

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Greenlink Interconnector Limited

Application reference no: CML1929

Laying an interconnector cable between Freshwater
West beach and the Ireland and Wales median line

17 February 2021

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Application Number: CML1929**OUR DECISION**

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the marine licence sought by the Application subject to the conditions included in the marine licence CML1929.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 4;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the Application.

1 APPLICATION DETAILS**1.1 The Application**

Applicant Name and Address	The Applicant is the person or organisation set out below: Company/organisation name: Greenlink Interconnector Limited Company number (if available): 536954 Address: Mason Hayes and Curren, South Bank House, Barrow Street, Dublin 4, Ireland	
Application Reference Number	CML1929	
Date Application was duly made	27 September 2019	
Proposal[s] covered by the application	Laying an interconnector cable between Freshwater West beach and the Ireland and Wales median line.	
Licensable marine activities	Activity 1 – Cable Laying and Route Clearance Activity 2 – Deposit of Rock Protection Activity 3 – Cable Maintenance Activity 4 – Unexploded Ordnance (UXO) Clearance Activity 5 – Dredge and Deposit	
Marine Plan area	Welsh National Marine Plan	
Title/Description of Document	Date	Version No.
CML1929 Greenlink Marine Licence Application 20190624	17 June 2019	1
CML1929 Vol 1 Greenlink Marine ES NTS	June 2019	1

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CML1929 Vol 2 Greenlink Marine ES - Wales	June 2019	1
CML1929 Vol 3 Appendix A - WMP Objectives	June 2019	1
CML1929 Vol 3 Appendix B - Scoping Meetings	June 2019	1
CML1929 Vol 3 Appendix C - HRA	June 2019	1
CML1929 Vol 3 Appendix D - Underwater Sound Modelling	June 2019	1
CML1929 Vol 3 Appendix E - Herring & Sandeel Assessment	June 2019	1
CML1929 Vol 3 Appendix F - Commercial Fisheries Assessment	June 2019	1
CML1929 Vol 3 Appendix G - Marine Archaeology	June 2019	1
CML1929 Vol 3 Appendix H - WFD Scoping	June 2019	1
CML1929 Vol 3 Appendix I - Cable Route Survey	June 2019	1
CML1929 Vol 3 Appendix J - Environmental Survey Report	June 2019	1
CML1929 Vol 3 Appendix K - Intertidal Habitat Survey Report	June 2019	1
CML1929 Vol 3 Appendix L - UXO Risk Assessment	June 2019	1
CML1929 Vol 3 Appendix M - WSI	June 2019	1

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CML1929 Vol 3 Appendix N - Landfall Selection	June 2019	1
CML1929 Vol 3 Appendix O Competent experts table	June 2019	1
CML1929 Greenlink Summary of Offshore & Onshore Env Effects (P1975 R4799 Rev0) 20190926	September 2019	1
CML1929 Greenlink Responses (P1975 R5015 Rev1)	May 2020	1
CML1929 GIL Response (P1975 R5130 Rev0)	25 August 2020	1
CML1929 Greenlink Marine HRA (P1975 R4710 RevF4)	October 2020	4
CML1929 P1975 R5028 Rev2 Greenlink MMMP	November 2020	2

2 APPLICATION PROCEDURE

2.1 The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 27 September 2019. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered may therefore include documents provided after the Application was first made.

2.2 Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received by consultees as NRW considered relevant.

2.3 Commercial Confidentiality

The Applicant made no claim that any information forming part of the Application was subject to commercial confidentiality and we have not received any information in relation to the Application that appears to be commercially confidential.

2.4 Publicity and advertising

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) notice was given to Pembrokeshire County Council on 13 November 2019.

As required by s. 68 of the 2009 Act NRW has required the Applicant to publish notice of the Application.

Public notice advertising the Project was placed in the Wester Telegraph on 13 November 2019 and 20 November 2019. It was also placed in Fishing News on 14 November 2019 and 21 November 2019. The application documents were made available to the public at Pembroke Library and Information Centre, Commons Road, Pembroke, Pembrokeshire, SA71 4EA. They could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

The public were given a period of 42 days from the date of the Public Notice to provide comments on the application.

Three public responses were received in response to the Public Notice. All representations have been considered in coming to our decision. Details of our considerations can be found in section 4.

3 CONSULTATION

3.1 Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 13 November 2019, due to their particular expertise. These bodies were consulted for a period of 42 days. Those bodies have responded to the consultation a 'Y' can be found in the response received column, those who did not respond to consultation an 'N' can be found in the response received column:

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate (TCE)	N	
Natural Resources Wales Technical Experts (NRW TE)	Y	23 January 2020

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Ministry of Defence (MoD)	Y	06 January 2020
Maritime & Coastguard Agency (MCA)	Y	07 January 2020
Trinity House (TH)	Y	09 December 2019
Royal Yachting Association (RYA)	Y	28 November 2019
Local Biodiversity Officer – Pembrokeshire	N	
Local Planning Authority – Pembrokeshire County Council	Y	02 January 2020
Local Harbour Authority	N	
Local Port Authority – Milford Haven	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government	Y	08 January 2020
Welsh Archaeological Trust	N	
Royal Commission on the Ancient and Historical Monuments of Wales (RCHAMW)	N	
Cadw	Y	08 January 2020
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NATS En-route Limited (NERL)	N	
Centre for Environment, Fisheries and Aquaculture Science (CEFAS)	Y	08 January 2020
Joint Nature Conservation Committee (JNCC)	Y	12 January 2020
Pembrokeshire National Park Authority	N	

Consultees who did not provide a response were assumed to have no comment. In addition we received three responses from members of the public.

