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Wales

## **Marine Licensing Decision**

The Marine and Coastal Access Act (2009)

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**Applicant:** Menter Môn Morlais Limited

**Application reference no:** ORML1938

Holy Island, Anglesey

Tidal stream demonstration project off the west coast of Holy Island

14 December 2021

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## **OUR DECISION**

Based on all the information available and having regard to all relevant considerations, NRW Permitting Service (NRW PS) has decided to grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 5;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Application;
- 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 company set out below:  Company name: Menter Môn Morlais Limited Company number: 10747114 Address: Neuadd Y Dref, Buckley Square, Llangefni, Gwynedd, Ynys Môn, LL77 7LR
Application Reference Number	ORML1938
Date Application was duly made	07 November 2019
Proposal[s] covered by the application	The project comprises a tidal technology demonstration zone specifically designed for the installation and commercial demonstration of multiple arrays of tidal energy devices up to an installed capacity of 240 Megawatts. The offshore development area where proposed installation can be placed covers an area of 35km <sup>2</sup> to the west of Anglesey. The Project will include communal infrastructure for tidal technology developers which provides a shared route to a local grid connection via nine export cable tails, an onshore landfall substation, and an onshore electrical cable route to a grid connection via an existing grid connection substation to the west of Holyhead.
Licensable marine activities ('regulated activities')	Morlais Tidal Demonstration Zone for installation and commercial demonstration of multiple arrays of tidal energy devices up to an installed capacity of 240MW.  The Marine project elements include construction of the following; <ul style="list-style-type: none"><li>• Up to nine export cables;</li><li>• Up to nine export cable tails (shared with onshore components);</li><li>• Navigation and environmental monitoring equipment;</li><li>• Mooring and foundation structures;</li><li>• Offshore electrical infrastructure, including submerged, floating or surface emergent hubs; and</li><li>• Up to 620 tidal devices, each comprising:<ul style="list-style-type: none"><li>• Foundation or anchors on or within the seabed;</li><li>• A supporting substructure or mooring;</li><li>• One or more Tidal Energy Convertors (TEC); and</li></ul></li></ul>

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	<ul style="list-style-type: none"><li>• Cable connections.</li></ul>
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents	All approved supporting documents are detailed in Annex 2, 3, 4 and 5.

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## **2 APPLICATION PROCEDURE**

### **2.1 The Application**

The Application was accepted by Natural Resources Wales Permitting Service (**NRW PS**) considered duly made on 07 November 2019. This means we considered it was in the correct form and contained sufficient information to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered include documents provided after the Application was first made.

### **2.2 Documents considered**

In reaching its decision, NRW PS has considered the documents listed in Annex 2-5 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**

We have accepted the Applicant's claim for commercial confidentiality on the grounds that disclosure of certain information on the public register would adversely affect the confidentiality of commercial or industrial information where such confidentiality is protected by law to protect a legitimate commercial interest. As such we have not included this information on the register.

### **2.4 Publicity and advertising**

In compliance with s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) and regulation 16 of the Marine Works (Environmental Impact Assessment) Regulations 2007, a public notice advertising the Project was placed in Holyhead, Anglesey and Bangor Mail, Lloyds list and the London Gazette on 27 November 2019 and 4 December 2019 (the Public Notices) and a notice was published on NRW's website. The application documents were made available to the public at the following locations:

- Anglesey Business Centre, Isle of Anglesey County Council, Bryn Cefni Business Park, Llangefni, Anglesey, LL77 7XA
- Holyhead Library, Market Hall, Stanley Street, Holyhead, Anglesey, LL65 1HH
- Town Hall, Llangefni, Anglesey, LL77 7LR
- 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 first Public Notice to provide comments on the application.

A total of 118 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 5.

Following a submission of further information (documents detailed in Annex 3) a further public notice was placed in Holyhead, Anglesey and Bangor Mail, Lloyds list and London Gazette on the 29 July 2020 and 05 August 2020. In light of the public health situation surrounding coronavirus, a hard copy of the application and supporting documents were not made available during this period; however, copies of the application documents were made available on the NRW website.

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

Twelve 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 5.

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Following submission of further information (documents detailed in Annex 4) a further public notice was placed in Holyhead, Anglesey and Bangor Mail, Lloyds list, London Gazette on the 17 March 2021 and 24 March 2021. In light of the public health situation surrounding coronavirus a hard copy of the application and supporting documents were not made available during this period; however, copies of the application documents were made available on NRW website.

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

Fifteen 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 5.

### 3 CONSULTATION

#### 3.1 Consultees

NRW PS consulted the bodies listed in the table below on 15 November 2019, due to their particular expertise in matter arising in relation to this application. These bodies were consulted for a period of 56 days. This period was extended beyond the 42-days period required (under Regulation 17 of the Marine Works (Environmental Impact Assessment) Regulations 2007) to take account of the Christmas period. For those bodies which responded to the consultation an 'Y' can be found in the response received column and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	N	N/A
Natural Resources Wales Technical Experts (NRW TE)	Y	10 January 2020
Ministry of Defence (MoD) - Safeguarding Defence	Y	26 November 2019
Maritime & Coastguard Agency (MCA)	Y	07 January 2020
Trinity House (TH)	Y	10 January 2020
Royal Yachting Association (RYA)	Y	08 January 2020
Local Biodiversity Officer (LBO) for Anglesey County Council	N	N/A
Local Planning Authority – Isle of Anglesey County Council (IACC)	Y	17 December 2019
Snowdonia National Park Authority	N	N/A
Local Harbour Authority Stenaline	N	N/A
Local Port Authority	N	N/A
Royal Society for the Protection of Birds (RSPB)	Y	10 January 2020

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Welsh Government Fisheries Branch and Marine Enforcement Officers	Y	07 January 2020
Welsh Archaeological Trust (WAT)	Y	10 January 2020
Royal Commission on Historic Monuments Wales	N	N/A
Cadw	Y	10 January 2020
Department for Transport (DFT)	N	N/A
Joint Nature Conservation Committee (JNCC)	Y	03 December 2019
Chamber of Shipping	Y	10 January 2020
NERL Safeguarding	N	N/A
Office of Communications (Ofcom)	N	N/A
Marine Management Organisation (MMO)	N	N/A
UK Department for Business, Energy and Industry Strategy (BEIS)	Y	18 November 2019
Health and Safety Executive (HSE)	N	N/A
Civil Aviation Authority (CAA)	N	N/A
National Federation of Fishermen's Organisations (NFFO)	N	N/A
Holyhead Sailing Club	N	N/A
Natural England (NE)	Y	19 November 2019
Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA NI)	Y	17 January 2020
Isle of Man Government	N	N/A
Scottish Natural Heritage (SNH)	N	N/A
ABPmer*	Y	09 January 2020
Welsh Government Marine Branch	N	N/A
Welsh Government Energy Branch	N	N/A

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Planning Inspectorate Wales	N	N/A
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\*NRW PS consulted with ABPmer to provide external advice in relation to underwater noise and how this was addressed within the Environmental Statement.

Following a submission of further information, as detailed in Annex 3, NRW PS consulted the bodies listed in the table below on 22 July 2020, due to their particular expertise in matters arising in relation to this application. These bodies were consulted for a period of 42 days. For those bodies that responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

<b>Consultee</b>	<b>Response received (Y/N)</b>	<b>Date(s) of receipt</b>
The Crown Estate	N	N/A
Natural Resources Wales Technical Experts (NRW TE)	Y	18 September 2020
Ministry of Defence (MoD) - Safeguarding Defence	Y	05 August 2020
Maritime & Coastguard Agency (MCA)	Y	02 September 2020
Trinity House (TH)	Y	26 August 2020
Royal Yachting Association (RYA)	Y	04 September 2020
Local Biodiversity Officer (LBO) for Anglesey County Council	N	N/A
Local Planning Authority – Isle of Anglesey County Council (IACC)	Y	24 August 2020
Snowdonia National Park Authority	N	N/A
Local Harbour Authority Stenaline	N	N/A
Local Port Authority	N	N/A
Royal Society for the Protection of Birds (RSPB)	Y	09 September 2020
Welsh Government Fisheries Branch and Marine Enforcement Officers	N	N/A
Welsh Archaeological Trust (WAT)	Y	04 August 2020
Royal Commission on Historic Monuments Wales	N	N/A
Cadw	Y	28 August 2020

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Department for Transport (DFT)	N	N/A
Joint Nature Conservation Committee (JNCC)	Y	02 September 2020
Chamber of Shipping	N	N/A
NERL Safeguarding	Y	18 August 2020
Office of Communications (Ofcom)	N	N/A
Marine Management Organisation (MMO)	N	N/A
UK Department for Business, Energy and Industry Strategy (BEIS)	Y	01 September 2020
Health and Safety Executive (HSE)	N	N/A
Civil Aviation Authority (CAA)	N	N/A
National Federation of Fishermen's Organisations (NFFO)	N	N/A
Holyhead Sailing Club	N	N/A
Natural England (NE)	N	N/A
Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA NI)	N	N/A
Isle of Man Government	N	N/A
Scottish Natural Heritage (SNH)	N	N/A
ABPmer	Y	01 September 2020
Welsh Government Marine Branch	N	N/A
Welsh Government Energy Branch	N	N/A
Planning Inspectorate Wales	N	N/A
Welsh Fisherman's Association (WFA)	N	N/A

