, recycling, recovery, disposal at sea).

3.2.3.2 See consideration under section 7.

3.2.4 The Conservation of Habitats and Species Regulations 2017 (as amended)

3.2.4.1 European sites are those designated under The Conservation of Habitats and Species Regulations 2017 (as amended) (“Habitats Regulations”) as Special Protection Areas (“SPAs”), Special Areas of Conservation (“SACs”) or Sites of Community Importance (“SCIs”).

3.2.4.2 The proposal is located within a European Protected Site.

3.2.4.3 The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- Pembrokeshire Marine SAC
- Limestone Coast of South West Wales SAC (Submerged or partially submerged sea caves only)
- Cleddau Rivers SAC (River Lamprey, Sea Lamprey and Otter only)
- West Wales Marine SAC
- Bristol Channel Approaches SAC
- Skomer, Skokholm and the seas off Pembrokeshire SPA
- Cardigan Bay SAC (Grey Seal only)
- Pen Llyn a'r Sarnau SAC (Grey Seal only)

3.2.4.4 In light of the conclusions of an appropriate assessment, and taking account of conditions or restrictions as applicable, either alone or in-combination with other plans or projects, it has been established that the project will not adversely affect the integrity of any of the European sites above.

3.2.4.5 Further details are described within the Habitats Regulations Assessment.

3.2.5 Marine Conservation Zones

3.2.5.1 Section 116 of the Act provides powers to Welsh Ministers to designate Marine Conservation Zones (“MCZs”) with the aim of contributing to the achievement of a network of ecologically coherent and well-managed marine protected areas.

3.2.5.2 The Project is not located within a Marine Conservation Zone and was not identified to have an impact on any Marine Conservation Zone.

3.2.6 Wildlife and Countryside Act 1981 (as amended)

3.2.6.1 Sites of special scientific interest (“SSSIs”) are protected by law to conserve their wildlife or geology. The Wildlife and Countryside Act 1981 (as amended) ensures that SSSIs are protected and managed effectively.

3.2.6.2 See consideration under section 7.

3.2.7 Marine Policy Statement and Marine Plans

3.2.7.1 The UK Marine Policy Statement (“MPS”) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. NRW must make licensing decisions in accordance with the MPS and the Welsh National Marine Plan (WNMP), unless relevant considerations indicate otherwise.

3.2.7.2 The META Project supports blue growth opportunities as defined within the WNMP as economic growth and development which supports social equity while ensuring our natural assets can continue to provide the resources and environmental benefits on which our well-being relies.

3.2.7.3 The Project is also in accordance with the WNMP to support the opportunity to sustainably develop marine renewable energy resources, helping to achieve the UK's energy security and carbon reduction objectives, whilst fully considering other's interests, and ecosystem resilience.

3.2.8 Environment (Wales) Act 2016

3.2.8.1 Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012, as amended by the Environment (Wales) Act 2016 requires NRW to pursue the sustainable management of natural resources in relation to Wales, and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

3.2.8.2 NRW considers that the procedures outlined in this Written Confirmation in the consideration of EIA consent are consistent with this requirement.

3.2.9 Well-being of Future Generations (Wales) Act 2015

3.2.9.1 This Act requires NRW, as a public body, to take reasonable steps in exercising its functions to work in accordance with the sustainable development principle, as set out in Section 5 of the Act.

3.2.9.2 NRW considers that the EIA process is consistent with the sustainable development principle described in the Act, and that the processes outlined in this Written Statement are sufficient to properly demonstrate the sustainable development principle. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium and long term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

3.3 Further information provided by the applicant pursuant to a notification under regulation 14(1)

3.3.1 No further information was requested from the applicant pursuant to a notification under Regulation 14 (1).

4. Consultation with the public

4.1 Public Notices

- 4.1.1 Pursuant to Regulation 16, public notices were advertised to notify interested parties of the proposed works and give any interested parties or members of the public an opportunity to make representation on the application as necessary.
- 4.1.2 The application documents were made available as follows;
- A translated public notice was placed in the Western Telegraph on 26 February and 4 March 2020.
 - The application documents were made available to the public between 9am-5pm at Cardiff Permitting Service, Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff CF24 0TP and they could also be requested from Natural Resources Wales Marine Licensing Team for 42 days following the publication of the first public notice.
- 4.1.3 1 public representation was received.
- 4.1.4 All representations received from members of the public were dealt with according to the Schedule 5 of the Regulations.

5. Consultation of EEA States

- 5.0.1 A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.
- 5.0.2 Consequently, no material was provided to other EEA member States in relation to the application.