NRW has had regard to all consultation responses received in making its decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 4 of this decision document.

4 ENVIRONMENTAL IMPACT ASSESSMENT

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.

The Marine Works (Environmental Impact Assessment) Regulations 2007 ("the Regulations") transpose the EIA Directive in Wales and England for marine licence applications.

4.1 Screening

The application was considered by NRW to constitute an EIA development under the Regulations, and a Screening Opinion (ref SC1805) was issued on 14 June 2018.

Pursuant to Regulation 8 of the Regulations, NRW considered under SC1805 that the proposed works did not fall under Schedule A1 or Schedule A2 of the Regulations and an EIA was not required.

However, we considered correspondence with the applicant, dated 20 September 2018, and have determined that the project as a whole, requires Environmental Impact Assessment, as volunteered by the applicant. We consider that this decision has been reached in agreement between Greenlink Interconnector Limited, Intertek and NRW Permitting Service, in accordance with Regulation 5 of the Marine Works Regulations.

4.2 EIA assessment

The Marine Licence application required for the Project was accompanied by an Environmental Statement (ES). NRW assessed the project as an EIA development under the Regulations and issued a Written Confirmation of the EIA Consent Decision on 17 February 2021. The Written Confirmation is available on the NRW website and the marine licensing public register.

In accordance with Regulation 24 of the Regulations, the following information is included in subsequent sections of this document:

- Conclusion of EIA assessment
- Any conditions, mitigating and monitoring measures described in the EIA decision
- The main reasons and considerations on which this regulatory decision is based
- A summary of the results of consultations undertaken and how these have been incorporated into this regulatory decision

4.3 Conclusion of the EIA assessment

NRW issued a Written Confirmation of the EIA Consent Decision on 17 February 2021, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. In reaching the conclusion, NRW considered the following information:

- The application for a Marine Licence
- The Environmental Statement submitted
- Any further information provided
- The responses to public consultation
- The responses to the technical consultation
- Any comments received from another EEA state
- Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects

NRW considered the likely significant effects of the project, and reached a conclusion on the likely significant effects of the project with regard to the following:

- Population and human health
- Biodiversity
- Land, soil, water, air and climate
- Material assets, cultural heritage and landscape

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- Risk of major accidents and disasters relevant to the project
- Cumulative impacts and in-combination impacts

A summary of the conclusion on the likely significant effects of the project is outlined below. Full details of the conclusion on the likely significant effects of the project can be found in the Written Confirmation of the EIA Consent Decision.

4.3.1 Population and human health

The ES has assessed the impact on population and the human environment. Due to the 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 impacts in the nearshore or on the foreshore. Considering the project design, scale and mitigation proposed in section 4.5.2.13 and 4.5.2.14; NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project.

4.3.2 Biodiversity

The location of the project is within the Pembrokeshire and West Wales Marine SAC and a number of other designated areas surround the project footprint. A Habitat Regulation Assessment was carried out and, subject to appropriate conditions the works will adversely affect the integrity of the Pembrokeshire Marine SAC only as a result the direct loss of Annex 1 habitat Reef [1170], as stated in section 5.1.3. However, compensation for the loss of habitat has been secured through the inclusion of licence conditions as stated in section 4.5.2.4. All other European Protected Site features will not be adversely affected subjected to appropriate conditions set out in section 4.5.2.

The clearance of a UXO has the potential to cause impacts on Harbour Porpoise and Grey Seals through injury and disturbance. However as stated in section 4.5.2.6, licence conditions will be included to ensure a marine mammal mitigation plan is submitted to the licensing authority for approval prior to any UXO being cleared.

The ES considers the potential further impact on biodiversity including that of a pollution event, invasive non-native species or increased sedimentation during installation, maintenance and decommissioning. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in section 4.5.2, no significant impact on biodiversity is predicted.

4.3.3 Land, soil, water, air and climate

The cable laying process in the nearshore area and on the foreshore has the potential to cause changes to nearby bathing water classification. However, as stated in section 4.5.2.5, licence conditions will be included to ensure a bathing water mitigation plan is submitted to the licensing authority for approval prior to any licensed activities taking place in the nearshore area and on the foreshore.

The ES considers the potential further impact on water quality including that of a pollution event, or increased sedimentation during installation, maintenance and decommissioning. NRW PS conclude that considering mitigation proposed within the ES and the licence conditions outlined in section 4.5.2.1, no significant impact on water quality is predicted.

The Greenlink Interconnector Cable project will help to reduce CO₂ emissions and meet climate policy targets in the long-term. The ES also considers the potential impacts on air quality including that of road transport and the offshore development. Given that these emissions will be emitted in the coastal or offshore environment away from any major emission sources, NRW PS conclude that emissions from the Proposed Development are not likely to cause a deterioration in local air quality.

