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Morlais Project

Draft Marine Licence Conditions

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1. MORLAIS DRAFT MARINE LICENCE CONDITIONS

All durations (e.g. '4 months prior to deployment' etc.) are set in line with examples from other historical marine Licences. This may be subject to change following further consultation with NRW.

1.1. PRE-COMMENCEMENT CONDITIONS

Condition 1 - No tidal device(s) or operational hubs may be constructed or repowered until a Device Deployment Protocol (DDP) has been submitted to and approved in writing by NRW, in consultation with Isle of Anglesey County Council (IOACC) (in so far as any DDP proposes surface emergent devices) and, the Maritime and Coastguard Agency and Trinity House . This DDP should set out proposed details of the device(s) and operational hubs to be constructed or repowered and including the following (insofar as relevant to that activity or phase of activity):

- (i) the number, dimensions, specification, and depth for each device and operational hub, and how it accords with the Rochdale Envelope including the type of foundation(s) or mooring(s) to be used;
- (ii) the grid co-ordinates of the centre point of the proposed location for each device and operational hub, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions
- (iii) a full method statement for construction, deployment, operation, and re-powering of the tidal device(s) or array and associated infrastructure;
- (iv) if applicable, drilling and disposal methods and quantities generated;
- (v) monitoring equipment;
- (vi) documented liaison with local fishing industry, the outcomes of the engagement and agreed mitigation measures employed e.g., areas of deep water storage for pots and micro-siting of infrastructure; and
- (vii) an updated landscape and visual assessment undertaken in accordance with the assessment methodology within the environmental statement in respect of any surface emergent tidal devices or operational hubs proposed for deployment or repowering. This shall set out how the embedded mitigation measures set out in the Outline Landscape Management Plan (document MOR/RHDHV/DOC/0074) are secured in respect of the proposed deployment or repowering, and consider whether any surface emergent tidal devices and operational hubs proposed for deployment or repowering in the restricted zone for the deployment of visually prominent devices are visually prominent

The licence holder must adhere to the details specified within the approved DPP, unless NRW provide written approval of any change.

Reason:

To ensure the device(s) and the duration of each deployment is controlled and potential risks to sea users and the marine environment are minimised.

Condition 2 - In the event that trenching is required for laying of cables the licence holder must submit a Cable Installation Methodology, including cable landfall works for the approval of NRW following consultation with Trinity House in relation to matters relevant to its functions, at least 4 months prior to the proposed commencement of any phase of trenched cable installation work. The submission must:

- (i) use appropriate data to ascertain optimal cable burial depth along the length of the export cable(s) (including works in the inter-tidal zone up to mean high water springs (MHWS)) and to inform the cable burial risk assessment required under Condition 43;
- (ii) detail the methods to be used for trenching of the cable;
- (iii) If it is determined that it is not possible to conduct cable-lay through the intertidal area via horizontal directional drilling (HDD), the Licence holder must submit a detailed installation methodology to NRW, describing how the intertidal substratum will be reinstated with the right stratification of layers and will describe how physical impacts will be kept to a minimum;
- (iv) mitigate potential impacts to sensitive habitat features including micro-siting away from where they are identified in **Condition 38**; and
- (v) detail the need (including options such as burial and reburial), type, sources, quantity and installation methods for cable protection.

Reason:

To ensure the proposed works follow best practice, have been assessed within the Environmental Statement and appropriate mitigation is in place to reduce environmental and navigational risk.

Condition 3 - The licence holder must submit a Cable Management Plan, including cable landfall for the approval of NRW following consultation with Trinity House in relation to matters relevant to its functions, at least 4 months prior to the commencement of any phase of cable installation work. The plan must:

- (i) detail the methods to be used for re-laying and re-burial of repaired cable and removal and reinstatement of any cable protection;
- (ii) In case of exposure of cables on or above the seabed, the licence holder must within three days following identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to NRW, Maritime and Coastguard Agency, Trinity House, and the UKHO within 5 days.

Construction must not commence until NRW has given written approval of the ECIPP following consultation with Trinity House.