Following another submission of further information, as detailed in Annex 4, NRW PS consulted the bodies listed in the table below on 03 March 2021, due to their particular expertise matter arising in relation to this application. These bodies were consulted for a period of 42 days. For those bodies that responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

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<b>Consultee</b>	<b>Response received (Y/N)</b>	<b>Date(s) of receipt</b>
The Crown Estate	N	N/A
Natural Resources Wales Technical Experts (NRW TE)	Y	14 April 2021
Ministry of Defence (MoD) - Safeguarding Defence	Y	17 March 2021
Maritime & Coastguard Agency (MCA)	Y	13 April 2021
Trinity House (TH)	Y	14 April 2021
Royal Yachting Association (RYA)	Y	13 April 2021
Local Biodiversity Officer (LBO) for Anglesey County Council	N	N/A
Local Planning Authority – Isle of Anglesey County Council (IACC)	Y	13 April 2021
Snowdonia National Park Authority	N	N/A
Local Harbour Authority Stenaline	N	N/A
Local Port Authority	N	N/A
Royal Society for the Protection of Birds (RSPB)	Y	28 April 2021
Welsh Government Fisheries Branch and Marine Enforcement Officers	N	N/A
Welsh Archaeological Trust (WAT)	Y	09 April 2021
Royal Commission on Historic Monuments Wales	N	N/A
Cadw	N	N/A
Department for Transport (DFT)	N	N/A
Joint Nature Conservation Committee (JNCC)	Y	14 April 2021
Chamber of Shipping	Y	10 March 2021
NERL Safeguarding	Y	04 March 2021
Office of Communications (Ofcom)	N	N/A

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Marine Management Organisation (MMO)	N	N/A
UK Department for Business, Energy and Industry Strategy (BEIS)	Y	31 March 2021
Health and Safety Executive (HSE)	N	N/A
Civil Aviation Authority (CAA)	N	N/A
National Federation of Fishermen's Organisations (NFFO)	N	N/A
Holyhead Sailing Club	N	N/A
Natural England (NE)	Y	13 April 2021
Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA NI)	N	N/A
Isle of Man Government	N	N/A
Scottish Natural Heritage (SNH)	N	N/A
ABPmer	N	N/A
Welsh Government Marine Branch	N	N/A
Welsh Government Energy Branch	N	N/A
Planning Inspectorate Wales	N	N/A
Welsh Fisherman's Association (WFA)	N	N/A

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

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

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## **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 PS to constitute an EIA development under the Regulations, and a Screening Opinion (ref ORML1938) was issued on 19 November 2019.

Pursuant to Regulation 8 of the Regulations, NRW PS considered that the proposed works under ORML1938 fell under Schedule A2, 13 and 20 of the Regulations:

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

NRW PS considered the criteria as set out in Schedule 1 of the regulations and determined based on the information provided that the project had the potential to have a significant effect on the environment therefore a statutory EIA was required.

### **4.2 EIA**

The Marine Licence application submitted was accompanied by an Environmental Statement (ES). NRW PS assessed the project as an EIA development under the Regulations and issued a Written Confirmation of the EIA Consent Decision. The Written Confirmation is available on the NRW website and the marine licensing [public register](#). NRW PS is satisfied that the information incorporated in the EIA Consent Decision is up to date at the time of this decision.

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

- Conclusion of the EIA assessment
- Any conditions, mitigating and monitoring measures described in the regulatory decision
- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment
- 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 about Environmental Impact**

NRW PS issued a Written Confirmation of the EIA Consent Decision, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. In reaching the conclusion about environmental impact, NRW PS 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

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

- Population and human health
- Biodiversity
- Land, soil, water, air and climate
- Material assets, cultural heritage and landscape
- Risk of major accidents and disasters relevant to the project
- The interaction between the factors referred to above.

A summary of the conclusion on the likely significant effects of the project is incorporated 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. It included a detailed assessment of potential impact on seascapes and landscapes as a result of the development. The Applicant has looked to reduce impact through design and the use of mitigation as discussed within Section 7.19 of the EIA Consent Decision, these include the implementation of restricted areas where floating devices will not be deployed. NRW PS also note that the Welsh Minister for Climate Change is 'minded-to' make the TWA Order and grant deemed planning permission subject to amendments (22 October 2021) (reference qA1346892). These amendments include the triangular extension to the "Restricted Area – Northern" to mitigate seascape, landscape and visual effects on South Stack and the Isle of Anglesey AONB. Although this matter was not raised by NRW TE through the marine licence determination process the applicant requested that this triangular extension is placed within the Marine Licence to align the consenting commitments with the TWA Order. During the TWA Order consultation process, NRW advised that this triangular extension ("The Triangle") would ensure visually prominent surface-emergent devices are located further away from the views experienced from South Stack and its vicinity.

NRW PS are satisfied with the rationale for inclusion of The Triangle set out by Welsh Ministers within the 'minded to' letter (reference qA1346892) and the Planning Inspector's Report (reference 3234121) section (IR 843-847), and note the applicants acceptance of this amendment. NRW PS have accepted an amendment to Figure 4-5 in Volume II Chapter 4 of the ES, which shows restricted areas limiting the type of devices for deployment in the MDZ. This amendment (see Annex 7) indicates the triangular extension to the "Restricted Area – Northern".

As discussed within Section 7.19 of the EIA Consent Decision, whilst NRW PS conclude that visual impacts have been appropriately assessed within the ES, it is considered that a potential significant impact on visual receptors remains after consideration of mitigation. Within Section 1.2.5 of the ES, the applicant sets out the need for the project including its benefit to the local economy and the renewable sector. In addition, the Isle of Anglesey County Council (IACC) have agreed a potential compensation package with the applicant. It is noted that within the 'minded-to' letter from the Welsh Minister dated 22 October 2021 (reference qA1346892), condition 22 of the TWA Order would secure measures for landscape enhancement.

NRW PS consider that although impacts remain, there has been a clear and convincing case set forward for proceeding with the development by the applicant.

As discussed within Section 7.20 of the EIA Consent Decision, NRW PS are satisfied that the potential impacts and concerns on Socio-economics, Tourism and Recreation have been appropriately assessed within the ES.

Risks to navigational safety and human life were considered in ES chapter 15 (Volume I) and in the Navigational Risk Assessment (NRA) (addendum) and assessed as "As Low As Reasonably Practicable" (ALARP) or lower with the necessary risk controls and mitigation in place. This includes the requirement to update the site-wide NRA every 2 years and provide a device specific NRA prior to deployment.

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NRW PS are satisfied that population and human health have been adequately addressed and considering the mitigation and licence conditions outlined in Sections 4.5 and 4.7 below. NRW PS are satisfied that there will be no significant impact on population or human health as a result of the project apart from potential visual impacts that remain. As set out in Section 7.19 of the EIA Consent Decision, NRW PS are satisfied that although visual impacts remain, there has been a clear and convincing case set forward for proceeding with the development by the Applicant.

### **4.3.2 Biodiversity**

The works are within and/or overlap with a number of designated European sites and have the potential to impact these sites. However, a Habitat Regulation Assessment (HRA) carried out by NRW PS (see Section 5.13 below) concluded that the licensable activities seaward of Mean High Water Springs (MHWS) would not lead to an Adverse Effect on Site Integrity to these sites or any other sites with relevant marine features taking into account the mitigation measures proposed (Sections 4.5 and 4.7).

The ES considered the impact on biodiversity and identified a number of potential impacts including on marine mammals, ornithology, and benthic habitats where additional mitigation was required. NRW PS consider that although there is a potential for an impact on these features, relying upon the proposed mitigation measures and the implementation of appropriate conditions (see Sections 4.5 and 4.7 below) a significant impact will be avoided. Key mitigation implemented through the Construction Environmental Management Plan (CEMP), Pollution Prevention and Management Plan (PPMP), Marine Mammal Mitigation Protocol (MMMP), Environmental Mitigation and Monitoring Plan (EMMP) and Biodiversity Enhancement Plan will ensure a significant impact is avoided. The adoption of a phased approach to deployment and an adaptive management plan, as proposed through the EMMP, is key to addressing potential impacts on seabirds and marine mammals (see Section 7.1 of the EIA Consent Decision).

The ES considers the potential for further indirect impacts on biodiversity through possible pollution events and the introduction and/or spread of invasive non-native species. NRW PS consider that biodiversity has been appropriately assessed and conclude that, through the mitigation and licence conditions outlined in Sections 4.5 and 4.7 below, a significant impact on biodiversity will be avoided.

### **4.3.3 Land, soil, water, air and climate**

The purpose of the Morlais development, as stated by the applicant, is to support the development of tidal stream technologies for electricity generation. Therefore, the project aims to contribute towards climate change reduction and assist with reducing greenhouse gas emissions.

There is, however, an impact pathway to water quality through a pollution event, or sedimentation during the construction period. The ES has assessed these impacts and proposed mitigation including adherence to a CEMP, and a PPMP which would include pollution prevention best practices. NRW PS consider that the works have been appropriately assessed and that with the mitigation proposed within the ES and proposed conditions outlined in Sections 4.5 and 4.7 below, no significant impact on water or sediment quality will occur.