4.3.4 Material assets, cultural heritage and landscape

The ES has assessed the impact on material assets, including architectural and archaeological heritage, valued for socio-economic or heritage reasons and impacts on landscape. A Written Scheme of Investigation has been prepared as part of the ES and the actions proposed will be implemented as approved by Cadw as stated in section 5.1.8. NRW PS consider that due to the

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design, installation methods and mitigation there will be no adverse effect on material assets, cultural heritage and landscape as a result of the project.

4.3.5 Risk of major accidents and disasters relevant to the project

Due to the nature of the operation, the pollution prevention measures proposed to reduce the risk of a major accident or pollution event and conditioned within the marine licence, as stated in 4.5.2.1, NRW PS consider the risk of a major accident or disaster to be extremely low.

4.3.6 Cumulative impacts and in-combination impacts

As detailed in section 5.1.3, 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.

NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

4.4 EIA Consent Decision

NRW issued a Written Confirmation of the EIA Consent Decision on 17 February 2021, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. NRW concluded that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, NRW concluded a favourable determination and that EIA consent for the project should be given.

4.5 Mitigation and monitoring requirements

The Written Confirmation of the EIA Consent Decision issued by NRW on 17 February 2021, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are summarised below:

- 4.5.1** In reaching the EIA Consent Decision required under Regulation 22, NRW must make consideration of the requirement for any mitigation measures or monitoring required to be attached to the consent.
- 4.5.2** Section 7 of the consent decision 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:
 - 4.5.2.1** Licence conditions will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate 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, as stated in section 4.3.5. This will reduce impacts on water quality.
 - 4.5.2.2** Licence conditions will be required to ensure Castlemartin Firing Range, mariners and fishermen's organisations are aware of the activity and that the HM Coastguard and UK Hydrographic Office are notified prior to commencement of any Licensed Activities. This will prevent interference with navigation and legitimate uses of the sea, as stated in section 7.7 of the EIA consent decision.

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- 4.5.2.3** Licence conditions will be required to ensure a cable burial plan is produced which outlines proposed method statements and cable protection measures is approved by the Licensing Authority prior to the commencement of cable laying, route clearance, deposit of rock protection and dredge and deposit activities.
- 4.5.2.4** Licence conditions will be required to ensure a compensation plan is submitted to the Licensing Authority prior to commencement of Licensed Activities. This will ensure appropriate compensation and monitoring is implemented to compensate for the loss of Annex 1 habitat Reef [1170] of the Pembrokeshire Marine SAC, as stated in section 7.2 of the EIA consent decision.
- 4.5.2.5** Licence conditions will be required to ensure a bathing water mitigation plan is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities in the nearshore or on the foreshore. This will prevent changes to the bathing water classification, as stated in section 7.10 of the EIA consent decision.
- 4.5.2.6** Licence conditions will be required to ensure that once the specific UXO has been identified for clearance, a marine mammal mitigation plan is submitted to the Licensing Authority for approval prior to the clearance of any UXO. This will prevent likely significant effect on marine mammals by ensuring appropriate mitigation is adhered to as stated in section 7.5 of the EIA consent decision.
- 4.5.2.7** Licence conditions will be required to ensure scour monitoring is carried out and the results are submitted to the Licensing Authority. If the results show scour development, licence conditions have been included to ensure mitigation is implemented as approved by the Licensing Authority. This will prevent the development and impacts caused as a result of scour protection, as stated in section 7.1.2 of the EIA consent decision.
- 4.5.2.8** Licence conditions will be required to ensure a compass deviation survey is carried out if requested and the results submitted to the Licensing Authority for approval. If the results show the cable is causing compass deviation, licence conditions have been included to ensure mitigation is implemented as approved by the Licensing Authority. This will prevent impact on navigation as stated in sections 7.6.3 and 7.6.3 of the EIA consent decision.
- 4.5.2.9** Licence conditions will be required to ensure that no Licensed Activities encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.
- 4.5.2.10** Licence conditions will be required to ensure that no more than 5% reduction in surrounding depth referenced to Chart Datum at any point. This will prevent impact on navigation as stated in section 7.6.1 of the EIA consent decision.
- 4.5.2.11** Licence conditions will be required to ensure the location of the cable as laid with specific details of the locations of buried and surface-laid cables, and the placed location and quantity of rock placement or rock mattresses used are submitted to the Licensing Authority.
- 4.5.2.12** Licence conditions will be required to ensure an entry is made into the UK Marine Noise Registry detailing the proposed dates and locations and nature of the UXO clearance.

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- 4.5.2.13** Licence conditions will be required to ensure no Licensed Activities can take place in the nearshore or on the foreshore between 01 July and 31 August inclusive, to avoid peak tourist seasons and avoid risk to human health as stated in section 7.10.3 of the consent decision.
- 4.5.2.14** Licence conditions will be required to ensure no Licensed Activities can take place in the nearshore or on the foreshore two days before and after bank holidays, to avoid peak tourist seasons and avoid risk to human health, as stated in section 7.10.3 of the consent decision.
- 4.5.2.15** Licence conditions will be required to ensure mitigation is implemented to avoid, prevent, reduce impacts of invasive non-native species. This will include ensuring that all equipment, materials, machinery and Personal Protective Equipment are appropriately cleaned. There will also be a requirement to submit a Biosecurity risk assessment to the Licensing Authority prior to commencement of Licensed Activities.
- 4.5.2.16** Licence conditions will be required to ensure a cable maintenance method is produced and approved by the Licensing Authority prior to the commencement of any maintenance works.