Reason:

To ensure the appropriate and safe management of cables.

Condition 4 - The licence holder must submit an Operations and Maintenance Plan (OMP) at least 4 months prior to commencement of construction for each of the following parts of the development to NRW for approval:

- (i) export cable(s); and
- (ii) Each tidal device or array and associated infrastructure.

Each OMP must include a timescale for the periodical review of the document. The timescale and any changes to the document must be approved in writing by NRW.

Deployment must not commence until NRW has given written approval of the OMP.

Reason:

To ensure that the impacts of maintenance activities are within the limits of those assessed within the Environmental Statement.

Condition 5 - The licence holder must submit a Construction Environmental Management Plan (CEMP), in accordance with the Outline CEMP (document MOR/RHDHV/DOC/0073), to NRW for approval at least 4 months prior to the proposed commencement of construction. The CEMP must document the environmental management requirements for all parties involved with the project and affected by it. The CEMP will be required to cover the construction, operational (including repowering) and decommissioning phases of the project.

Construction must not commence until NRW has given written approval of the CEMP.

Reason:

To minimise the environmental impacts of the works by ensuring best practices are adopted and suitable mitigation measures are adopted.

Condition 6 - The licence holder must submit a Programme of Works to NRW at least 4 months prior to the proposed commencement of construction works for each of the following parts of the development:

- (i) export cable(s); and
- (ii) each tidal device or array and associated infrastructure.

The programme of works must provide a full list of materials to be deposited and removed from the marine environment. It should also include a planned timetable for each activity and all maintenance authorised by this licence, a plan for notifying NRW and Trinity House of the start (and end of activities) and phases of activities, a plan for notifying NRW and Trinity House of changes to the programme of works, this must include updates to the programme of works should the programme change.

Construction must not commence until NRW has given written approval of the Programme of Works following consultation with Trinity House.

Reason:

To ensure the programme of works is appropriate.

Condition 7 - Prior to the commencement of construction of any phase of the development, an Unexploded Ordnance (UXO) survey shall be submitted to and approved by NRW. The recommendations of the UXO survey are to be carried out in full. This licence does not authorise the detonation of any UXO.

Reason:

In the interest of safety.

1.2. MARINE ARCHAEOLOGY

Condition 8 - The licence holder must prepare a Written Scheme of Investigation (WSI), in consultation with Royal Commission on the Ancient and Historical Monuments of Wales, to detail the archaeological assessment and mitigation works offshore and within the inter-tidal area necessary to inform the detailed delivery of the project (inclusive of the deployment area and export cable route). This would comply with guidance current at the time of its development (presently Wessex Archaeology, 2007), and must be approved by NRW prior to any survey work commissioned to aid delivery of the construction works. The WSI must be submitted to NRW at least 4 months prior to commencement.

The WSI must include:

- (i) an archaeological reporting protocol for the prompt reporting and recording of archaeological remains encountered, or suspected, during all phases of construction, operation, re-powering and maintenance. The protocol should be prepared in reference to suitable guidance such as The Crown Estate Protocol for Archaeological Discoveries Offshore Renewable Projects (2014);
- (ii) responsibilities of the licence holder and archaeological consultant;
- (iii) details of contractors and curators (national and local);
- (iv) Requirements for a watching brief(s) within intertidal areas;

- (v) methodology for further site investigation including survey planning, specifications for geophysical, geotechnical and diver/ROV investigations;
- (vi) delivery of mitigation including a Protocol for Archaeological Discoveries (PAD), and the use of Archaeological Exclusion Zones (AEZ) during construction, operation, re-powering and maintenance;
- (vii) monitoring during construction, operation, re-powering and maintenance; and
- (viii) conservation, publication and archiving duties for archaeological material. Construction must not commence until the WSI has been approved in writing by NRW.

Reason:

To ensure the integrity of archaeologically important items is not compromised.

Condition 9 - The licence holder must complete an OASIS (Online Access to the Index of Archaeological Investigations) form for any completed and agreed archaeological reports produced in accordance with **Condition 8** and submitted via <http://oasis.ac.uk> within 6 months of completion of construction of each deployment. The licence holder must notify NRW and, where the report relates to the intertidal area, the relevant local authority, that the OASIS report has been submitted to the National Record of the Historic Environment within 14 days of the submission.