### **4.3.4 Material assets, cultural heritage and landscape**

The ES has assessed the impact on material assets, including archaeological heritage, valued for socio-economic or heritage reasons and impacts on landscape and seascape. A Written Scheme of Investigation (WSI) will be required and offshore and onshore works will need to be carried out in line with the WSI.

NRW PS acknowledge that it is noted that within the Welsh Minister for Climate Change's 'minded-to' letter dated 22 October 2021, that condition 22 would secure measures for landscape enhancement.

NRW PS are satisfied the Device Deployment Protocol (DDP) will ensure a specific seascape, landscape and visual impact assessment (SLVIA) is carried out for each deployment of devices and therefore continually consider cumulative effects on seascape.

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NRW PS can conclude that the ES has appropriately assessed the impacts in relation to material assets, cultural heritage and landscape and with the application of mitigation that the potential impact can be managed by adherence to the marine licence conditions (Section 8). As set out in Section 7.19 of the EIA Consent Decision, NRW PS consider that although visual impacts remain, a condition is provided within the Welsh Minister's 'minded-to' letter dated 22 October 2021 which would secure measures for landscape enhancement and there has been a clear and convincing case set forward for proceeding with the development by the applicant.

### **4.3.5 Risk of major accidents and disasters relevant to the project**

The risk of a major accident or pollution event has been adequately assessed in the ES and identified as a low risk, with the application of mitigation and conditioned management measures (see Section 4.5 and 4.7 below).

NRW PS are satisfied the Flood Consequence Assessment provides a true reflection of flood risks from the project and conclude that these can be appropriately managed.

### **4.3.6 Cumulative impacts and in-combination impacts**

The HRA carried out by NRW PS (see Section 5.13 below) included an in-combination assessment. Subject to appropriate mitigation, the HRA concluded that the works would not cause a significant impact alone or in-combination on a European designated site.

NRW PS have concluded that the potential cumulative impacts due to the project have been adequately addressed within the ES and supplementary documentation.

## **4.4 EIA Consent Decision**

NRW PS issued a written confirmation of the EIA Consent Decision which provides a conclusion about the environmental impacts arising from the project. NRW PS concluded that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, NRW PS concluded 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 PS highlighted the mitigation or monitoring measures that need to be secured under/by condition in the regulatory consent. These are set out below:

Licence conditions will be required to ensure a pre-construction and post-construction monitoring programme is carried out post consent and in agreement with NRW TE, to assist with the validation of the complex coastal process modelling outputs.

Given that the full details of the devices and deployment location are currently unknown, licence conditions will be required to ensure a DDP is submitted to NRW PS prior to construction of any tidal devices or operational hubs. The DDP will include detail on the number, dimensions, depth and location of specific device types, as well as the construction methodology, to minimise effects and consider such things as cumulative effects on seascape during the construction phase.

Given that full details of the cable installation are currently unknown, there will be a requirement to submit a Cable Installation Plan, along with a Cable Operation and Maintenance Plan and Cable Management Plan for approval by NRW PS prior to commencement of licensed activities to minimise the impact on habitats and protected species.

Licence conditions will be required to ensure that navigational safety is not compromised as a result of reducing water depth through cable protection activities (referenced to Chart Datum).

Licence conditions will be required to ensure that the developer produces an appropriate monitoring scheme to assess navigational safety.

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To ensure navigational safety, licence conditions will require an Aids to Navigation Plan (AtNP) to be developed, submitted to and approved by NRW PS prior to commencement of licensed activities.

Licence conditions will be required to ensure that the Marine Pollution Contingency Plan (MPCP) (as part of the Pollution Prevention Management Plan (PPMP)) is submitted to and approved by the NRW PS prior to commencement of licensed activities. The conditions will ensure that pollution prevention best practice is adhered to, including 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. This will reduce the potential for a significant impact on water quality.

Licence conditions will be required to ensure that the CEMP is submitted to and approved by NRW PS prior to commencement of licensed activities. This document will detail management measures to reduce impacts during the construction phase such as adherence to pollution control legislation and guidance. The CEMP should also include a commitment that vessel activities within 300 m of seabird colonies will be prohibited during the breeding season, unless otherwise advised by the Ecological Clerk of Works (ECoW). The restriction will cover March to July for Abraham's Bosom; February to August for South Stack; and February to August for Gogarth.

Licence conditions will be required to ensure that an Emergency Response Cooperation Plan (ERCoP) following guidance set out by MCA in MGN 371, is produced which will need to be submitted and approved prior to commencement of licensed activities.

To reduce impact on navigation and other uses of the sea, a licence condition will be required to ensure mariners and fishermen's organisations are made aware of the activity and that the HM Coastguard and United Kingdom Hydrographic Office (UKHO) are notified of licensed activities.

Licence conditions will be required to ensure that the devices are regularly inspected and maintained. In case of damage or disrepair, relevant authorities including the MCA and TH will need to be notified and relevant steps taken to maintain safety of navigation such as aids to navigation and lighting.

Licence conditions will be required to ensure that all structures in the development are coloured as directed by TH to ensure safety of navigation.

Licence conditions will be required to ensure that a tidal device or array specific Navigational Risk Assessment (NRA) is submitted for approval prior to each phase of deployment.

Licence conditions will be required to ensure that the site-wide NRA is updated every two years to acknowledge relevant emerging data and consider in-combination effects with the already deployed devices.

Licence conditions will be required to ensure that devices are located within pre-defined Restricted Areas suitable to the device characteristics (e.g. submerged tidal devices with minimum 20m UKC, see Annex 6).

To ensure navigation safety, licence conditions will be required to ensure that works are surveyed and charted as required by UKHO. On completion of these surveys the results and a corresponding report of survey must be supplied to the UKHO to allow for the updating of charts.

To reduce impact on the historic environment, licence conditions will be required to ensure that no licenced activities (including geotechnical investigations or other preliminary works affecting the seabed) take place until an Archaeological Mitigation Strategy has been approved. This should include:

- a Protocol for Archaeological Discoveries to be submitted to and approved in writing by NRW PS before any marine works can commence;
- the identification of any Archaeological Exclusion Zones (AEZs) where no development related activities can occur; &
- providing a WSI for a staged programme of archaeological work.

Licence conditions will be required to ensure that the outline Marine Biodiversity Enhancement Strategy is submitted and approved by NRW PS pre-commencement of marine construction activities. This will

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ensure that pre-construction benthic intertidal and subtidal monitoring surveys are carried out. These surveys will include provision for surveying Annex I and OSPAR/Section 7 habitats to help inform placing of infrastructure.

Licence conditions will be required to ensure that the outline Invasive Non-native Species Management Plan is submitted and approved prior to commencement of works.

Licence conditions will be required to ensure that construction and post-construction monitoring surveys cover marine mammal monitoring; scour monitoring; cable burial risk assessment; bathymetric surveys and Acoustic Doppler Current Profiler (ADCP) surveys.

To prevent injury to marine mammals during construction, licence conditions will be required to ensure that a Marine Mammal Mitigation Protocol (MMMP) is submitted to and approved in writing by NRW PS prior commencement of works.

Licence conditions will be required to ensure that the detailed EMMP is submitted to and agreed by NRW PS pre-commencement of any device deployment. The detailed EMMP will be written in accordance with the requirements of the outline EMMP (v.10) and will include detail on the monitoring and mitigating measures used to understand and minimise operational effects upon diving birds, marine mammals and migratory fish. It will ensure that:

- the deployment of any phase will only occur once NRW PS have confidence, supported by the best available evidence, that an adverse effect on marine mammals or diving seabirds will not occur;
- the backstop mitigation of ceasing device operation will be implemented, if needed, to prevent a significant adverse effect on marine mammals;&
- additional modelling (collision risk, encounter rate, underwater noise), as committed to within the EMMP, will be carried out post-consent once the technology to be deployed is confirmed and fully detailed.

NRW PS has considered these conditions 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.

NRW PS note that the Welsh Minister for Climate Change is 'minded-to' make the TWA Order and grant deemed planning permission subject to the planning conditions (as specified) and amendments (reference qA1346892). NRW PS acknowledge that various mitigation measures are required above Mean High Water Spring (MHWS).

### **4.6 Consideration of consultation undertaken**

The consultation process described in Section 2.4 and Section 3 of this document, was undertaken to ensure comment was received from appropriate parties.

A Transboundary Screening Assessment identified potential effects to Ireland. Consequently, notification was provided to Ireland on 06 December 2019 and a Transboundary Notice was placed in the London Gazette on 07 January 2020. No response was received.

### **4.7 Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment**

The export cable will be laid to bypass the large sand ridge to the north of South Stack. Therefore, no jetting of the large sand ridge will be required for cable burial.

Adherence to the project-specific CEMP and PPMP, that will include a MPCP will reduce the risk of adversely affecting water quality.

To reduce potential impacts on benthic organisms, pre-construction surveys must be carried out in the subtidal and intertidal environment, no more than 12 months prior to device installation or deployment,

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to check for presence of sensitive marine features and, where feasible, allow micro-siting of tidal devices and cables.

Vessel activities/movements within 300m of seabird colonies will be prohibited during the breeding season, unless otherwise advised by the Ecological Clerk of Works (ECoW). The restriction will cover March to July for Abraham's Bosom; February to August for South Stack; and February to August for Gogarth.