NRW has considered these requirements in making this regulatory decision. The conditions attached to the Marine Licence are set out in Annex 1, including reasons for the inclusion of each condition.

4.6 Consideration of consultations undertaken

The consultation process described in section 2.4 and section 3 of this document was undertaken to ensure comments were received from appropriate parties.

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State. However, the assessment concluded there would be no significant effect to these member states. Consequently, no material was provided to other EEA member States in relation to the application.

NRW has had regard to consultation responses in making the regulatory decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

4.7 Main reasons for this regulatory decision

The main reasons for the regulatory decision made are described in section 5 of this decision document.

The conclusion of this regulatory decision is stated in section 6 of this decision document.

5 BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW has had regard to the factors set out in section 4 below in accordance with the **Marine and Coastal Access Act 2009** (the **2009 Act**).

Under the 2009 Act NRW is required to have regard to the following:

- the need to protect the environment (see sub-section 5.1)
- the need to protect human health (see sub-section 5.2)
- the need to prevent interference with legitimate uses of the sea (see sub-section 5.3)
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sub-sections 5.1 to 5.5 below)
- any representations which it has received from any person having an interest in the outcome of the application. (summarised in section 3 and where relevant considered in sub-sections 5.1 to 5.5 below)
- such other matters as it thinks relevant (see sub-section 5.5 below)

5.1 The need to protect the environment:

The reference to the “environment” includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the sea-bed and the sea-shore, and the ecosystems within it, or those that are directly or indirectly affected by an activity, whether within the marine licensing area or otherwise.

In considering the need to protect the environment we have considered the relevant environmental legislation set out below.

5.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations 2017

(a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

(b) Factors relevant to our determination

NRW has considered the potential effect of the Proposed Activities on the following WFD waterbodies:

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- Pembrokeshire South
- Milford Haven Waterbody

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that none of the WFD features of Pembrokeshire South waterbody Milford Haven Waterbody will deteriorate as a result of the proposed Greenlink Interconnector activity. There will not be a failure to improve the status of any feature or indicator as a result of this activity.

Therefore, the conclusion of this assessment is that the proposed Greenlink Interconnector will not lead to a deterioration of the assessed biological, chemical and physio-chemical elements within any affected water body, nor prevent the water body from meeting their WFD objectives.

Based on this assessment it is considered that the Proposed Activities when considered alone and in combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status when undertaken in accordance with appropriate conditions, i.e. condition 3.27 in Annex 1, requested by NRW TE, which requires the Licence Holder to submit a Bathing Water Mitigation Plan to NRW acting on behalf of the licensing authority for approval prior to any licensed activities commencing. The Licence Holder must then implement any action outlined in the Bathing Water Mitigation Plan approved.

Further details are described within the Water Framework Directive Compliance Assessment.

5.1.2 Biodiversity and resilience of ecosystems duty**(a) The legal framework**

Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of their functions, and in so doing promote the resilience of ecosystems, having regard to biodiversity lists published under section 7, the State of Natural Resources Report and any area statement published under section 11.

(b) Factors relevant to our determination

NRW has considered its duties under section 6 of the 2016 Act and is satisfied that the Proposed Activities would not reduce biodiversity when undertaken in accordance with appropriate conditions, i.e. condition 3.26 in Annex 1, requested by NRW TE, which requires the Licence Holder to submit a Compensation Plan to NRW acting on behalf of the licensing authority for approval prior to any licensed activities commencing. The Licence Holder must then implement any action outlined in the Compensation Plan approved. Under condition 3.28 in Annex 1, requested by NRW TE and JNCC, the Licence Holder is also required to submit a Marine Mammal Mitigation Plan to the licensing authority for approval prior to any licensed activities commencing. The Licence Holder must then implement any action outlined in the Marine Mammal Mitigation Plan approved.

NRW is satisfied that the deposit of rock protection along the cable will not cause scour development when undertaken in accordance with appropriate conditions, i.e. condition 3.35 in Annex 1, requested by NRW, which requires the Licence Holder to submit a Scour Monitoring Report to the Licensing Authority.

5.1.3 European Protected Sites and Ramsar Sites

(a) The legal framework

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (**Habitats Regulations 2017**) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 require that any project that is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) must be subject to an appropriate assessment. NRW undertakes a Habitats Regulation Assessment (HRA) to establish whether an appropriate assessment is required.

In addition NRW must exercise its functions under the 2009 Act so as to secure compliance with the requirements of the relevant European Directives. NRW also has a duty under the Habitats Regulations 2017 to support wild birds by protecting habitats and avoiding pollution.

A Ramsar site is a wetland which has been designated under the Ramsar Convention. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

(b) Factors relevant to our determination

The Project is located in or may affect the following European Protected Sites.