Reason:

To ensure the integrity of archaeological important items is not compromised.

1.3. NOTIFICATIONS AND LIAISON

Condition 10 - The licence holder must ensure that a Notice to Mariners is issued at least 14 days prior to the commencement of construction, for the parts of the development contained in a) and b) advising of the start date and the expected vessel routes from the local construction ports to the relevant location.

- (i) export cable(s); and
- (ii) each tidal device or array and associated infrastructure.

The licence holder must ensure that local notice to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations (or otherwise agreed) and maintenance works and supplemented with VHF radio broadcasts agreed with the Maritime and Coastguard Agency in accordance with [the construction and monitoring programme approved under deemed marine licence condition].

The licence holder must copy NRW, Maritime and Coastguard Agency, Trinity House and the UK Hydrographic Office (UKHO) in to any such notifications and must be provided no later than 5 days after submission.

Reason:

To minimise interference with other users of the sea, inform them of operations and to ensure other vessels in the vicinity can safely plan and conduct their passage.

Condition 11 - Notice of commencement and completion:

- (i) Notice of the commencement of commissioning of each phase of the development must be given to NRW within 7 days of the date on which commissioning is commenced.
- (ii) Notice of the completion of commissioning for each phase of the authorised development must be given to NRW within 7 days of the date on which commissioning is completed.
- (iii) Notice of completion of the authorised project must be given the UKHO within 14 days of completion of the project or any part thereof in order that all necessary amendments are made to nautical charts.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Condition 12 Regular updates should be provided to the Ministry of Defence prior to any major works via construction phase bulletins throughout the construction phase.

Reason:

To minimise interference with military activities, to inform them of operations and to ensure other vessels in the vicinity can safely plan and conduct their passage.

Condition 13 - The Kingfisher Information Service of Seafish, shall be informed by email to kingfisher@seafish.co.uk:

- (i) At least 14 days prior to the commencement of offshore activities (e.g. surveying, construction and maintenance work) for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (ii) As soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.

The licence holder must copy NRW in to any such notification and must be provided no later than 5 days after submission.

Reason:

To minimise interference with other users of the sea, inform them of operations and to ensure other vessels in the vicinity can safely plan and conduct their passage.

Condition 14 - The licence holder must keep Trinity House, Maritime and Coastguard Agency and NRW informed of progress of the authorised development seaward of MWHS including:

- (i) notice of commencement of construction of the authorised development within 24 hours of commencement having occurred;
- (ii) notice within 24 hours of any aids to navigation being established by the licence holder; and
- (iii) notice within 5 days of completion of construction of the authorised development or any part of it including decommissioning.

Reason:

To ensure that NRW and Trinity House are kept informed of the progression of the development.

Condition 15 - The licence holder must ensure works are surveyed and charted as required by United Kingdom Hydrographic Office, and notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email: SDR@ukho.gov.uk; Tel: 01823 337900) within 5 days of the commencement of construction, maintenance and re-powering activities.

A copy of the notification must be sent to NRW within 5 days of the notification being sent.

Reason:

To ensure necessary amendments to charts can be made.

Condition 16 - The licence Holder must ensure that pollution prevention best practice is adhered to at all times (see **Condition 45**). Any incidents must be reported to Natural Resources Wales using their hotline number 0300 065 3000; NRW must also be notified at the earliest possible date.

Reason:

To ensure that any spills are appropriately recorded and managed to minimise the risk to sensitive receptors and the marine environment, and to ensure NRW is aware of the licensed activities at sea in order to notify other sea users and to arrange any enforcement visits where appropriate.

Condition 17 - The licence holder must produce a fisheries liaison and coexistence plan, and ensure that a Fisheries Liaison Officer is appointed before any construction work commences. The FLO must establish and maintain effective communications between the licence holder, contractors, fishermen, conservation groups and other users of the sea during the project.