6. Technical consultation

- 6.0.1 The Marine Licence application was consulted upon on 14 February 2020 for a period of 42 days, in accordance with Regulation 17 of the regulations. It was sent to the following consultation bodies:
- 6.0.2 Natural Resources Wales Technical Experts (NRW TE), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA) for Pembrokeshire, Local Harbour Authorities, Associated British Ports, Local Biodiversity Officers (LBO) for Pembrokeshire, Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Cadw, Welsh Government Fisheries Branch, Marine Enforcement Officers (MEO), BEIS, ABPmer for Underwater noise, NERL Safeguarding and The Royal Commission of Historic Monuments Wales.
- 6.0.3 The following organisations submitted comments: NRW TE, MoD, MCA, TCE, LPA, RYA, RSPB, TH, Welsh Government Fisheries/Marine Enforcement Officers, Welsh Archaeological trust, Cadw, ABPmer for Underwater noise, NERL Safeguarding and The Royal Commission of Historic Monuments Wales.

6.0.4 Details of the issues raised by the Consultation Bodies and how they have been addressed is set out in section 7.

6.0.5 Consultees who did not provide a response were assumed to have no comment.

7. Issues arising during the consideration of the Environmental Statement, Marine Licence Application and representations received

7.0.1 Material issues that were highlighted by the ES and consultation process and the extent to which they have been addressed are detailed in this section.

7.1 Coastal Processes

7.1.1 NRW TE noted that the coastal processes assessment within the Environmental Statement (ES) relied upon a number of assumptions and historical evidence rather than more up to date information. Further clarification was provided by the applicant to address these concerns, this is detailed below.

7.1.2 Clarification was provided by the applicant to understand how the value of 20% referred to in section 5.9.2.10 of the ES as the maximum extraction of energy from a wave device considered for use for the site had been derived. Further information was provided citing Fairley (2012) which presents measured capacity factors for three devices at three sites which range from 9-17% therefore 20% was applied to the META Project Phase 2 Coastal Processes assessment as a conservative parameter. NRW PS are satisfied with this conclusion.

7.1.3 NRW TE disagree with the conclusion stated in section 5.9.2.15 of the ES that “The incoming waves at East Pickard Bay approach from the south west therefore any disruption due to energy extraction within this site would occur between the wave device and the adjacent cliffs/coastline to the north of the site”. NRW TE were concerned that the wave climate in this location although dominated by waves from the South West will also have incident waves from the West, this had not been acknowledged. The assumption also not take account of refraction and diffraction processes around larger devices. Following provision of clarification¹ NRW TE were satisfied with the response and considered that the conclusion of minor adverse significance for changes to wave climate was appropriate.

7.1.4 Given the small scale and short duration of the deployments NRW TE also anticipated that the impacts to coastal processes will be short term and recoverable and therefore agreed with the outcome of the impact assessment. NRW PS therefore consider that the potential impacts due to the project have been adequately addressed.

7.1.5 NRW TE advise that the Acoustic Doppler Current Profiler (ADCP) and wave buoy deployments over the 15 year license duration (as detailed in 2.5.3.13 of the ES)

¹ ORML 1957 META- Phase 2 Clarification report 08/06/2020- Section 6

should be utilised to help better understand the impact of wave devices on the wave regime in the lee of the deployments. NRW PS consider it appropriate to include this as an advisory to the applicant.

7.2 Underwater Noise

- 7.2.1 At NRW PS' request, ABP Mer reviewed the underwater noise assessment presented within the ES on and considered that the approach and outputs of the underwater noise assessment that have been undertaken for the META project are proportionate to the scale and nature of the proposed activities associated with the project and therefore considered acceptable.
- 7.2.2 Some minor recommendations were identified by ABP Mer and supported by NRW PS, which although would not alter the conclusions of the assessment, were provided to the applicant for consideration within future assessments. These were notably the presentation of the predicted radii of the PTS and TTS injury zones for marine mammals, the calculation of the time in which key species of marine mammals and fish in the study area and determine the potential zone of masking.
- 7.2.3 Further clarification was sought regarding the potential zone of masking at the Warrior Way site and impacts to fish receptors. The further information provided and NRW TE's response to this are presented below within section 7.5 (Fish and Shellfish).