- Pembrokeshire Marine SAC
- West Wales Marine SAC
- Bristol Channel Approaches SAC
- North Anglesey Marine SAC
- Cardigan Bay SAC
- Camarthen SAC
- Skokholm and Skomer SPA
- Skomer, Skokholm and the seas off Pembrokeshire pSPA
- Castlemartin Coast SPA
- Grassholm SPA
- Pen Llyn a'r Sarnau SAC

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW (as Statutory Nature Conservation Body) and JNCC have been consulted on the HRA.

The following conclusion of the HRA have been considered by NRW in making this decision.

In light of the conclusions of the appropriate assessment, it has not been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, as documented in section 4 of this form, and section 5 as applicable.

Approval for the project cannot be given unless either:

- the project specification, and/or the terms under which it might be approved, are modified so as to remove the risk of adverse effects, and a revised HRA report is prepared, or
- the project satisfies the requirements of Article 6(4) of the Habitats Directive, an Article 6(4) Statement of Case is prepared (OGN 200 Form 3) and submitted for consideration by the appropriate authority, normally Welsh Ministers

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NRW is therefore satisfied that the Project, either alone or in combination with other plans or projects, will adversely affect the integrity of a European Site.

Following the conclusion of adverse affects on the integrity of a European Site, the licence determination proceeded under Article 6(4) of the Habitats Directive which provides a derogation which would allow a plan or project to be approved in limited circumstances even though it would or may have an adverse effect on the integrity of a European site. Under article 6(4) a plan or project can only proceed provided three sequential tests are met:

- There must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s).
- There must be “imperative reasons of overriding public interest” (IROPI) for the plan or project to proceed.
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

It was considered that there were no feasible alternatives to the project and a Statement of Case was produced by NRW PS identifying the imperative reasons of overriding public interest for the plan. A Compensation Plan was agreed with NRW TE in principle and the Statement of Case was sent to Welsh Government on the 4th of November 2020. Approval to grant a licence under Article 6(4) of the Habitats Directive was provided by Welsh Government on 09 February 2021.

Information which supports the Statement of Case is detailed in the Greenlink Marine HRA, dated October 2020.

The nearest RAMSAR site is located approximately 50km away from the License. NRW is therefore satisfied that any impacts of the Proposed Activities on the Ramsar site(s) are not sufficient to justify refusal of the application when implemented in accordance with appropriate conditions.

Further details are described within the Habitats Regulations Assessment.

5.1.4 European Protected Species

(a) The legal framework

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (EPS licence) must be obtained in order to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places, whether deliberately or accidentally.

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(b) Factors relevant to our determination

NRW considers that the following protected species are likely to be impacted by the Project:

- Harbour porpoise (*Phocoena phocoena*)
- Short-beaked common dolphin (*Delphinus delphis*)
- Common bottlenose dolphin (*Tursiops truncatus*)
- Striped dolphin (*Stenella coeruleoalba*)
- Killer whale (*Orcinus orca*)
- Humpback whale (*Megaptera novaengliae*)
- Risso's dolphin (*Grampus griseus*)
- Atlantic white-sided dolphin (*Lagenorhynchus acutus*)
- White-beaked dolphin (*Lagenorhynchus albirostris*)
- Long-finned pilot whale (*Globicephala melas*)
- Minke whale (*Balaenoptera acutorostrata*)
- Fin whale (*Balaenoptera physalus*)

NRW has taken into account the requirements for issuing an EPS licence in making this decision and for the reasons set out below is satisfied on the basis of the information it has considered that:

It is not unlikely that an EPS licence would be granted for the Project.

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

5.1.5 Marine Conservation Zones

(a) The legal framework

Marine Conservation Zones were established under the 2009 Act to protect nationally important, rare or threatened habitats and species. The only currently designated MCZ in Wales is Skomer.

Under the 2009 Act, NRW must exercise its functions in the manner which it considers best furthers the conservation objectives stated for any Marine Conservation Zone or, where that is not possible, in the manner which it considers least hinders the achievement of those objectives.

(b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer Marine Conservation Zone due to the nature of the Licensed Activities and the distance between the Licensed Activities and Skomer Marine Conservation Zone.

5.1.6 Sites of Special Scientific Interest (SSSIs)

(a) The legal framework

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (**1981 Act**) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps,

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consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

(b) Factors relevant to our determination

NRW has considered the impact of the Project of the following sites:

- Broomhill Burrows SSSI
- Angle Peninsula Coast SSSI
- Castlemartin Range SSSI

Appropriate consultation has been undertaken within NRW, as set out in section 3, and the response raised no concerns relating to any SSSI.

NRW is satisfied that the Proposed Activities are not operations likely to damage on any of the SSSI sites listed above and that the method statement proposed as part of the Application appropriately addresses any risks arising from the Proposed Activities.

5.1.7 Waste (England and Wales) Regulations 2011 (as amended)**(a) The legal framework**

The Waste (England and Wales) Regulations 2011 (as amended) (2011/988) 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 in general terms be dealt with in an environmentally friendly way. To achieve this the Directive establishes a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

(b) Factors relevant to our determination

NRW is satisfied that the Proposed Activities meet the requirements of the Waste (England and Wales) Regulations 2011 (as amended) when undertaken in accordance with appropriate conditions, i.e. condition 3.24 in Annex 1, which requires the Licence Holder to submit quantities of substances or articles deposited.