Reason:

To minimise disruption to the fishing industry and ensure navigational safety

Condition 18 - The licence holder must inform NRW of the location and quantities of material disposed of each month under this marine licence. This information must be submitted to NRW by [DATE] each year for the months [MONTH] to [MONTH] inclusive, and by [DATE] each year for the months [MONTH] to [MONTH] inclusive. See schedule [X] for the reporting form.

Reason:

To allow compliance reporting under the OSPAR Convention agreement as required by Articles 4 (1) and 4 (3) of Annex II.

Condition 19 - The licence holder must report all dropped objects to NRW using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of an incident. On receipt of the Dropped Object Procedure Form, NRW may require relevant surveys to be carried out by the licence holder (such as side scan sonar) if reasonable to do so and NRW may require obstructions to be removed from the seabed at the licence holder's expense if reasonable to do so.

Reason:

To ensure navigational safety.

1.4. NAVIGATION AND SAFETY

Condition 20 - Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. An appropriate report must be submitted to NRW, Trinity House and the Maritime and Coastguard Agency at the end of each year of the construction period.

Construction must not commence until NRW has given written acceptance of the construction and post-construction monitoring specifications. This should include a swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. The survey shall include all proposed cable routes.

This should fulfil the requirements of MGN 543 and its supporting 'Hydrographic Guidelines for Offshore Developers', which includes the requirement for the full density data and reports to be delivered to the Maritime and Coastguard Agency and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than 3 months prior to construction. The Order Limit shapefiles must be submitted to the Maritime and Coastguard Agency. The Report of Survey must also be sent to NRW.

Reason:

To ensure the management of navigational safety risks.

Condition 21 - The licence holder must submit an Aids to Navigation Plan (AtNP) to NRW at least 4 months prior to the commencement of construction works for the parts of the development contained in i) and ii) and at the same time provide a copy to Trinity House. The AtNP must consider all stages of the authorised development and should provide details on navigation lights and markings of project infrastructure as well as additional AtN (cardinal buoys; special marks) needed to safely mark the site boundaries. The AtNP must also include details of the content, timing and frequency of reports to be provided by the licence holder in accordance with Condition 22.

- (i) export cable(s); and
- (ii) each tidal device or array and associated infrastructure.

Construction must not commence until written approval is provided by NRW in consultation with Trinity House.

Reason:

To ensure licensed activities use appropriate navigational lighting and markings.

Condition 22 - The licence holder shall during the whole period of construction, operation, maintenance and re-powering of the development exhibit such lights, marks, sounds, signals and other aids to navigation and to take such steps for the prevention of danger to navigation as directed by Trinity House.

Reason:

To ensure other vessels navigating in the vicinity are able to comply with their responsibilities and conduct under the International Regulations for Preventing Collisions at Sea 1972 (COLREGs).

Condition 23 - The licence holder must provide reports to NRW and Trinity House on the availability of aids to navigation as per a timetable to be agreed in the construction programme referred to in **Condition 6**, prior to commencement of construction. Additional reports must be provided at the request of Trinity House.

Reason:

To ensure safety of navigation.

Condition 24 - The licence holder must notify Trinity House, Maritime and Coastguard Agency and NRW of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

Reason:

To ensure safety of navigation.

Condition 25 - If **Condition 24** is invoked, the licence holder must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Reason:

To ensure navigational safety.

Condition 26 - The licence holder must ensure regular programme of device condition surveys. In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, , the licence holder shall as soon as possible and no later than 24 hours, notify Trinity House, the Maritime and Coastguard Agency and NRW and shall lay down such buoys, exhibit such lights and take such steps as directed by Trinity House.

Reason:

To mitigate any dangers to navigation from any restoration, repair or removal of works.

Condition 27 - No part of the authorised project may commence until NRW, in consultation with the Maritime and Coastguard Agency, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all Maritime and Coastguard Agency recommendations as appropriate to the authorised project contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

Reason:

To ensure the management of navigational risks.