7.3 Water and Sediment Quality

- 7.3.1 NRW TE raised concerns that works have the potential to; elevate Suspended Sediment Concentrations (SSC) which may impact on bathing waters, accidental pollution event and introduction of Invasive Non-Native Species (INNS) to the water body.
- 7.3.2 Although there is no specific water and sediment quality chapter within the ES, water and sediment quality details were presented in Chapter 5 Coastal Processes and Chapter 7 Benthic Ecology of the ES, hence these have been reviewed from a water and sediment quality perspective, along with the WFD compliance assessment.
- 7.3.3 NRW TE agreed that there will be temporary disturbances to SSC and that although SSC levels will be elevated, they are unlikely to cause an impact to Shellfish Waters; section 5.9.1.6 of Chapter 5 of the ES indicates that elevations are within the realms of those concentrations seen during storm events.
- 7.3.4 Further information was requested from the applicant to clarify the number of deployments of devices at Dale Roads in relation to SSC and spring tides; information pertaining to seabed levelling when gravity bases or bed mounted devices are to be used and introduction of contaminated sediment. Clarification and additional information was provided including that within the Environmental Mitigation and Monitoring Plan (EMMP) for each deployment, micro-siting will be undertaken to determine the most suitable location for a specific device for bed mounted devices- one such criteria would be the foundation specification and the amount of site

preparation (if any) required. This would be minimised during the selection process which would also reduce the disturbance of bed material and limit elevations in SSC. NRW PS consider it appropriate to include a condition in any marine licence issued to ensure adherence to the EMMP.

- 7.3.5 NRW TE do not anticipate that there is likely to be an effect at water body level, given the small scale and short duration of the proposed activities and therefore agree with the conclusions of the assessment. NRW TE also agree with the magnitude of impact for accidental spills and contamination and note that a marine pollution control plan will be developed for the project.
- 7.3.6 NRW PS consider it appropriate to include conditions in any Marine Licence issued to ensure adequate pollution prevention measures are followed.
- 7.3.7 NRW TE also request inclusion of adherence to INNS management strategy as a mitigation measure of the marine licence. Again, NRW PS consider it appropriate to include conditions in any Marine Licence issued to ensure effective INNS strategies are in place and followed.
- 7.3.8 Although the SSC will be temporary, not enough evidence was provided to rule out impact to Bathing Waters without mitigation. In terms of Milford Haven Inner and Outer waterbodies, impacts to phytoplankton can be ruled out due to small scale SSC and the fact that phytoplankton are not currently responding to the high nutrient loads.
- 7.3.9 NRW TE consider that additional mitigation may be required to ensure that bathing waters remain free from contamination during the proposed works and advise that potential for suspended sediments in the seawater and likelihood of contaminant or bacteria levels to become raised in the bathing water during construction should be assessed and any specific mitigation measure to be included within the Environmental Mitigation and Monitoring Plan (EMMP)/ Environmental Management Plan (EMP).
- 7.3.10 NRW PS consider it appropriate to include a condition in any marine licence issued to ensure that an EMP is submitted and approved prior to commencement of works. This plan will need to demonstrate that it has considered potential impact on bathing water and specific mitigation measure included where required.

7.4 Benthic Subtidal and Intertidal Ecology

- 7.4.1 NRW TE raised concerns regarding the lack of site-specific benthic species and habitat data which means assumptions have been made within the ES relating to sensitive habitats and their extent. Further concerns included biosecurity, seabed levelling and suspended sediments specific to certain habitats (i.e. rocky reef, maerl and seagrass).
- 7.4.2 Further information was requested to clarify the justification of sensitivity assessments and subsequent 'negligible' impact conclusions for some species and habitats and also for suspended sediment impacts (see Section 7.3).

Site-specific benthic habitat sand species

- 7.4.3 Due to the lack of site-specific survey information, NRW TE did not agree with some of the conclusions within the ES pertaining to the sensitivity and subsequent impacts on Annex I subtidal 'reef' habitat and consider there may be potential for adverse impact and that additional mitigation would be required.
- 7.4.4 Section 7.4.1.1 of the EMMP provides information regarding pre-deployment benthic surveys to facilitate micro-siting of infrastructure on the seabed. NRW TE welcome this proposed mitigation and requested that for devices with a benthic footprint, habitat surveys may be required before device deployment. NRW TE recommended that all device proposals should be presented to NRW in advance to assess whether additional habitat survey will be required. When deemed necessary NRW TE request that a device specific installation plan and survey methodology will need to be agreed prior to commencement of pre-deployment surveys. If sensitive habitats are found to be within the proposed deployment area, an alternative area may need to be surveyed to allow micro-siting over a more resilient habitat.
- 7.4.5 NRW PS agree with this mitigation requirement and will include conditions in any Marine Licence issued that device specific installation plans and pre-deployment benthic surveys must be agreed in advance prior to commencement.