The Licensed Activities includes the dredge and subsequent subsequent deposit at designated disposal site LU172, up to a maximum of 612,000 tonnes using a trailing suction hopper dredger, to allow sand waves to allow the cable to be laid and buried. NRW is content that the proposals are in line with the relevant OSPAR guidelines for the management of dredged material following consultation with CEFAS.

5.1.8 Other matters in considered relevant to the need to protect the environment

NRW is satisfied that the Proposed Activities do not impact the Historic Environment when undertaken in accordance with appropriate conditions, i.e. condition 3.33 in Annex 1, requested by Cadw, which requires the Licence Holder to implement any actions outlined in the Written Scheme of Investigation, dated 17 June 2019.

5.1.9 Conclusion of our considerations under the need to protect the Environment

In summary, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1 and the marine license.

5.2 The need to protect human health

NRW is satisfied the the Proposed Activities will not have an impact on human health when undertaken in accordance with appropriate conditions, i.e. condition 3.5 in Annex 1, requested by MoD, which requires the Licence Holder to ensure that Castlemartin Firing Range is made aware of the Licensed Activities prior to commencement.

5.3 Conclusion of our considerations under the need to protect human health

In summary, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1 and the marine license.

5.4 The need to prevent interference with legitimate uses of the sea

Legitimate uses of the sea include (but are not limited to): navigation (including taking any steps for the purpose of navigational safety); fishing; mineral extraction; and amenity use.

NRW is satisfied the the Proposed Activities will not interfere with legitimate uses of the sea when undertaken in accordance with appropriate conditions, i.e. conditions 3.32, 3.24 and 3.35 in Annex 1, requested by the MCA and TH, which requires the Licence Holder to avoid any recognised anchorage and not reduce the Chart Datum depth by more than 5%. Condition 3.35 in Annex 1 requires the applicant to undertake a post installation compass deviation survey and submit the results to the Licensing Authority for approval. Condition 3.38 has also been included to ensure the application

5.5 Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea

In summary, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1 and the marine license.

5.6 Marine Policy Documents

(a) The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise:

UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

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(b) Our determination

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. NRW PS agree with the conclusions set out in 'Appendix A – WMP Objectives', dated June 2020.

5.7 Other matters NRW thinks relevant

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

(a) The legal framework

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

(b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

In particular NRW acknowledges that the well-being objectives of "improving the resilience and quality of our ecosystems" and "ensuring land and water in Wales is managed sustainably and in an integrated way" are of particular relevance to this decision and that the decision may be made in such manner as to contribute to meeting those objectives.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine Licence and conditions proposed would contribute to meeting the objective of "Ensuring land water in Wales is managed sustainably and in an integrated way" for the reasons set out in paragraphs 5.1.1-5.1.7.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine Licence and conditions proposed would contribute to meeting the objective of "improving the resilience and quality of our ecosystems" for the reasons set out in paragraph 5.1.2.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e. seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In particular NRW is satisfied that the Project meets a future need for renewable energy and energy security and will do so without having a significant impact on the environment for future generations.

5.7.2 Sustainable management of natural resources

(a) The legal framework

NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in section 4 of the Environment (Wales) Act 2016, so far as consistent with the proper exercise of its functions.

(b) Our determination

NRW is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

In particular, NRW acknowledges that it is a principle of sustainable management of natural resources to take action to prevent significant damage to ecosystems. NRW is satisfied, for the reasons set out in paragraphs 5.1.2 to 5.1.4 that appropriate action will be taken as part of the Project, when implemented in accordance with the conditions in Annex 1, to comply with this principle.

6 Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the marine licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

Conditions set out in Annex 1 have been attached to the Marine Licence.

7 AUTHORISATION

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ANNEX 1

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.2** The Licence Holder must notify Welsh Government Marine Enforcement Officers no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.3** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

3.2 Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the Licensed Activities are submitted to the Licensing Authority and Marine Enforcement Officers prior to the commencement of the Licensed Activities.

3.3 Notification of Agents/Contractors/Sub-contractors

The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority prior to the commencement of Licensed Activities.

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities prior to commencement by contacting The National Maritime Operations Centre at nmoccontroller@hmcg.gov.uk.

3.5 Notification of Castlemartin Firing Range

The Licence Holder must ensure that Castlemartin Firing Range is made aware of the Licensed Activities prior to commencement.

3.6 Notification of UK Hydrographic Office

The Licence Holder must notify the UK Hydrographic Office of the Licensed Activities, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.

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3.7 Inspection of Licensed Activities

The Licence Holder must allow officers of the Maritime and Coastguard Agency, Marine Enforcement Officer or any other person authorised by the Licensing Authority to inspect the Licensed Activities at any reasonable time.

3.8 Notification of Completion

The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the Licensed Activities.