Condition 28 - The licence holder must submit to NRW for approval, in consultation with Trinity House and the Maritime and Coastguard Agency, a tidal device or array specific Navigational Risk Assessment (NRA) at least 4 months prior to deployment. The NRA must be updated every two years with an area wide NRA and for each array subsequent deployment and consider the in-combination effect with already deployed tidal devices or arrays.

Deployment must not commence until NRW has given written approval of the device specific NRA, following consultation Trinity House and the Maritime and Coastguard Agency.

The Licence holder must ensure embedded mitigation measures and any additional mitigation measures referred to in, the navigational risk assessment carrying document reference 18UK1479-RN-MM-NRA-20 -3 and the navigational risk assessment addendum carrying reference MOR-MCO-DOC-001 forming part of the environmental statement (as such assessments are updated from time to time) are adhered to. These will include:

Embedded Mitigation Measures

- Selection of appropriate construction/decommissioning and maintenance vessels;
- Incidents and near misses are reported and investigated by developer and operators;
- Global Positioning System off station alarm / Supervisory Control and Data Acquisition (SCADA) monitoring system;
- Devices >8m minimum UKC below CD to be deployed within the blue zone;
- Devices >20m minimum UKC below CD deployed within the purple zone.
- Enhanced cable burial protection where burial is not possible and where there is a requirement to do so.

Additional Mitigation Measures

- Restrict Navigation through the Gold and Green MDZ
- Appropriate alignment and spacing of devices
- Temporary navigation aids as required by Trinity House
- Undertake Array Specific Risk Assessments to include NavAids and Marker Buoys.
- Minimise use of marker buoys in zones of minimum UKC.

Reason:

To ensure the management of navigational risks.

Condition 29 - The licence holder must colour all structures in the development as directed by Trinity House.

Reason:

To ensure adequate navigational marking of the development.

Condition 30 - The licence holder must not reduce water depth by more than 5% as result of cable protection activities (referenced to chart datum) and under no circumstances must depth reduction compromise navigational safety.

Reason:

To ensure safety of navigation.

Condition 31 - The licence holder will employ a guard vessel(s) where appropriate during construction (and repowering) and decommissioning phases.

Reason:

To ensure navigational safety.

Condition 32 - Where the development is abandoned, not maintained in a safe condition, or suffered to fall into decay, NRW may by notice in writing, and following consultation with the licence holder, require the licence holder at its own expense either to repair and restore the development or any part of it, or if appropriate, and without prejudice to any obligations upon the licence holder deriving from any notice served by the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) pursuant to section 105(2) of the Energy Act 2004 (as amended), to remove the development and restore the site of the development to a safe and proper condition, to such an extent and within such limits as maybe specified in the notice.

Reason:

To provide a mechanism to allow NRW and Secretary of State to act on its own initiative as regards the proper maintenance of the site where the licence holder fails to do so.

Condition 33 - Works vessel transit routes to/around the MDZ should be developed in consultation with local fishermen. Key areas of static gear deployment should be identified and avoided where possible.

Reason:

To ensure Project operations does not cause adverse financial impacts on the local fishing industry.

Condition 34 - The Licence holder must conduct a swath bathymetric survey to IHO Order 1a of the installed export cable route and provide the data and survey report(s) to the Maritime and Coastguard Agency and UKHO. The NRW should be notified once this has been done, with a copy of the Report of Survey also sent to NRW.

On post decommissioning, the undertaker must conduct a swath bathymetric survey to IHO Order 1a of the cable route and the area extending to 500m from the installed generating assets area and provide the data and survey report(s) to the Maritime and Coastguard Agency and UKHO.

This should fulfil the requirements of MGN 543 and its supporting 'Post Construction Hydrographic Guidelines for Offshore Developers, which includes the requirement for the full density data and reports to be delivered to the Maritime and Coastguard Agency and the UKHO for the update of nautical charts and publications.

Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by NRW. An appropriate report must be submitted to NRW, Trinity House and the Maritime and Coastguard Agency at the end of each year of the three year period.

Reason:

To ensure navigational safety post decommissioning.