Device deployments will be phased with the monitoring data collected during operation used to inform subsequent phases and reduce uncertainty of potential operational impacts to seabirds and marine mammals.

An Environmental Monitoring and Mitigation Plan (EMMP) will detail mechanisms for mitigating impacts on seabirds and marine mammals and provides mitigation measures in a tiered hierarchy. The ultimate failsafe mitigation measure will be to cease device operation to avoid adverse effects from occurring. If the results of monitoring of the first phase of deployment, or subsequent phases, indicate that the next phase of deployment could begin without an adverse effect on marine birds or marine mammals, then the next phase of deployment could be authorised for deployment. Further detail on the EMMP approach is given in Section 7.1 of the EIA Consent Decision.

A Marine Mammal Mitigation Protocol (MMMP) will be required/secured by condition detailing the proposed mitigation measures to reduce the risk of any physical or permanent auditory injury (Permanent Threshold Shift, PTS) to marine mammals from underwater noise during the construction phase

Offshore and onshore construction works will be carried out in line with an Archaeological WSI in agreement with the Welsh Archaeological Trust. Impact on heritage assets will be mitigated through micro-siting and adoption of archaeological exclusion zones around known or potential wreck sites. It is also proposed that a protocol for archaeological discoveries will be secured under condition.

To minimise loss of fishing ground availability, the construction activities will be planned, as far as reasonable, so that they are focussed in discrete areas at any one time.

A deployment (array) specific NRA will be carried out by the developer of each array in accordance with MGN 654 and to seek agreement from NRW PS (in consultation with MCA and TH) so that the project risk is deemed to be As Low As Reasonably Practicable (ALARP).

To avoid impact on navigation routes designated zones have been proposed within Figure 4-5 of the ES Volume II (see Annex 6). These zones provide areas where only turbine devices of Under Keel Clearance of 20m or greater can be deployed, and where only submerged tidal devices with an 8m UKC can be deployed. Figure 4-5 has subsequently been amended (see Section 7.19 of the EIA Consent Decision); however, the restricted areas to avoid impact on navigation remain (see Annex 7).

To reduce impact on navigation a minimum of distance of 1km between floating or surface emergent arrays and the coastline will be applied (see Annex 6).

To reduce impact on navigation appropriate alignment and spacing of devices will be required, with each array requiring layout approval from MCA and TH which must include micro-siting limits and ID marking.

A specific seascape, landscape and visual impact assessment (SLVIA) will be carried out for each deployment of tidal energy devices under the DDP. Such a requirement ensures continual review and monitoring of the development effects with a continual consideration of cumulative effects to inform any additional mitigation and compensation requirements.

To reduce the impact on seascape the developer proposes the use of restricted areas as defined in Figure 4-5 of the ES (Volume II) (see Annex 6), which shows the deployment restrictions for "Floating / surface emergent and submerged tidal devices". Figure 4-5 has subsequently been amended (see Section 7.19 of the EIA Consent Decision); however, restricted areas to reduce visual impacts remain (see Annex 7).

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To ensure navigational safety post-installation inspection surveys of devices and along the length of cables will be carried out on a regular basis. In cases of damage, destruction or decay notification will be provided to TH and MCA and such buoys and lights will be placed as directed.

### **4.8 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 REGULATORY DECISION**

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW PS has had regard to the factors set out in section 5 below in accordance with the Marine and Coastal Access Act 2009 (the 2009 Act).

Under s69(1) of the 2009 Act, NRW PS is required to have regard to the following:

- the need to protect the environment (see Section 5.1)
- the need to protect human health (see Section 5.2)
- the need to prevent interference with legitimate uses of the sea (see 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 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 Sections 5.1 to 5.5 below)
- such other matters as it thinks relevant (see 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 (Water Framework Regulations) (England and Wales) 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 proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause

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deterioration or prevent a waterbody from achieving good status would not comply with the requirements of the Directive 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:

- Caernarfon Bay North – Coastal
- Holyhead Strait - Coastal
- Holyhead Bay – Coastal
- Ynys Mon Secondary – Ground water

A WFD Compliance Assessment has been undertaken for the regulated activities and taken into account in this decision. In light of the conclusions of a the compliance assessment, and taking account of the advice received from NRW TE , NRW PS is satisfied that the project has no potential to cause deterioration of any waterbody or prevent a waterbody or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

Based on this assessment it is considered that the regulated 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 provided that conditions are secured to the ML including:

- Ensuring that a Pollution Prevention Management Plan is produced and implemented, and that pollution prevention best practice is adhered to in order to mitigate the impact on water quality (condition 3.41 of Annex 1).
- In order to reduce and mitigate impact on sensitive habitats there will be a requirement for a pre-construction survey to check for the presence of any sensitive Annex I or Section 7 habitats. Where sensitive habitats are identified the developer will look to micro-site key infrastructure in line with the outline Marine Biodiversity Enhancement Strategy (condition 3.40 of Annex 1).
- In order to limit the spread of non-native species there will be a requirement to produce and implement an Invasive Non-native Species Management Plan (condition 3.16 of Annex 1).

Further details are described within the WFD Compliance Assessment.

### **5.1.2 Biodiversity and resilience of ecosystems duty**

#### **(a) The legal framework**

Section 6 of the **Environment Wales Act 2016 (EAW)** provides that public authorities must seek to maintain and enhance biodiversity in the exercise of their functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

#### **(b) Factors relevant to our determination**

Concerns were raised during consultation that the habitat characterisation survey work had not adequately assessed the presence of habitats listed under Annex I of the Habitats Directive and Section 7 Environment (Wales) Act habitats and there was potential for direct impact through habitat loss during the deployment of infrastructure within the test site. The applicant has proposed to minimise and

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mitigate this impact through commitment to carry out pre-construction surveys in order to determine the location, sensitivity and abundance of Annex I habitats, OSPAR and Section 7 habitats in the vicinity of the deployment area or export cable corridor. If sensitive habitat is identified the applicant will attempt to micro-site infrastructure to minimise impact on these habitats. Where it is not possible to avoid damage or loss via micro-siting, biodiversity enhancement measures will be presented. This principle and approach is set out in the outline Biodiversity Enhancement Strategy (Document MMC555 MOR-RHDHV-DOC-0164) and secured through licence conditions as set out in Condition 3.40 of Annex 1.

NRW PS considers that the s6 duty has been satisfied in the determination of the application for a Marine Licence under the 2009 Act

### **5.1.3 European Protected Sites and Ramsar Sites**

#### **(a) The legal framework**

European sites comprise Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Community Interests designated under the Habitats Directive, transposed by 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**)

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 requires 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) to be subject to an appropriate assessment.

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**

A Habitats Regulations Assessment of the regulated activities has been carried out by NRW PS, and NRW TE and JNCC (as Statutory Nature Conservation Body) have been consulted.

The Habitats Regulations allow co-ordination where more than one competent authority is involved (Regulation 67 (2)). These provisions allow the competent authority to forego assessing the implications of a plan or project where they are satisfied that the implications would be more appropriately assessed by another competent authority. The landward works of the proposal fall outside the marine licensable area and are assessed as part of the HRA assessment carried out under the determination for a TWA Order. Therefore, only the marine elements (those seaward of MHWS) would be given consideration within the HRA carried out by NRW as part of the Marine Licence determination. The Project is located in, and/or overlaps with the following European Protected Sites:

- Anglesey Terns SPA
- Holy Island Coast SAC
- Holy Island Coast SPA
- North Anglesey Marine SAC

Within the HRA carried out by NRW a likely significant effect (LSE) from the proposed activities seaward of MHWS could not be ruled out on the following sites with marine features;

- Afon Gwyrfa i Llyn Cwellyn SAC
- Bristol Channel Approaches SAC
- Cardigan Bay/ Bae Ceredigion SAC

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- Lleyn Peninsula and the Sarnau SAC
- North Anglesey Marine SAC
- North Channel SAC
- Pembrokeshire Marine/ Sir Benfro Forol SAC
- The Maidens SAC
- West Wales Marine SAC
- Aberdaron Coast and Bardsey Island SPA
- Ailsa Craig SPA
- Anglesey Terns SPA
- Copeland Islands SPA
- Grassholm SPA
- Irish Sea Front SPA
- Morecambe Bay and Duddon Estuary SPA
- Morecambe Bay Ramsar
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar
- Skomer, Skokholm and the Seas off Pembrokeshire SPA
- Lambay Island SAC
- Lambay Island SPA
- Howth Head Coast SPA
- Ireland's Eye SPA
- Rockabill to Dalkey Island SAC
- Saltee Islands SAC
- Saltee Islands SPA

Subject to mitigation measures being secured in the Marine Licence, including a detailed Environmental Mitigation and Monitoring Plan (dEMMP) incorporating the backstop mitigation of device operation cessation if needed, NRW PS conclude that the proposed activities would not lead to an adverse effect on Site integrity, either alone or in-combination, on any marine features of designated sites. Further details are described within the Habitats Regulations Assessment.

Key elements of the EMMP include:

- Phase 1 and any subsequent phases, will only proceed at a scale that ensures no adverse effect on site integrity (AEOSI) based on best available scientific evidence.

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The scale of each phase, including Phase 1, must be agreed with NRW PS prior to deployment.