3.9 Force Majeure

If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area, full details of the circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

3.10 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this licence, and any subsequent revisions or amendments thereto is given to:

- All agents, contractors and subcontractors whose names have been provided to the Licensing Authority pursuant to condition 3.3; and
- The Masters of any vessels and transport managers responsible for the vehicles and/or vessels employed in the pursuance of this licence whose details have been submitted to the Licensing Authority pursuant to condition 3.2.

3.11 Inspection of Documents

Copies of this Licence shall be made available at the following locations:

- at the address of the Licence Holder specified in section 2.1;
- at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;
- on board each vessel, vehicle or at the office of any transport manager with responsibility for vehicles from which any deposits of materials authorised by this licence are to be made.

The documents referred to in this condition shall be available at all times when the Licensed Activities are being undertaken for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in this paragraph.

Vessels, Plant and Equipment

3.12 Notified Contractors, Vessels and Vehicles only to Carry out Licensed Activities

Only those agents, contractors, subcontractors vessels and vehicles whose details have been notified to the Licensing Authority may operate under the terms of this licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this licence.

3.13 Standard of Vessels

Any vessels employed to perform any operations permitted by this licence shall be so constructed and equipped as to be capable of the proper performance of these operations.

3.14 Refuelling

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.

Safety

3.15 Safety of Licensed Activities

The Licence Holder must ensure that the Licensed Activities are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.

3.16 Removal of Deposited Material

The Licence Holder must remove any deposited material within one month of notice being given by Licensing Authority or Marine Enforcement Officers if they consider this necessary or advisable for the safety of navigation, and not shall not replace such material until the Licensing Authority or Marine Enforcement Officers have given their written approval.

3.17 Government Assistance

If, in the opinion of the Licensing Authority or Marine Enforcement Officers, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the Licensed Activities or to deal with any emergency arising from the drifting or wreck of the Licensed Activities, the Licence Holder will be liable for any expense incurred in securing such assistance.

Pollution control

3.18 Pollution Prevention

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number **0300 065 3000**.

3.19 Spillage of Pollutants

The Licence Holder must ensure bunding, storage facilities and spill kits are employed where appropriate to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.

3.20 Coatings

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

3.21 Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine area. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent man-made debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

3.22 Biosecurity

3.22.1 The Licence Holder must submit a Biosecurity Risk Assessment to the Licensing Authority for written approval **8 weeks** prior to commencement of the Licensed Activities listed. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.22.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.22.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.22.3 The Licence Holder must ensure all equipment, materials, machinery and Personal Protective Equipment used as part of the Licensed Activities are in a clean condition prior to their arrival at and subsequent departure from the Licensed Area to minimise risk of introducing non-native species into the marine environment.

3.22.4 Tank/hopper washings may only be discharged in the area(s) specified by the coordinates in **Table 5**.

3.23 Dropped Objects

Should it be necessary for the Licence Holder to recover or remove from the Licensed Area any equipment, plant or machinery accidentally dropped when undertaking the Licensed Activities, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

Activity-specific Conditions

3.24 Disposal Returns

3.24.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted on the attached disposal return form by **31 January** and **31 July** each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

3.24.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the Licensed Activities specified in paragraph 2.1, a certified return of quantities of substances or articles deposited under this Licence, shall be submitted not later than **28 working days** after the expiry date of this Licence.

3.25 Written Record of Disposal Activities

3.25.1 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record shall include the following details:

- 3.25.1.1** date and time each load was received or dispatched and the quantity;
- 3.25.1.2** general description of the substances or articles and the name of the producer(s) or holder(s);
- 3.25.1.3** registration numbers of vehicles delivering loads;
- 3.25.1.4** consignment note numbers (if any);
- 3.25.1.5** the reference number of the Licence issued under, Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
- 3.25.1.6** name(s) of vessel or identification code and type of container into which substances or articles are loaded;
- 3.25.1.7** signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
- 3.25.1.8** the results of any checks carried out on the substances or articles prior to authorisation of loading.

3.25.2 The Licence Holder and any Operator or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.

3.25.3 The Master or the Officer of the Watch of each vessel, as referred to condition 3.12 of this Schedule, undertaking the deposit of any substances or articles specified in **Table 2** of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:

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- 3.25.3.1** the name of the vessel;
- 3.25.3.2** the quantity and type of each substance or article loaded for deposit;
- 3.25.3.3** the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
- 3.25.3.4** latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
- 3.25.3.5** the time taken to complete the deposit operation and a statement of the reasons for any delays;
- 3.25.3.6** courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
- 3.25.3.7** the rate of discharge or deposit, together with any variations, throughout deposit operations;
- 3.25.3.8** weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
- 3.25.3.9** the signature of the Master at the foot of each log sheet or page of the record.

3.25.4 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as specified in **Table 4**, should be marked.