Suspended sediments and secondary impacts

- 7.4.6 On the basis of the predicted extents of any plumes of fine suspended sediments, as described in paragraphs 7.11.1.26 to 7.11.1.31 of the ES (i.e. a maximum of 600m from the release site), sensitive habitats are not predicted to be affected by increased SSCs at any of the META sites due to their distance from the potential release sites. However, NRW TE note that seagrass and maerl could be impacted if the sediment travels further than that anticipated during a normal tidal cycle.
- 7.4.7 Maerl has a very low resilience in changes to suspended sediment and smothering and has a high sensitivity to smothering. The Dale Roads test area is approximately 1000m from the maerl beds and therefore potentially impacted by suspended sediments. NRW TE therefore present a requirement to monitor predicted plumes.
- 7.4.8 NRW TE recommend that for those devices where seabed levelling and clearance is proposed, additional monitoring of turbidity levels may be required during installation in order to monitor the extent of any suspended sediment plumes. Details of which should be included in the device specific installation plan as outlined above. NRW PS concur with this as suitable mitigation and will include appropriate conditions in any Marine Licence issued.
- 7.4.9 Overall NRW TE were satisfied with the response and consider that the proposal, subject to appropriate mitigation, would not have an adverse effect on a designated site.
- 7.4.10 NRW TE also request inclusion of adherence to INNS management strategy as a mitigation measure for biosecurity. Again, NRW PS consider it appropriate to include

conditions in any Marine Licence issued to ensure effective INNS strategies are in place and followed.

7.5 Fish and Shellfish

- 7.5.1 NRW TE raised concerns regarding the absence of seahorses, *Hippocampus guttulatus* from the assessment, device ingress by fish, impacts on herring spawning grounds with regard to the Warrior Way site and also noise impacts to fish species, also at Warrior way.
- 7.5.2 Further information was provided from the applicant which included *H.guttulatus* being scoped into the assessment and consideration of barrier effects from noise and impacts to herring spawning grounds from Warrior Way. Following this clarification NRW TE were satisfied with these responses.
- 7.5.3 Further information relating to fish ingress was also provided from the applicant and it was proposed that it will be a condition of testing at META project sites Dale Roads and East Pickard Bay, that potential for fish ingress will be minimised through device design at the engineering stage. NRW TE acknowledged this but advised, due to uncertainty, that further information is provided prior to deployment to ensure that potential fish ingress has been minimised and that no additional mitigation is required.
- 7.5.4 Overall, subject to this mitigation NRW TE agreed with the conclusions of the ES and consider that the Project would not have an adverse effect on Fish and Shellfish.
- 7.5.5 NRW PS agree with this conclusion and require that further information is provided prior to deployment as mitigation (described in section 8.2) to ensure this aspect has been considered in the design.

7.6 Marine Mammals, Basking Shark and Otter

- 7.6.1 NRW TE raised concerns specifically relating to marine mammal entanglement/collision risk and operational noise.

Collision/entanglement

- 7.6.2 The concern raised was that it was unclear how the conclusion of minor significance was reached for collision specifically for entanglement risk, so further clarification was requested, and consideration given to this impact. Following review of this further information NRW TE agree with the conclusions within the ES provided that the mitigation within the Device-specific Installation and Operation Method Statement (DIOMS) of collision risk and entanglement protocols (as agreed with NRW prior to deployment) are adhered to.
- 7.6.3 NRW PS will achieve this through a requirement within the EMMP to address actions on entanglement risk.

Underwater noise

- 7.6.4 NRW TE agreed with the conclusion of minor-adverse effects from the installation phase but had concerns regarding the operational noise impacts primarily at the Warrior Way site but also at Dale Roads and East Pickard Bay sites. Further clarification on the assessment for this phase was requested from the applicant. This clarification information was reviewed, and the conclusions subsequently agreed by NRW TE.
- 7.6.5 Further advice was provided from NRW TE that whilst they agreed with the conclusions of the impact assessment, NRW TE recommend that monitoring of operational turbines, and any potential marine mammal interactions would be beneficial at Warrior Way. This could be undertaken through visual or acoustic observations. Monitoring of marine mammal interactions with operational tidal turbines is a key evidence gap for the sector and the Marine Energy Test Area provides a perfect opportunity to help further understand the potential impacts of these novel technologies. NRW PS consider that underwater noise has been appropriately assessed. NRW TE's suggestion around the future benefits of monitoring of marine mammals with operational devices in order to fill evidence gaps for the wider industry will be shared with the applicant.

7.7 Ornithology

- 7.7.1 Concerns were raised regarding the lack of site-specific surveys (NRW TE and RSPB); however, it is acknowledged that the assessment has been undertaken, and the data updated in a way previously agreed by NRW TE and RSPB (by way of updating and revising the desk studies and developing further mitigation measures).
- 7.7.2 The applicant has stated within their EMMP 4.3.1.1, that there will be pre-installation surveys for little grebe at the Warrior Way site: *“Pre-installation surveys (two months, minimum of four observations) may be required where proposed device deployment and operation is out with little grebe breeding season (March to April inclusive).”*
- 7.7.3 NRW PS are, therefore, satisfied that this issue has been covered sufficiently. NRW PS will require that the final EMMP is submitted and approved and that the results of any such surveys are provided for review by NRW TE.
- 7.7.4 With regard to the issues of bird ingress, NRW TE note as proposed by the applicant that the devices will be designed to minimise any potential bird and fish ingress and would require to review projects pre-deployment to see how this design aspect has been considered.
- 7.7.5 NRW PS will include this mitigation (further information provided prior to deployment on ingress considerations as part of the DIOMS to be agreed with NRW pre-deployment) as a condition of any marine licence issued.