Condition 35 - with reference to the subsurface tidal devices or operational hubs in the restricted area, as defined within the TWA0, the developer will only deploy devices or operational hubs with a proposed under keel clearance of less than 8m or less than 20m in the respective zone designated for such devices, unless authorised by NRW following consideration of a Navigational Risk Assessment under **Condition 28**.

Reason:

To ensure safety of navigation.

Condition 36 Any device moored to the seabed must have mooring arrangements that meet the guidance document published by the Maritime and Coastguard Agency and HSE "Regulatory expectations on moorings for floating wind and marine devices" which includes Third Party Verification by an independent competent person or body to ensure the mooring arrangements are suitable.

Reason:

To ensure safety of navigation.

1.5. ENVIRONMENTAL MONITORING

Condition 37 - The licence holder must submit a proposal for the specification of the pre-construction (baseline) monitoring at least 6 months prior to the commencement of construction for each of the following parts of the development to NRW for approval:

- (i) Export cable(s) corridor; and
- (ii) each tidal device or array and associated infrastructure.

This proposal should include details of how the proposed pre-construction surveys provide capability to detect UXO across the development site and export cable corridor. The proposal must also demonstrate how geoarchaeological assessment will be achieved in line with best practice guidance set out in Offshore Geotechnical Investigations and Historic Environment Analysis: guidance for the renewable energy sector (Cowrie 2011), and Model Clauses for Archaeological Written Schemes of Investigation: Offshore Renewables Projects (The Crown Estate 2014).

Construction must not commence until NRW has given its written approval of the baseline monitoring specification.

Reason:

To provide a robust baseline in order to measure the potential environmental impacts of the works.

Condition 38 - The licence holder must submit a proposal for the specification of the pre-construction benthic monitoring surveys for the approval of NRW at least 4 months prior to the proposed commencement of the construction works. The pre-construction survey should determine the location, sensitivity and abundance of Annex I habitat, Habitats of Principal Importance (HPI) and Section 7 habitats in the vicinity of the demonstrator area and export cable corridor. Should Annex I habitat or HPI be identified the licence holder is required to undertake an assessment and provide mitigation measures that include details of the need to micro-site individual tidal device, inter-array cables and/or export cable(s) in order to minimise adverse effects to habitats of conservation importance.

Where it is not possible to avoid damage/loss of Annex I habitats/HPI and/or Section 7 habitats via micro-siting, then further mitigation via biodiversity enhancement should occur. Details of proposed biodiversity enhancement measures should be presented in a project-specific "Biodiversity Enhancement Strategy (BES)" that should adhere to the principles and approach set out in the "Outline BES" (Document MMC555 MOR-RHDHV-DOC-0164) produced by the licence holder pre-consent.

Reason:

To minimise the environmental impacts of the works and in particular to Annex I habitat, Habitats of Principal Importance (HPI) and Section 7 habitats.

Condition 39 - The licence holder must submit the pre-construction baseline monitoring report to NRW for approval at least 2 months prior to the commencement of construction works.

Construction must not commence until NRW has given written acceptance of the baseline monitoring reports required under Condition 37 and Condition 38.

Reason:

To provide a robust monitoring plan in order to measure the potential environmental impacts of the works.

Condition 40 - No tidal device(s) may be constructed or repowered until a Detailed Environmental Management and Monitoring Plan (DEMMP) the intention of which is to prevent injury marine mammals and diving birds in the operation of those devices, and which is in accordance with the requirements of the Outline Environmental Management and Monitoring Plan (OEMMP; document reference MMC447 MOR-RHDHV-DOC-0072 (09)), and which incorporates the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by NRW:

- (i) details of proposed pre-operational surveys including a programme and methodology, baseline report format and content;
- (ii) details of the model approved by the advisory group established under the OEMMP used for the purposes of modelling collision and encounter risk to marine mammals and diving birds during the operation of the relevant tidal devices;
- (iii) the outputs of the model;
- (iv) details of the proposed real-time monitoring activity that will be undertaken during the operation of the relevant devices surveys including a programme and methodology, report format and content;
- (v) details of the circumstances in which mitigation will be required;
- (vi) details of the proposed mitigation measures to be deployed;
- (vii) proposals for ongoing review and adaptation of the DEMMP