3.26 Compensation Plan

3.26.1 The Licence Holder must submit a Compensation Plan to the Licensing Authority for written approval **8 weeks** prior to commencement of the Licensed Activities listed in **Table 1** and **Table 2**. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.26.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.26.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.27 Bathing Water Mitigation Plan

- 3.27.1** The Licence Holder must submit a Bathing Water Mitigation Plan to the Licensing Authority for written approval **8 weeks** prior to commencement of the Licenced Activities in the nearshore or on the foreshore listed in **Table 1** Error! Reference source not found.. Licensed Activities may not be undertaken in the nearshore or on the foreshore prior to written approval from the Licensing Authority.
- 3.27.2** The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.27.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.28 Marine Mammal Mitigation Plan

- 3.28.1** The Licence Holder must submit a Marine Mammal Mitigation Plan to the Licensing Authority for written approval **4 weeks** prior to commencement of Licenced Activity 4 listed in **Table 1**. Licensed Activity 4 may not be undertaken prior to written approval from the Licensing Authority.
- 3.28.2** The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.28.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.29 Timing Restrictions

- 3.29.2** The Licence Holder must ensure that no Licensed Activities can take place in the nearshore or on the foreshore between **01 July** and **31 August** inclusive, to avoid peak tourist seasons, without prior written approval from the Licensing Authority.
- 3.29.3** The Licence Holder must ensure that no Licensed Activities can take place in the nearshore or on the foreshore **two days before and after bank holidays**, to avoid peak tourist seasons, without prior written approval from the Licensing Authority.

3.30 Noisy Activities

- 3.30.1** The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the proposed dates and locations and nature of Licensed Activity 4 at least **10 days** prior to the commencement of the Licensed Activities.
- 3.30.2** The Licence Holder must amend the UK Marine Noise Registry proposed activity form should the timing of Licensed Activity 4 listed in **Table 1** alter or no longer remain part of the project.
- 3.30.3** The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the actual dates and locations and nature of Licensed Activity 4 listed in **Table 1** within **8 weeks** of completion of the noisy activity.

3.31 Rock Protection

3.31.1 The Licence Holder must ensure that within **3 months** of completion of Licensed Activity 2 listed in **Table 1**, the location of the cable as laid with specific details of the locations of buried and surface-laid cables, the placed location and quantity of rock placement or rock mattresses used must be submitted to the Licensing Authority.

3.31.2 The Licence Holder must ensure that any rock misplaced or lost below Mean High Water Springs is reported to the Welsh Government Marine Enforcement Office, Maritime and Coastguard Agency and the Licensing Authority within **48 hours**, and located and recovered as directed by the Licensing Authority.

3.31.3 The Licence Holder must ensure that rock protection is only used where adequate burial cannot be achieved.

3.32 Navigable Water Depth

The Licence Holder must ensure that any depth reductions resulting from the Licensed Activities do not compromise safe navigation and that there is no more than 5% reduction in surrounding depth referenced to Chart Datum at any point without prior written approval from the Licensing Authority.

3.33 Written Scheme of Investigation

The Licence Holder must ensure that Licensed Activities are carried out in accordance with the Written Scheme of Investigation, dated 17 June 2019. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.34 Anchorage Locations

The Licence Holder must ensure that no Licensed Activities encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.

3.35 Scour Monitoring

3.35.1 The Licence Holder must submit a Scour Monitoring Plan to the Licensing Authority for written approval **8 weeks** prior to commencement of Licensed Activity 2 listed in **Table 1**.

3.35.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.35.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.35.3 The Licence Holder must submit a Scour Monitoring Report following completion of any survey detailed within the Scour Monitoring Plan detailed in condition 3.35.1 to the Licensing Authority for written approval within **6 months** of each Scour Monitoring Survey being carried out.

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3.35.4 If the monitoring report detailed in condition 3.35.3 identifies scour development, the Licence Holder must provide recommendations within the monitoring report detailed in condition 3.35.3 to prevent any further scour development.

3.35.5 The Licence Holder must ensure that any proposed mitigation to prevent scour development outlined in the monitoring report detailed in condition 3.35.3 are implemented as approved in writing by the Licensing Authority.

3.36 Cable Burial Plan

3.36.1 The Licence Holder must submit a Cable Burial Plan to the Licensing Authority for written approval **8 weeks** prior to commencement of Licenced Activities 1, 2, 4 and 5 listed in **Table 1** and **Table 2**. Licensed Activities 1, 2, 4 and 5 may not be undertaken prior to written approval from the Licensing Authority.

3.36.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.36.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.37 Anchor Deployment

The Licence Holder must ensure that deployment of anchors and anchor chains on the seabed must be kept to a minimum to reduce disturbance to the seabed.

3.38 Compass Deviation

3.38.1 If requested by the License Authority, the Licence Holder must undertake a Compass Deviation Survey and submit a monitoring report to the Licensing Authority for written approval within **6 months** of the request being made.

3.38.2 If the results of the survey detailed in condition 3.38.1 identifies compass deviation, the Licence Holder must provide recommendations within the monitoring report detailed in condition 3.38.1 to prevent compass deviation.

3.38.3 The Licence Holder must ensure that any proposed mitigation to prevent compass deviation outlined in the monitoring report detailed in condition 3.38.1 are implemented as approved in writing by the Licensing Authority.

3.39 Cable Maintenance

3.39.1 The Licence Holder must submit a Cable Maintenance Method to the Licensing Authority for written approval **8 weeks** prior to commencement of Licenced Activity 3 listed in **Table 1**. Licensed Activity 3 may not be undertaken prior to written approval from the Licensing Authority.

3.39.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.39.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.