7.8 Commercial Fisheries

- 7.8.1 No representations were made on the subject of Commercial Fisheries. Consequently, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.10 Shipping & Navigation

- 7.10.1 The MCA provided a response on the shipping and navigation elements of the ES and the Navigational Risk Assessment (NRA) and were satisfied that the marine traffic studies provide a representative overview of the activities within the area. However, they have noted that an Emergency Response Plan for each site will be required as well as the layout plan for multiple devices being agreed with the MCA prior to deployment. The MCA also require sufficient notification through a Notice to Mariners (NTM) to local mariners, fishermen's organisations, HM Coastguard and the UK Hydrographic Office (UKHO) and that the approval of the responsible local navigation authority or harbour is obtained. NRW PS considers that these concerns can be sufficiently addressed using appropriate conditions in any Marine Licence issued.
- 7.10.2 No direct comment was provided by Trinity House regarding the ES itself; however, they did provide comment that they had no objections to the Project provided that suitable mitigation was included to ensure specific NRA should be carried out accordingly once marine energy devices are selected for individual areas and that such aids to navigation marking requirements must be agreed with the Milford Haven Port Authority and then Trinity House with a NTM also being issued as appropriate. Again, NRW PS considers that these concerns can be sufficiently addressed using appropriate conditions in any Marine Licence issued.
- 7.10.3 The RYA did not provide direct comment on the ES but did comment on the NRA and reiterated the importance of the area and the intensity of use by small craft not always equipped with Automatic Identification Systems (AIS).
- 7.10.4 The RYA, therefore, raised the concern of the reliance on informing recreational users and the use of navigation marks to ensure users deviate course around structures. The navigational safety of the project is highly dependent upon informing and educating recreational users.
- 7.10.5 The RYA agrees with the findings of the NRA that the principal risks to recreational craft in the three sites are grounding, collision and contact with structures (see NRA Tables 10.4.1, 10.4.2 and 10.4.3).
- 7.10.6 The RYA noted that risk mitigation of the NRA is based upon traffic management, use of Aids to Navigation (AtoN) and Notices to Mariners within the Milford Haven area. In addition, they noted that no minimum Under Keel Clearance (UKC) is stated for subsurface structures, although minimum standards for navigation marks on emergent/ surface structures within the sites are provided within the ES. The RYA notes the reliance on the adoption of specific measures to further minimise risks to recreational users.
- 7.10.7 NRW PS considers that these concerns can be sufficiently addressed using appropriate conditions in any Marine Licence issued.

7.11 Cultural heritage/Archaeology and Seascape

- 7.11.1 Welsh Archaeological Trust (WAT) and Cadw confirmed that sufficient archaeological and seascape assessment have been completed and agree with the conclusions within the ES that the impacts will not be significant, and that adequate mitigation has been proposed.
- 7.11.2 WAT are satisfied that conditions relating to this mitigation, namely the requirement of preliminary surveys at each of the three sites in Phase 2 to confirm or otherwise the archaeological potential for any Prehistoric deposits.
- 7.11.3 Where these deposits are present, they will be appropriately sampled and recorded in accordance with current best-practice guidance (para.13.11.9 of the ES). Archaeological recording of wrecks is a mostly non-destructive process and in principle, allows preservation in situ of remains, should this be possible within the proposed development (para 13.11.2.19 of ES).
- 7.11.4 Therefore, mitigation proposed is to survey, sample and record the sites of archaeological potential with, depending on the results, the requirement to micro-site devices to retain the archaeological features in-situ. This will be determined by an experienced marine archaeologist reviewing survey data from pre-installation surveys.
- 7.11.5 NRW PS are therefore satisfied that cultural heritage and seascape have been appropriately assessed and that the mitigation required can be secured using appropriate conditions including; design alterations and/or micro-siting following a review of the information collected through site investigation surveys as part of the pre-installation phase and a licence condition included to ensure that any archaeological deposits or artefacts discovered throughout the installation, operation and decommissioning phases of the development are reported through the Offshore Renewables Protocol for Archaeological Discoveries Implementation Service. To ensure accurate records are maintained for archaeological finds and to inform future deployments.