- Appropriate and effective monitoring methods must be agreed with NRW PS prior to operation of tidal devices. Monitoring will provide essential information to inform the potential scaling-up of the next phase, but also to determine the need and level of any additional mitigation for the current phase of operation.
- Appropriate and effective mitigation must be agreed with NRW PS post-consent. Mitigation will include the stopping or removal of tidal devices where no other effective mitigation option is possible.
- Deployment of any future phases can be permitted subject to NRW PS being satisfied that there will be no AEOSI based on the outcome of monitoring carried out in the preceding phases.

NRW is therefore satisfied that the regulated activities, either alone or in-combination with other plans or projects, will not adversely affect the integrity of European Site(s) when undertaken in accordance with conditions, i.e. the requirement to produce and implement a detailed Environmental Mitigation and Monitoring Plan (dEMMP) as set out in Condition 3.38 in Annex 1.

### **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, whether deliberately or accidentally, 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.

#### **(b) Factors relevant to our determination**

NRW PS considers that the following protected species have the potential to be impacted by the Project:

- Grey and Harbour seal
- Cetaceans including; Harbour porpoise, Bottlenose dolphin, Risso dolphin, Common dolphin, Minke whale.

NRW PS has taken into account the requirements for issuing an EPS licence in making this decision and 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.

The Marine Licence application determination is without prejudice to the determination of any EPS licence application and does not constrain or bind NRW PS in exercising its role as licensing authority under the 2009 Act. Should an application for an EPS licence in relation to the project be made it will be determined by NRW PS independently and based on all the relevant information available to NRW PS 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 Island.

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Under the 2009 Act, every public authority must:

- exercise its functions in the manner which it considers best furthers the conservation objectives stated for any Marine Conservation Zone
- Where it is not possible to exercise its functions, in a manner which furthers those objectives, exercise them in the manner which the authority 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 regulated activities on the Skomer Marine Conservation Zone (MCZ) due to the distance between the proposed activities and the MCZ.

#### **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 where, in Wales, NRW is of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features. Under s28G, NRW must take reasonable steps, 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 regulated activities on the following sites:

- Holy Island Coast SSSI
- Tre Wilmot SSSI
- Beddmanarch-Cymyran SSSI

NRW PS is satisfied that the regulated activities are not likely to damage a SSSI when undertaken in accordance with appropriate conditions.

The regulated activities will not take place within a SSSI. The ES has considered the potential impact of the works on SSSIs. It was proposed within the ES that vessel activities within 300m of seabird colonies would be prohibited during the breeding season unless otherwise advised by the Ecological Clerk of Works. As proposed within section 11.6.5.2.5 of the ES, the breeding period is considered to be March to July for Abraham's Bosom and February to August for South Stack and Gogarth. It is expected that this mitigation will be incorporated within the CEMP which is required under Condition 3.25 of Annex 1.

#### **5.1.7 The Waste (England and Wales) Regulations 2011**

##### **(a) The legal framework**

The Waste (England and Wales) Regulations 2011 establish a legal framework for treating waste. 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 Regulations describe 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).

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**(b) Factors relevant to our determination**

NRW is satisfied that the regulated activities meet the requirements of The Waste (England and Wales) Regulations 2011 when undertaken in accordance with appropriate conditions, i.e. production and adherence to a CEMP as set out in Condition 3.25 of Annex 1. The CEMP would be expected to demonstrate appropriate waste management measures are in place.

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

NRW PS have had regard for the issues raised by consultees. These are presented within Section 7 of the EIA Consent Decision.

Issues not already discussed within this Decision Document but are considered relevant to the marine works are summarised below.

*Coastal Processes*

Concerns were raised by the consultees in relation to the adequacy of the coastal processes assessment. However, following the submission of justifications and clarifications from the applicant, it was concluded by NRW TE that a considered appraisal of the impacts could be reached with the baseline characterisation being greatly expanded upon, which allowed an informed view on possible impacts of the construction and operation scenarios. This included confirming the project's zone of influence, consideration of all protected sites that are located within this zone of influence and concluding that any direct impacts to the large sand ridge feature could be discounted, following commitment from the applicant that the export cable will bypass the large sand ridge north of South Stack. The applicant has proposed monitoring to assist with validation of the complex modelling output that underpinned the assessment. Having regard for the comments received, NRW PS considers the need to include condition 3.40 as set out in Annex 1, in order to ensure that monitoring is carried out as proposed, and condition 3.19 to ensure that the large sand ridge is avoided.

*Water Quality*

Concerns were raised by consultees in relation to the information used to inform the assessment of the works on water quality. However, following further information presented by the applicant, including updated sediment transport modelling, wave modelling and sediment dispersion, NRW TE were satisfied with the assessment carried out, and considered that the initial concerns surrounding the assessment had been addressed. To address the potential impact on water quality during both the construction and operation phase of marine works, the developer proposed to carry out works in line with pollution prevention best practice and to develop a detailed Pollution Prevention Management Plan (PPMP) and a Construction Environment Management Plan (CEMP). The PPMP will include a Marine Pollution Contingency Plan (MPCP). Having regard to the comments received, NRW PS consider the need to include condition 3.13-3.17, 3.25 and 3.41, as set out in Annex 1, in order to ensure that pollution prevention is adhered to and that work is carried out in line with an appropriate CEMP and PPMP.

*Benthic Ecology*

The ES proposes to adhere to a CEMP and PPMP. In addition, the applicant proposes to submit a full installation methodology for agreement prior to carrying out cable installation works or device deployment. NRW PS consider that these can be secured through licence conditions set out in Condition 3.19, 3.20, 3.22, 3.23, 3.24, 3.25 of Annex 1.

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In order to limit the spread of invasive non-native species there will be a requirement to produce and implement an Invasive Non-native Species Management Plan that can be secured through Condition 3.16 of Annex 1.

As detailed in section 5.1.2 above, concerns were raised by the consultees that the habitat characterisation survey work had not adequately assessed the presence of Annex I (Habitats Directive) and Section 7 habitats, and that there was potential for direct impact through habitat loss during the deployment of infrastructure within the test site. The applicant proposed to minimise and mitigate this impact through the commitment to carry out pre-construction surveys to determine the location, sensitivity and abundance of Annex I, OSPAR and Section 7 habitats in the vicinity of deployment area or export cable corridor. If a sensitive habitat is identified, the applicant will consider mitigation measures including the need to micro-site to minimise impact on the habitats(s). Where it is not possible to avoid damage or loss via micro-siting, biodiversity enhancement measures would be proposed as set out in the outline Biodiversity Enhancement Strategy (Document MMC555 MOR-RHDHV-DOC-0164). This can be secured through licence conditions as set out in Condition 3.40 of Annex 1.

### *Fish and Shellfish*

Based on information provided, NRW TE and ABPmer advised that the assessment carried out in relation to impacts on fish and shellfish was appropriate. Due to the limited data regarding behaviour of migratory fish around tidal turbines, the applicant has committed within the Environment Monitoring and Mitigation Plan (EMMP) to use the operational monitoring data to inform the understanding of migratory fish behaviour and distribution within the marine development zone. NRW PS consider that the requirement to produce and implement a detailed EMMP, which accords with the requirements of the outline EMMP as provided with the application (EMMP v.10), can be secured through licence condition 3.38 set out in Annex 1.

### *Marine Ornithology*

Concerns were raised by consultees in relation to the assessment carried out within the ES and the potential impact of the works on marine ornithology, in particular through possible collision of diving birds with tidal turbines. Further details surrounding concerns raised and NRW PS considerations can be found within Section 7.6 of the EIA Consent Decision.

The ES considered there was a potential for a major adverse effect on Guillemot and Razorbill populations due to collision risk with tidal turbines if full deployment took place (240MW). However, it is acknowledged by the applicant and NRW PS that this conclusion has a high level of uncertainty. To mitigate this impact the applicant has proposed to proceed with the development in phases using an adaptive management approach. Therefore, the deployment of the initial phase and any further deployment (scaling-up) will only occur at a scale that will not lead to an adverse effect on diving birds, in line with the proposed EMMP. Due to the nature of the proposal as a test site for tidal turbines, the applicant has not been able to provide precise details of the first phase of deployment, which includes type of device(s) and location. As part of the commitment within the oEMMP, it is noted by NRW PS that the scale of the initial deployment will be determined based on the outcome of additional collision and encounter risk modelling once further details are known. The deployment of the initial and any subsequent phase would only occur, and at a scale, which NRW PS agree that no significant impact will occur on diving seabirds.

During the consultation process, concerns were raised by the consultees over the efficacy of proposed monitoring techniques. The applicant has presented potential monitoring and mitigation options within

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the outline EMMP (v.10). The outline EMMP provides that no device operation will occur until it has been demonstrated and agreed with NRW PS that effective monitoring is in place.

The applicant predicts that as more evidence is gathered through monitoring of the initial deployment (Phase 1), the initial assessment will be found to be precautionary and therefore allow consideration of scaling-up of devices without there being a significant impact on diving seabird populations. Both NRW TE and RSPB have highlighted that as interaction of birds with tidal devices is largely unknown, it is not possible to conclude at this stage that the assessment carried out is precautionary or whether scaling-up will be possible. While noting the views of the applicant and consultees, NRW PS note that scaling-up of devices will only occur if the applicant is able to demonstrate on the basis of the monitoring, that the next phase of deployment could proceed without a significant effect. Should monitoring data indicate at any point that a potential significant adverse impact on marine mammals or bird populations is likely to occur, then additional mitigation will be relied upon in line with the agreed detailed EMMP.