Thereafter, the relevant tidal devices shall be operated in accordance with the approved DEMMP

The mitigation referred to in Condition 40 (v) may include (without limitation):

- (a) the use of visual deterrents;
- (b) the use of acoustic deterrent devices;
- (c) subject to the terms and conditions of this licence, changing the location of tidal devices;

The mitigation referred to in Condition 36(v) must include:

- (d) details to ensure that the risk to marine mammal and diving birds would be within the NRW maximum acceptable collision limit for each such species;
- (e) protocols for restricting the operation of devices at certain times or conditions which must include (without limitation) details of the circumstances in which the operation of the devices must cease due to the risk of injury to marine mammals or diving birds."

NRW must not approve any DEMMP unless it is satisfied that it provides such mitigation as is necessary to avoid adversely affecting the integrity of a European Site (as defined in The Conservation of Habitats and Species Regulations 2017) to the extent that marine mammals or diving birds are a protected feature of that European Site

Reason:

To prevent injury of marine mammals and diving birds in the operation of devices

Condition 41 - No tidal device(s) may be constructed until an advisory group has been established in accordance with the OEMMP. The undertaker shall not construct or repower any tidal device(s) otherwise than in accordance with the OEMMP and any related DEMMP.

Reason:

To ensure relevant stakeholders have the opportunity to provide advice on the mitigation and monitoring proposals for marine mammals and diving birds.

Condition 42 No tidal device(s) may be constructed until a marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals during construction, has been submitted to and approved in writing by NRW.

Reason:

To avoid injury of European Protected Species

Condition 43 - The licence holder must submit a proposal for the specification of the construction and post-construction monitoring surveys for the approval of NRW at least 4 months prior to the proposed commencement of the construction works. Unless otherwise agreed by NRW, the monitoring specification must include a timetable, an associated reporting mechanism and should include:

- (i) marine mammal monitoring;
- (ii) scour monitoring; and
- (iii) export cable location and burial depths and a cable burial risk assessment to inform survey requirements during the operational phase of the project.

Construction must not commence until NRW has given written acceptance of the construction and post-construction monitoring specifications.

Reason:

To ensure that information collated during pre- and post-construction monitoring is robust and tailored towards detecting changes from the baseline data, testing predictions outlined in the appropriate assessment and Environmental Statement, and monitoring recovery and re-colonisation of fauna and flora communities.

Condition 44 - The licence holder must submit environmental monitoring reports to NRW on the dates specified within the approved monitoring programme referred to in **Condition 40**.

Reason:

To measure changes against the pre-construction baseline, and where appropriate inform any action required to mitigate against environmental impacts which are beyond the scope, limits and scale defined in the Environmental Statement and appropriate assessment.

1.6. POLLUTION PREVENTION

Condition 45 - The licence holder must submit a Pollution Prevention and Management Plan in accordance with the Outline Pollution Prevention and Management Plan (Document MOR/RHDHV/DOC/0077) and to include a Marine Pollution Contingency Plan for the approval of NRW at least 6 weeks prior to the proposed commencement of the construction works for each of the following parts of the development. The Plan shall include:

- (a) the types and quantities of waste to be generated during construction, maintenance, re-powering and decommissioning activities;
- (b) how the waste hierarchy has been considered for each waste type generated and specify the final waste destination;
- (c) outline procedures to be implemented in the event of spills and collision incidents (including oil, chemical and grout spills) during construction and operation;
- (d) outline plans, including methods and procedures, to deal with any potential leaks so to ensure no such material comes in to contact with the marine environment; and
- (e) detail practices used to refuel vessels at sea.

The timescale and any changes to the document must be approved in writing by NRW. Construction must not commence until NRW has given written approval of the MPCP.

Reason:

To minimise the risk of pollution incidents occurring by adopting best practice techniques.