7.12 Population, Human Health & Socio-economics

- 7.12.1 No representations were made on the subject of Population, Human Health and Socio-economics. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.13 Other Users

- 7.13.1 No representations were made on the topic of Other Users in addition to those already considered within section 7.10 shipping and navigation. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.14 Sustainability and Climate Change

7.14.1 The purpose of the META project is to support the development of low carbon technologies promoting environmental sustainability through the utilisation of renewable natural resources to generate electricity. Significant impact on the climate is not predicted.

7.14.2 No representations were made on the subject of sustainability and climate change. Therefore, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

7.15 Cumulative Effects

7.15.1 As detailed in section 3.2.4, NRW PS carried out a Habitat Regulation Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

7.15.2 No representations were made on the Cumulative Effects. Consequently, NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

8. Mitigation or monitoring measures to be taken

8.1 Features or measures to avoid, prevent, reduce or offset likely significant effects

8.1.1 In reaching the Conclusion about Environmental Impact (Regulation 21A of the Regulations), NRW must consider any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects (regulation 21A (1)(f)).

8.1.2 NRW considers that the following features of the project, or measures included within the project proposal, as described in the application form, ES and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects:

8.1.2.1 The META Project has been designed to minimise environmental impacts including the potential for accidents and disasters by minimising the marine footprint wherever possible, thereby reducing potential interaction with other users, shipping and navigation.

8.1.2.2 The minimised marine footprint allows for only one scaled and/or micro-device to be tested at a time at Warrior Way site. Only one device at a time at Dale Roads and up to a maximum of two devices at a time at East Pickard Bay. Any device re-deployment would look to use the same seabed footprint as previously deployed upon and permanent infrastructure to support the testing will not be required with electricity generated by the devices used locally by the devices themselves for navigational lighting or to charge batteries.

- 8.1.2.3 The minimal marine footprint also reduces the number of vessels required for deployment, retrieval, operation and maintenance purposes so again, the potential for near-misses or collisions with other vessels is minimised. Also, the installation and retrieval of devices will be undertaken in daylight hours, wherever possible, to reduce collision risk.
- 8.1.2.4 Although component testing for floating offshore wind e.g. floating wind turbine foundations are within the Project design envelope at East Pickard Bay; neither the turbine nor the tower have been included within the PDE to avoid additional impact.
- 8.1.2.5 The Project has provided an outline Environmental Management Plan (EMP) which details mitigation for potential environmental impacts resulting from the Project. It is noted that this EMP is not complete and will be completed and agreed post-consent. They have also committed to producing a Marine Pollution Contingency Plan (MPCP) and Invasive Non-Native Species Management Plan (INNSMP).
- 8.1.2.6 The Project has committed to producing an Environmental Mitigation and Monitoring Plan (EMMP) which will outline the post-consent conditions and monitoring requirements for marine renewables devices at the META project and may include requirements for pre-installation baseline surveys and post-deployment monitoring of operational devices. This document will also detail any mitigation measures that device developers may be expected to adopt which will prevent significant adverse impacts to environmental receptors, as identified in the Environmental Statement.
- 8.1.2.7 The EMMP will outline the monitoring objectives, methodologies and timings for each receptor group, and demonstrate how the surveys will enable validation of Environmental Statement predictions or how it will address residual uncertainties identified in the Environmental Statement.
- 8.1.2.8 The EMMP will also detail survey, monitoring and/or mitigation requirements for each META site and for each receptor group, based on the predictions made in the Environmental Statement.
- 8.1.2.9 An outline monitoring reporting document will be developed which will clearly show how the requirements of any monitoring conditions have been met, including presenting the pre-construction positions (including any limitations), and it will clearly outline the purpose of any subsequent comparisons which may be made in relation to specific devices. Reports will be presented to and agreed with relevant regulatory bodies and statutory stakeholders.

8.2 Mitigation or monitoring required to be attached to the consent (Regulation 22 (c)-(e))

- 8.2.1 In reaching the EIA Consent Decision required under Regulation 22, NRW PS must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.