Having regards to the comments received, NRW PS consider the need to include condition 3.38 as set out in Annex 1 in order to ensure a detailed EMMP is produced which accords with the outline EMMP submitted during determination of the application. Key elements of the proposed EMMP include:

- That Phase 1 and any subsequent phase, will only proceed at a scale that ensures no significant impact is predicted based on best available evidence. The scale of each phase, including Phase 1, will be agreed with NRW PS prior to deployment.
- Appropriate and effective monitoring methods will be agreed with NRW PS prior to operation of tidal devices. Monitoring will provide essential information to inform the potential scaling-up of the next phase, but also to determine the need and level of additional mitigation for the current phase of operation .
- Appropriate and effective mitigation will be agreed with and approved by NRW PS post-consent to prevent a significant adverse effect from occurring. Mitigation will include the stopping or removal of tidal devices where no other effective mitigation option is possible.
- Deployment of any future phases will be dependent on the outcome of monitoring carried out.

### *Marine Mammals*

Concerns were raised by the consultees in relation to the assessment carried out within the ES and the potential impact of the proposed works on marine mammals, in particular from potential collision with tidal turbines and disturbance through underwater noise. Further details surrounding the concerns raised and NRW PS considerations can be found within Section 7.7 of the EIA Consent Decision.

NRW TE advised there was a potential for an AEOSI as a consequence of collision impacts on bottlenose dolphin, harbour porpoise and/or grey seal populations due to collision risk with tidal turbines at full deployment (240MW). The applicant has proposed to proceed with the development in phases using an adaptive management approach to address the uncertainties surrounding collision risk of tidal turbines to marine mammals and ensure no AEOSI will occur. Therefore, the deployment of the initial phase and any further deployment (scaling-up) will only occur at a scale that will not lead to an adverse effect on marine mammals, in line with the proposed EMMP. Due to the nature of the proposal as a test site for tidal turbines, the applicant has not been able to provide precise details of the first phase of deployment, including the type of device(s) and their location. Therefore, the outline EMMP commits that the scale of the initial deployment will be determined based on the outcome of additional collision and encounter risk modelling once further details are known. Deployment would only occur at a scale where NRW PS are satisfied that no AEOSI will occur.

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The adaptive management approach described within the EMMP provides opportunity to monitor and analyse data to inform potential future deployments (scaling-up). The monitoring would also inform whether additional mitigation is required during the current phase.

Following advice from NRW TE, marine mammal collision limits are provided by the applicant in the outline EMMP (v.10). These collision limits do not represent the point at which mitigating action should first occur but rather the point at which any further impact must be prevented. Thus, ensuring no further risk to the species from the operation of the device(s). Deployment of devices will be allowed/permitted if NRW PS can be confident that no significant adverse effect will occur to diving seabirds or marine mammals.

Concerns remain from consultees surrounding the efficacy of monitoring technologies, and that the technology currently available may not be able to accurately identify the marine mammal species should a collision occur. The applicant has committed within the EMMP to a worst-case scenario; that if they are unable to identify the species, they will consider that the collision was with the species with the lowest collision limit as defined within the EMMP. In addition, the outline EMMP (v.10) commits that no device operation will take place until effective monitoring has been agreed and approved by NRW PS.

In addition to collision risk, concerns were initially raised by consultees surrounding the impact of underwater noise on marine mammals as a result of the development. However, NRW TE confirmed they were satisfied that through the commitments provided within the outline EMMP (v.10), adverse effects from underwater noise (operational turbine noise and ADDs) can be minimised and significant impact avoided. Commitments within the outline EMMP (v.10) include the requirement to carry out additional underwater noise modelling prior to the deployment of any device or use of ADDs, as well as underwater noise monitoring of the operational turbines and activated ADDs to ensure noise levels remain within the predicted range.

Having regards to the comments received, NRW PS consider the need to include condition 3.38 as set out in Annex 1, to ensure that a detailed EMMP is produced which accords with the outline EMMP submitted during determination of the application. Key elements of the EMMP have been detailed in section 5.1.3 (b).

In addition, to reduce the risk of any physical or permanent auditory injury to marine mammals during the construction phase of the proposal, the applicant has committed to develop a Marine Mammal Mitigation Protocol (MMMP). NRW PS consider the need to include condition 3.39 as set out in Annex 1, to ensure that a MMMP is produced and implemented.

### *Offshore Archaeology and Cultural Heritage*

Cadw and Welsh Archaeological Trust (WAT) raised the need to consider visual impact upon the settings of archaeological sites and listed buildings on land caused by the offshore development. The applicant provided a supplementary note (Ref: MOR-RHDHV-DOC-0125) which, among other things pertaining to onshore archaeology, assesses the visual impact on settings from the offshore development. Cadw and WAT concur with the conclusion of the assessment.

Within the ES, the applicant proposes the following mitigation;

- Requirement for Protocol for Archaeological Discoveries that provides a system for reporting and investigating unexpected discoveries during the course of the development.
- The identification of any Archaeological Exclusion Zones (AEZs) around known wrecks sites and potential geophysical anomalies, where no development related activities can occur.
- To provide a Written Scheme of Investigation for a staged programme of archaeological work.

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Having regard to the comments received from Cadw and WAT, NRW PS consider the need to include condition 3.27, 3.28 as set out in Annex 1 to secure the mitigation detailed above.

### *Seascape, Landscape and Visual Impact*

Concerns were raised in relation to the potential impact of the regulated activities on seascape and landscape by the consultees. Further details on this can be found within Section 7.19 of the EIA Consent Decision.

In order to minimise the potential visual impact of the regulated activities, the applicant proposed a number of restricted areas within the development zone, as detailed within Figure 4-5 of the ES (see Annex 6). The restricted area sets out areas where only submerged devices may be placed and/or devices that are not considered visually prominent, thereby minimising the potential impact.

NRW PS note that the Welsh Minister is 'minded-to' make the TWA Order and grant deemed planning permission subject to the planning conditions (as specified) and amendments (22 October 2021) (reference qA1346892). These amendments include the triangular extension to the "Restricted Area – Northern" to mitigate seascape, landscape and visual effects on South Stack and the Isle of Anglesey AONB. However, while this matter was not raised by NRW TE through the Marine Licence determination process, NRW PS have noted the requirement for inclusion of 'The Triangle' within the Welsh Minister's 'minded-to' letter dated 22 October 2021 (reference qA1346892) and have accepted an amendment to include the triangular extension to the "Restricted Area – Northern" (see Section 7.19 of the Consent Decision). An updated Figure 4-5 showing The Triangle amendment is provided in Annex 7.

The applicant has committed to carry out a specific seascape, landscape and visual impact assessment for each deployment of tidal devices as part of the Device Deployment Protocol (DDP). This will include further considerations of colour, lighting and layout configuration.

NRW PS acknowledge that significant effects on the seascape, landscape and visual receptors remain despite the mitigation measures committed to by the applicant.

NRW PS consider that the applicant, in line with Policy SOC\_07 of the Welsh National Marine Plan, has taken into account the potential impact on seascape, landscape and visual receptors within the ES and relevant supporting documentation. The applicant has sought to avoid and minimise impacts where possible and proposed mitigation such as the use of restricted development zones for specified turbine devices and through the DDP. The potential for a significant impact on visual receptors remains after mitigation. In Section 1.2.5 of the ES, the applicant sets out the need for the project including its benefit to the local economy and the renewable sector. In addition, the IACC have agreed a potential compensation package with the applicant. NRW PS consider that although impacts remain, there has been a clear and convincing case set forward for proceeding with the development by the applicant.

NRW PS consider the need to include condition 3.23, as set out in Annex 1, to ensure that a Device Deployment Protocol is submitted which includes a deployment specific seascape and landscape assessment, and to ensure adherence to the restricted zones, as detailed in the amended Figure 4-5 (see Annex 7).

### **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 PS 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.

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### **5.2 The need to protect human health**

To avoid interaction with Unexploded Ordnance (UXO), the applicant must carry out a survey to identify any UXO and establish whether any further investigation is required prior to carrying out the marine works. This is secured by condition 3.26 of the Marine Licence.

The impact of any potential detonation of UXO has not been assessed and detonation of UXO is not permitted under the Marine Licence.

Risk to navigation safety and thus human life is discussed further in section 5.3 below.

#### **5.2.1 Conclusion of our considerations under the need to protect human health**

**IN SUMMARY**, having considered the need to protect human health, NRW PS 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.

### **5.3 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.

Concerns were raised by consultees in relation to the potential impact of the works on shipping and navigation by the public and technical consultees. Further details on concerns raised and NRW PS consideration can be found within Section 7.10 of the EIA Consent Decision. Issues that are relevant to the offshore works are summarised below.

Concerns were raised by consultees surrounding the adequacy of the assessment, including the data used to inform the assessment and the lack of consideration of impacts on recreational vessels (including kayaks).

The applicant submitted further information as detailed within section 7.10 of the EIA consent decision. This included an NRA addendum in addition to justifications surrounding the assessment carried out within the ES.