Condition 46 - The licence holder must submit a Chemical Risk Assessment (CRA) report for the approval by NRW at least 6 weeks prior to the proposed commencement of any construction works. The risk assessment must include:

- (i) how and when the chemicals are used, stored and transported;
- (ii) best practice guidelines for the equipment/techniques used; and
- (iii) an assessment of the integrity of the equipment and the risk of spills.

The CRA report must be submitted along with the MPCP required in Condition 45. Construction must not commence until NRW has given written approval of the CRA.

Reason:

To minimise the risk of pollution incidents occurring by adopting best practice techniques.

Condition 47 - The licence holder must take reasonable care to prevent the unintentional release of chemicals (including cements and grouts) into the marine environment. Any spills must be reported to Natural Resources Wales using their hotline number 0300 065 3000, in addition to measures within the agreed protocol within the MPCP referred to in **Condition 45** and **Condition 46**.

Reason:

To prevent marine pollution incidents by adopting best practice.

Condition 48 - The licence holder must install bunding/storage facilities to contain and prevent the release of fuels, oils and chemicals associated with plant, refuelling, and construction equipment into the marine environment. Secondary containment used must have a capacity of not less than 110% of the container's storage capacity.

Reason:

To prevent marine pollution incidents by adopting best practices.

Condition 49 - The Licence Holder must ensure that plant, vehicles and machinery associated with all Project operations are:

- (i) not refuelled on the foreshore;
- (ii) comply with IMO/MCA codes for prevention of oil pollution and any vessels over 400 GT will have on board Shipboard Oil Pollution Emergency Plans (SOPEP);
- (iii) will carry on-board oil and chemical spill mop up kits; and
- (iv) where possible, avoid working in poor weather conditions.

Reason:

To prevent marine pollution incidents.

Condition 50 - The Licence Holder must ensure that all equipment, temporary structures, waste and/or debris associated with the works are removed on completion of the works.

Reason:

To avoid introduction of waste into the marine environment.

Condition 51 - The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.

Reason:

To ensure that all protective coatings and paints used are suitable for use within the marine environment.

Condition 52 - All chemicals utilised are selected from the list of notified chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (this list can be sourced on www.cefas.co.uk) or has gone through a similar level of ecotoxicological hazard/risk assessment.

NRW must be notified of the amount of chemical to be used one week in advance of its use.

Reason:

To ensure that all chemicals are suitable for use within the marine environment.

1.7. BIOSECURITY

Condition 53 - The Licence Holder must submit an Invasive Non-native Species Management Plan(s) in accordance with the Outline Invasive Non-native Species Management (document MOR/RHDHV/DOC/0075) to cover all licenced activities. This/these plan(s) should be submitted to NRW acting on behalf of the Licensing Authority for written approval at least 4 months prior to commencement of the works. No works may be undertaken prior to written agreement from NRW.

Reason:

To limit the spread of non-native species.

Condition 54 - The Licence Holder must ensure all equipment, materials, machinery and PPE used are in a clean condition prior to their arrival on site, and upon removal from site.

Reason:

To minimise risk of introducing non-native species into the marine environment

Condition 55 - Records of all non-native species encountered during the characterisation and baseline surveys for the development must be forwarded to the Great Britain non-native secretariat <http://www.nonnativespecies.org/home/indexk.cfm> within 5 days of detection.

Reason:

To comply with reporting of such species under the Marine Strategy Framework Directive.

1.8. DECOMMISSIONING

Condition 56

This licence remains in force until the authorised project has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) of the Energy Act 2004, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

Reason:

To ensure that the licence remains in force until decommissioning.

Condition 57 - No decommissioning activities shall commence for the parts of the development contained in a) and b) until a decommissioning programme for the carrying out of such activities, which includes a timetable and decommissioning method statement, has been approved in writing by NRW in consultation with Maritime and Coastguard Agency and Trinity House.

- (a) export cable; and
- (b) each tidal device or array and associated cabling.

The decommissioning programme must be submitted at least 6 weeks prior to the proposed commencement of works and shall be consistent with any requirements set out in the written decommissioning programme approved by the Secretary of State pursuant to the Energy Act 2004 including any modifications thereto.

Reason:

To minimise the impacts to the marine environment and other users of the sea.