- 8.2.2 Section 7 outlines where NRW PS considers that there is a requirement for mitigation and/or monitoring and sets out the measures we consider necessary to address potential impacts identified through the EIA process. These are summarised below:
- 8.2.2.1 Licence conditions will be required to produce a Project Environmental Management Plan (PEMP). The PEMP will need to be submitted and approved prior to commencement of works. The PEMP must incorporate proposed mitigation identified within the ES to ensure pollution prevention best practice will be adhered to as well as considering the potential impact on bathing water. Device-specific EMPs will also be required and agreed prior to construction-these should draw down the information from the PEMP and include further mitigation specific for individual device designs. The Licence Holder must also submit a Project Environmental Mitigation and Monitoring Plan (EMMP) to the Licensing Authority for written approval prior to commencement of the Licensed Activity. This EMMP must incorporate proposed mitigation for the META Project identified as part of the EIA process. It should also outline the monitoring of predicted plumes at the Dale Roads site and at all sites where seabed levelling and clearance is proposed (details of which should be drawn down and included within the device-specific pre-deployment monitoring plan installation plan). The EMMP must also outline entanglement strategy risk and response procedures as discussed in Section 7.6.3. The plans must be implemented as approved. This will reduce the impact on water quality, marine mammals, maerl beds (and other sensitive benthic habitats) and bathing water quality.
 - 8.2.2.2 Licence conditions will be required to ensure that an INNS Management Strategy is submitted and approved prior to commencement of works. This will reduce the biosecurity risk.
 - 8.2.2.3 Licence conditions will be required for pre-installation site-specific surveys which must be completed to inform micro-siting of devices prior to deployment. The scope of these surveys must be appropriate for benthic species and habitat and marine archaeology and must be discussed and agreed with NRW prior to commencement. The results of any surveys must be submitted as a pre-deployment monitoring report to the Licensing Authority at least 3 months prior to the commencement of any works. This will reduce the impact on benthic species and habitats, archaeology and suspended sediments.
 - 8.2.2.4 Pre-installation surveys will also be required at Warrior Way where proposed device deployment and operation occurs outside the little grebe breeding season (March to July inclusive). The scope of these surveys must be agreed with NRW 3 months prior to their commencement. This will reduce impacts to birds.
 - 8.2.2.5 A licence condition will be required to submit device designs pre-deployment to NRW for approval to confirm design aspect to reduce bird and fish ingress has been incorporated. This is specific to WEC devices. If devices at East

Pickard Bay are at the maximum project envelope for dimensions, then this will trigger the need for ornithological monitoring surveys at this site.

8.2.2.6 A licence condition will be required to ensure mariners and fishermen's organisations are aware of the activity and the HM Coastguard and UKHO are notified prior to commencement of works. Device-specific NRAs will be required and the layout of multiple devices within an area must be agreed with the MCA prior to deployment. This will reduce impact on navigation and other uses of the sea.

8.2.3 In considering the monitoring requirements outlined above we do not consider that these requirements can be met by existing monitoring arrangements.

9. Regulation 21A Conclusion about Environmental Impact

9.0.1 In reaching a Conclusion about Environmental Impact, as required by Regulation 21A, NRW has considered the following (Regulation 21A(1)):

- The application for a Marine Licence;
- The Environmental Statement submitted;
- Further information provided, as outlined in section 3.3;
- The responses to public consultation outlined in sections 4 and 7;
- The responses to the technical consultation outlined in sections 6 and 7;
- Any comments received from another EEA state, as outlined in section 5 and 7; &
- Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects as outlined in section 8.

9.0.2 NRW, as appropriate authority, has considered the likely significant effects of the project, and reached a conclusion of the likely significant effects of the project with regard to the following (Regulation 21A(2)):

Population and human health (9.1)

Biodiversity (9.2)

Land, soil, water, air and climate (9.3)

Material assets, cultural heritage and landscape (9.4)

Risk of major accidents and disasters relevant to the project (9.5)

Cumulative impacts and in-combination impacts (9.6)

9.1 Population and human health

9.1.1 The ES has assessed the impact on population and the human environment. Due to the scale and nature of the project significant impact on population is not predicted during the operational phase. The ES also considered that during the construction phase there was the potential to generate minor (reversible) visual impact. Considering the project design, scale and mitigation proposed; NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project.

9.2 Biodiversity

- 9.2.1 There are several protected areas which have the potential to be affected by the META Project. A Habitat Regulation Assessment was carried out and considered, subject to appropriate conditions that the project will not adversely affect the integrity of any of the European Sites and their features.
- 9.2.2 The ES considers the potential further impact on biodiversity including that of increased sedimentation during construction or via an accidental pollution event. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions as outlined in section 8 relating to site-specific surveys to determine micro-siting of devices, device design, adherence to the PEMP and device -specific EMP, no significant impact on biodiversity is predicted.

9.3 Land, soil, water, air and climate

- 9.3.1 The installation, operation and maintenance of the META project will not give rise to the production of any hazardous waste. However, there is an impact pathway to water quality through an accidental pollution event. In addition, there is the potential to impact on water quality through sediment disturbance during the construction phase e.g. seabed levelling.
- 9.3.2 The ES has assessed these impacts and proposed mitigation including adherence to a PEMP and device-specific EMP which would include pollution prevention best practice. NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8, that no significant impact on water quality is predicted.
- 9.3.3 The purpose of the META project is to support the development of low carbon technologies promoting environmental sustainability through the utilisation of renewable natural resources to generate electricity. Significant impact on climate is not predicted.

9.4 Material assets, cultural heritage and landscape

- 9.4.1 A review of marine archaeological data within the ES identified no designated sites at any of the three Phase 2 areas of the Project but, did identify a number of non-designated heritage assets at the Dale Road and East Pickard Bay sites. Pre-historic deposits at all three sites were considered to be of medium archaeological vulnerability.
- 9.4.2 A number of potential impacts associated with the installation, operation and maintenance, and decommissioning phases of the META project on marine archaeological receptors were assessed within the ES, namely; removal or disturbance of sediments – buried prehistoric deposits; removal or disturbance of archaeological resource – shipwrecks; and sediment deposition on the seabed.
- 9.4.3 Mitigation proposed is to survey, sample and record the sites of archaeological potential with, depending on the results, the requirement to micro-site devices to

retain the archaeological features in-situ. This will be determined by an experienced marine archaeologist reviewing survey data from pre-installation surveys.

- 9.4.4 NRW PS is satisfied that subject to appropriate mitigation detailed above that no significant impact on cultural heritage is predicted.
- 9.4.5 The ES considered impact on seascape and concluded a temporary (reversible) minor adverse visual impact in the vicinity of the works during the installation and decommissioning phases of the Project due to the movement of vessels. Although the conclusion of Moderate significance of effect was concluded for the Dale Road operational phase and a substantial effect was concluded for the East Pickard Bay site for the operational phases, NRW PS note the likely design scenarios for both of these sites are assessed as being of minor significance which is not significant in EIA terms with the seascape being returned to pre-existing conditions at the end of the Project.

9.5 Risk of major accidents and disasters relevant to the project

- 9.5.1 Due to the nature and scale of the operation NRW PS consider the risk of a major accident or disaster to be relatively low and is most likely to be incurred as result of the physical presence of the devices increasing collision risk to vessels not under command (including unattended small craft, capsized craft) and in an emergency situation (e.g. machinery related problems and drifting). The Project is designed to minimise the potential for accidents and disasters through minimisation of the marine footprint wherever possible (see Chapter 2 of ES). Pollution prevention measures have been proposed to reduce the risk of a major accident or pollution event.

9.6 Cumulative impacts and in-combination impacts

- 9.6.1 NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES. As detailed in section 3.2.4 NRW PS carried out a Habitat Regulation Assessment as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

Produced By: Seran Davies

Signed: 

Date: 15 December 2020

Approved by: Wendy Dodds

Signed: 

Date: 15 December 2020

10. Regulation 22 EIA Consent Decision

- 10.0.1 The Marine Licensing Team has considered the application ORML1957 and information provided in support of the application and is now in a position to make an EIA consent decision to Pembrokeshire Coastal Forum CIC.
- 10.0.2 In accordance with Regulation 22 of the Regulations, NRW PS, as appropriate authority, have considered:
- The application for a Marine Licence
 - The Environmental Statement submitted
 - Further information provided, as outlined in section 3.3
 - The Conclusion about Environmental Impact (under Regulation 21A(2)) in section 9 (15 December 2020), which we consider to be up to date
 - The responses to public consultation outlined in sections 4 and 7
 - The responses to the technical consultation outlined in sections 6 and 7
 - Any comments received from another EEA state, as outlined in section 5 and 7
 - Whether monitoring of the significant adverse environmental effects of the Project is appropriate (as outlined in section 8), including whether
 - Existing monitoring can be relied upon
 - Conditions should be attached to the regulatory approval
 - Whether conditions to make provision for potential remedial action are required, as outlined in section 8
 - Whether any other conditions need to be attached to the regulatory approval, with respect to the likely significant environmental effects of the Project, as outlined in section 8.
- 10.0.3 After conducting a full and comprehensive review of the Project and applying appropriate additional external expertise, we conclude that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, we conclude a favourable determination and that EIA consent for the project should be given.
- 10.0.4 We consider that adequate mitigation has been proposed or have been included as licence conditions, which will minimise or altogether remove the potential significant impact associated with the construction and operational phases of the project.
- 10.0.5 We consider that the monitoring and mitigation conditions outlined in section 8 should be considered in the regulatory decision.
- 10.1 This Written Confirmation of the EIA Consent Decision will be sent to the following, in accordance with Regulation 23 of the Regulations:
- Pembrokeshire Coastal Forum CIC
 - Any person from whom NRW received representation arising from the consultation described in section 4
 - Any EEA states consulted (see section 5)

- All consultation bodies listed in section 6

10.2 This Written Confirmation of the EIA Consent Decision is available on the NRW online public register at <https://naturalresources.wales/permits-and-permissions/permit-applications-consultations-and-decisions/marine-licensing-decisions/?lang=en>

Produced By: Seran Davies

Signed: *S.R.*

Date: 15 December 2020

Approved by: Wendy Dodds

Signed: *W. J. Dodds*

Date: 15 December 2020