NRW PS note the confirmation from the MCA that the applicant has carried out the assessment in line with MGN 543<sup>1</sup> and that all vessel traffic data acquired for the project and presented in the NRA addendum and ES is fully compliant with their requirements and those of MGN 543. It is the opinion of the MCA that the NRA addendum meets the NRA methodology guidance and that all the data that feeds into the NRA is reasonable, noting that the applicant has committed to an update of the whole site NRA every 2 years. This can be secured by condition 3.36 of the Marine Licence.

NRW PS consider that sufficient justification has been provided by the applicant on the assessment approach. It is noted that detail on the final devices to be deployed has yet to be confirmed and therefore a Rochdale envelope approach has been taken by the applicant. Accordingly, a worst-case scenario was adopted for the NRA and ES. NRW PS are satisfied that the worst-case scenario has been considered by the applicant.

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<sup>1</sup> Industry guidance on assessing navigational safety and emergency response, caused by offshore renewable energy installations. In April 2021 the MCA published new guidance (MGN 654) which replaces MGN 543. At the time of the ORML 1938 marine licence application MGN 543 was the relevant guidance to developers.

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In addition to the whole site NRA, the applicant has committed to provide an array specific NRA for each deployment which considers the detailed parameters of the array, its proposed location and the presence of other installed arrays. The array specific NRA must be consistent with the Device Deployment Protocol (DDP). Each deployment specific NRA will be carried out by the developer in accordance with the most recent guidance. Agreement will be required from NRW (in consultation with relevant stakeholders including MCA and TH) that the project risk from the deployment is deemed to be As Low as Reasonably Practicable (ALARP). This can be secured by condition 3.36 of the Marine Licence.

It is acknowledged by NRW PS, following advice from the MCA, that the risks to commercial and recreational vessels (including non-motorised such as kayaks) have been considered within the NRA, NRA addendum and ES navigation chapter and that the risks are assessed as ALARP or lower. However, the impact on commercial and recreational vessels will need to be considered further as part of the array specific NRA which can be secured by condition 3.36 of the Marine Licence.

In addition, to avoid impact on navigation routes designated zones have been proposed by the applicant within Figure 4-5 of the ES (see Annex 6). These zones provide areas where only turbine devices of Under Keel Clearance (UKC) of 20m or greater can be deployed, and where only submerged tidal device with an 8m UKC can be deployed. In addition, to reduce impact on navigation, a minimum distance of 1km between floating or surface emergent arrays and the coastline will be applied. Device layout and confirmation of adherence to the restricted areas will be demonstrated within the DDP. This will be secured through condition 3.23 of the Marine Licence. Figure 4-5 has subsequently been amended (see Section 7.19 of the Consent Decision); however, restricted areas to avoid impact on navigation remain (see Annex 7).

Following consideration of the application documents and consultation responses received, NRW PS consider that a number of additional mitigation will also be required in order to ensure navigational safety this includes:

- The development of an Aids to Navigation Plan (AtnP) (condition 3.31 of Marine Licence).
- Production and implementation of an Emergency Response Cooperation Plan (ERCoP) (condition 3.35 of Marine Licence).
- A monitoring scheme to assess navigational safety (condition 3.29 of Marine Licence).
- A requirement to notify relevant organisations and marine users prior to commencement of any phase of licensed activities and upon completion (condition 3.1 and 3.21 of Marine Licence).
- Assurance that the devices are regularly inspected and maintained. In case of damage to, or destruction or decay of, relevant authorities including the MCA and TH will need to be notified and relevant steps taken such as aids to navigation and lighting requirements to maintain safety of navigation (condition 3.34, of Marine Licence).
- Assurance that all structure in the development are coloured in a manner to ensure safety to navigation (condition 3.37 of Marine Licence).
- Assurance that navigational safety is not compromised as a result of reducing water depth through licensed activities (condition 3.32 of Marine Licence).

In order to mitigate impact on the fishing industry, the applicant has proposed to produce and implement a fisheries liaison and coexistence plan. NRW PS consider that this can be secured through condition 3.30 of the Marine Licence.

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

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**IN SUMMARY**, having considered the need to protect interference with legitimate uses of the sea, NRW PS 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.

### **5.4 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.

#### **Welsh National Marine Plan (WNMP)**

The WMNP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

#### **(b) Our determination**

#### **UK Marine Policy Statement 2011**

Within section 2.3.7.2 of the ES the applicant had demonstrated how the project accords with the Marine Policy Statement.

NRW PS consider this decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011

#### **Welsh National Marine Plan**

Within Section 2.3.7.3 of the ES, the policies of the Welsh National Marine Plan have been summarised by the applicant with signposting provided to indicate where these were considered within the ES.

The applicant states that the Project promotes renewable energy growth and in so doing minimising climate change through allowing commercial demonstration of different technologies and small arrays of tidal devices. In addition, a key objective of the project is to support local economic growth including the potential for job creation.

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

### **5.5 Other matters NRW thinks relevant**

#### **5.5.1 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.

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**(b) Our determination**

Within Section 2.3.5 of the ES the applicant has considered the project against the goals set out in the Well-being of Future Generations (Wales) Act 2015.

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

NRW PS is also satisfied that its decision is consistent with the sustainable development principle, this is ensuring that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**5.5.2 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**

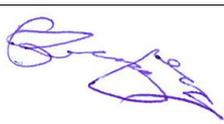
NRW PS is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

**6 Conclusions and Recommendations**

Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW PS'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 5. We have also explained in section 5 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

**AUTHORISATION**

<b>Report by:</b> Peter Morrison  <b>Position:</b> Lead Specialist Officer – Marine Licensing	<b>Date:</b> 14/12/2021	<b>Signed:</b> 
<b>Report by:</b> Colin Trigg  <b>Position:</b> Marine Licensing Officer – Marine Licensing	<b>Date:</b> 14/12/2021	
<b>Authorised by:</b> John Wheadon  <b>Position:</b> Permitting Service Manager	<b>Date:</b> 14/12/2021	<b>Signed:</b> 

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## **ANNEX 1**

### **Licence Conditions imposed and reasons for those conditions.**

**Note: Condition numbers used below reflect the condition numbers used in the Marine Licence.**

## **CONDITIONS**

### **3 Notification and Inspection**

#### **3.1 Notification of Commencement**

3.1.1 The Licence Holder must notify the Licensing Authority no less than 14 days before the commencement of the Licensed Activities, or any of the individual phases of the Licensed Activities, is expected to commence.

*Reason: to ensure the Licensing Authority are aware of the commencement of Licensed Activities.*

3.1.2 The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than 14 days before the commencement of the Licensed Activities, or any of the individual phases of the Licensed Activities, is expected to commence.

*Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.*

3.1.3 The Licence Holder must ensure that local mariners and fishermen's organisations, neighbouring port authorities, HM Coastguard, UKHO and other local stakeholders are made fully aware of the Licensed Activities through local notification to marine users 14 days prior to the commencement of the Licensed Activities, or any of the individual phases of the Licensed Activity, is expected to commence. The notice should detail the start date of works and the expected vessel routes from the port to the relevant location.

*Reason: To minimise interference with other sea users and inform them of the licensed activities to ensure other vessels in the vicinity can safely plan and conduct their passage.*

3.1.4 The Licence Holder must ensure that local notification to marine users are updated and reissued at weekly intervals while construction activities are ongoing. This must be supplemented with VHF radio broadcasts agreed with the Maritime and Coastguard Agency.

*Reason: To ensure the safety of navigation.*

3.1.5 The Licence Holder must notify The Kingfisher Information Service of Seafish no less than 14 days prior to the commencement of the Licensed Activities, or an individual phase of the Licensed Activity, is expected to commence.

*Reason: To ensure the safety of navigation.*

### **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 Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least 24 hours prior to the commencement of the Licensed Activities.

*Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.*

### **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 at least 24 hours prior to the commencement of Licensed Activities.

*Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this licence and in order to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.*

### **3.4 Notification of HM Coastguard**

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least 24 hours prior to commencement by contacting The National Maritime Operations Centre at [zone31@mcga.gov.uk](mailto:zone31@mcga.gov.uk).

*Reason: To ensure the safety of navigation.*

### **3.5 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.

*Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.*

### **3.6 Notification of Completion**

3.6.1 The Licence Holder must notify the Licensing Authority within 10 days of completion of the Licensed Activities or an individual phase of the Licensed Activity.

*Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.*

3.6.2 The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within 10 days of completion of the Licensed Activities or an individual phase of the Licensed Activity.

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*Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.*

3.6.3 The Licence Holder must notify the UK Hydrographic Office of the Licensed Area and the Licensed Activities within 10 days of the completion of the Licensed Activities or an individual phase of the Licensed Activity.

*Reason: To permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.*

3.6.4 The Licence Holder must notify The Kingfisher Information Service of Seafish as soon as reasonably practicable and no later than 24 hours after completion of the Licensed Activities or an individual phase of the Licensed Activity.

*Reason: To ensure the safety of navigation.*

### **3.7 Accident or Emergency**

3.7.1 If, by reason of force majeure any substances or articles are deposited other wise than as permitted as part of the Licensed Activities full details of the circumstances shall be notified to the Licensing Authority, Trinity House and the Maritime and Coastguard Agency within 48 hours of the incident occurring.

*Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.*

3.7.2 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.

*Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.*

### **3.8 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 agent(s), contractor(s) and sub-contractor(s) 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.

*Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.*

### **3.9 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 1.2.
- 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.

*Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.*

### **Vessels, Plant and Equipment**

#### **3.10 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities**

Only those agent(s), contractor(s), sub-contractor(s) vessels and/or 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(s), contractor(s), sub-contractor(s) or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this licence.

*Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s), sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.*

### **Safety**

#### **3.11 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 shall not replace such material until the Licensing Authority or Marine Enforcement Officers have given their written approval.

*Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.*

## **Pollution control**

### **3.12 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.

*Reason: To minimise the risk of pollution incidents and to ensure the timely report of such incidents to enable the Licensing Authority to take action as appropriate.*

### **3.13 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. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.

*Reason: To minimise the risk of fuels/other contaminants entering the marine environment.*

### **3.14 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.

*Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and to minimise the risk of marine pollution incidents by adopting best practice techniques.*

### **3.15 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.

*Reason: To minimise the amount of man-made materials disposed of at sea.*

### **3.16 Biosecurity**

3.16.1 The Licence Holder must ensure all equipment, materials, machinery and personal protective equipment are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

3.16.2 The Licence Holder must submit an Invasive Non-native Species Management Plan(s) which shall be in accordance with the outline Invasive Non-native Species Management Plan (document MOR/RHDHV/DOC/0075) to the Licensing Authority for

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written approval at least 4 months prior to commencement of Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.16.3 The Licence Holder must ensure that any actions outlined in the Invasive Non-Native Species Management Plan detailed in condition 3.16.2 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the document must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To minimise the risk of spread of invasive non-native species.*

### **3.17 Equipment, Structures and Access**

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste, and/or debris associated with the Licensed Activities are removed on completion of any of the Licensed Activities.

*Reason: To minimise impacts on the marine environment and other users of the sea/seabed.*

### **Activity-specific Conditions**

#### **3.18 Project Parameters**

3.18.1 The Licence Holder must ensure that all tidal devices constructed/deployed fall within the parameters set out within Environmental Statement Chapter 4 Project Description (MOR/RHDHV/DOC/0004), and as detailed in Appendix 1.

3.18.2 The Licence Holder must ensure that cabling construction/deployment must fall within the parameters set out within Environmental Statement Chapter 4 Project Description (MOR/RHDHV/DOC/0004), and as detailed in Appendix 2.

3.18.3 The Licence Holder must ensure that all navigation and monitoring equipment fall within the parameters set out within Environmental Statement Chapter 4 Project Description (MOR/RHDHV/DOC/0004), and as detailed in Appendix 3.

3.18.4 The Licence Holder must ensure that all hubs fall within the parameters set out within Environmental Statement Chapter 4 Project Description (MOR/RHDHV/DOC/0004), and as detailed in Appendix 4.

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

#### **3.19 Cable Installation Methodology**

3.19.1 The Licence Holder must submit a Cable Installation Methodology report to the Licensing Authority for written approval at least 4 months prior to commencement of any cable installation work. No cable installation may be undertaken prior to written approval from the Licensing Authority.

The Cable Installation Methodology report must:

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- i. include a burial risk assessment to ascertain burial depth;
- ii. include a full method statement for cable installation;
- iii. specify locations, timings and duration of each subtidal and intertidal work activity;
- iv. If it is determined that it is not possible to conduct cable-lay through the intertidal area via horizontal directional drilling (HDD), the methodology must describe how the intertidal substratum will be reinstated and will describe how physical impacts will be kept to a minimum;
- v. mitigate potential impacts to sensitive habitat features including micro-siting away from where they are identified in Condition 3.40 and confirm that any cabling will bypass the large sand ridge north of South Stack; and
- vi. detail the type, sources, quantity and installation methods for cable protection where proposed to be used.

3.19.2 The Licence Holder must ensure that any actions outlined in the Cable Installation Methodology report detailed in condition 3.19.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the report must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

*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.*

### **3.20 Cable Management Plan**

3.20.1 The Licence Holder must submit a Cable Management Plan, including cable landfall to the Licensing Authority for written approval at least 4 months prior to commencement of any cable installation work. No cable installation works may be undertaken prior to written approval from the Licensing Authority.

The Plan must include;

- i. detail of methodologies for operations and maintenance including the methods to be used for re-laying and re-burial of repaired cable and removal and reinstatement of any cable protection,
- ii. a timescale for the periodic review of the document.

3.20.2 The Licence Holder must ensure that any actions outlined in the Cable Management Plan detailed in condition 3.20.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To ensure the appropriate and safe management of cables.*

### **3.21 Programme of Works**

3.21.1 The Licence Holder must submit a Programme of Works for each individual phase of the Licensed Activity to the Licensing Authority for written approval at least 4 months prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

- Export cable(s).
- Each tidal device or array and associated infrastructure.

The Programme of Works for each individual phase of the Licensed Activities must provide a full list of materials to be deposited and removed from the marine environment. It should also include:

- i. The planned timetable for each activity and all maintenance authorised by this licence;
- ii. A plan for notifying the Licensing Authority and Trinity House of the start (and end of activities) and phases of activities or of any changes to the programme of works, to include updates to the programme of works should the programme change.

No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

3.21.2 The Licence Holder must ensure that any actions outlined in the Programme of Works detailed in condition 3.21.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To ensure the programme of works is appropriate.*

### **3.22 Installed Cable Report**

3.22.1 The Licence Holder must submit an 'as built' Installed Cable Report for the approval of the Licensing Authority within 4 weeks of completion of any phase of cable installation works. The report must include;

- i. confirmation of compliance with the Cable Installation Methodology;
- ii. the final locations (grid locations in WGS84) of buried and surface-laid sections of the cables, and
- iii. the final locations, types, and quantities of cable protection deposited or installed.

*Reason: To ensure proposed works follow Cable Installation Methodology and to minimise the risk to wider environmental sensitivities and navigation*

### **3.23 Device Deployment Protocol (DDP)**

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3.23.1 The Licence Holder must submit a DDP to the Licensing Authority for written approval at least 4 months prior to deployment of tidal device(s) or hubs. No tidal device or hub may be constructed/deployed prior to written approval from the Licensing Authority.

The DDP must set out proposed details of the device(s) and operational hubs to be constructed and include the following;

- i. the number, dimensions, specification, and depth for each device and operational hub, including the type of foundation(s) or mooring(s) to be used, and demonstrate how it accords with the project parameters set out in Environmental Statement Chapter 4 Project Description (MOR/RHDHV/DOC/0004) and as detailed in Appendix 1-4;
- 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 any environmental constraints;
- iii. a full method statement for construction, deployment, operation, and repowering of the tidal device(s) or array and associated infrastructure;
- iv. any drilling and disposal methods and quantities generated;
- v. the monitoring equipment;
- vi. documented liaison with local fishing industry, the outcomes of the engagement and agreed mitigation measures employed including (but not limited to), areas of deep-water storage for pots and micro-siting of infrastructure; and
- vii. an updated seascape, landscape and visual assessment (SLVIA) undertaken in accordance with the assessment methodology within the environmental statement or any subsequently published best practice guidance in respect of any surface emergent tidal devices or operational hubs proposed for deployment or repowering. The SLVIA must set out how the mitigation measures set out in the Outline Landscape Management Plan (document MOR/RHDHV/DOC/0002) are secured in respect of the proposed deployment or repowering, and consider whether devices proposed for deployment or repowering in the restricted zone for submerged tidal devices (as defined in Table 5) are considered to have visually prominent elements. The assessment shall include an assessment of the cumulative impact of the proposed tidal devices and hubs operational and/or consented (pursuant to an approved device deployment protocol) at the time of its preparation.

3.23.2 The Licence Holder must ensure that any actions outlined in the DDP detailed in condition 3.23.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*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.*

### **3.24 Operations and Maintenance Plan (OMP)**

3.24.1 The Licence Holder must submit a OMP to the Licensing Authority for written approval at least 4 months prior to commencement of construction and/or deployment of

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each tidal device or array and associated infrastructure. No construction and/or deployment may be undertaken prior to written approval from the Licensing Authority.

The OMP must include detail of the methodology for operation and maintenance of infrastructure, and must include a timescale for the periodic review of the document.

3.24.2 The Licence Holder must ensure that any actions outlined in the OMP detailed in condition 3.24.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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

### **3.25 Construction Environment Management Plan (CEMP)**

3.25.1 The Licence Holder must submit a CEMP to the Licensing Authority for written approval at least 4 months prior to commencement of the Licensed Activities. The CEMP must be in accordance with the outline Construction Environment Management Plan (reference MOR/RHDHV/DOC/0073 F2.0). No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.25.2 The Licence Holder must ensure that any actions outlined in the CEMP detailed in condition 3.25.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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

### **3.26 Unexploded Ordnance (UXO) Survey**

The Licence Holder must carry out a UXO survey prior to the commencement of any Licensed Activities. The findings of the UXO survey should be used to inform cable routes and device placement. This licence does not authorise the detonation of any UXO.

*Reason: In the interest of safety and human health.*

### **3.27 Marine Archaeology**

3.27.1 The Licence Holder must submit a Protocol for Archaeological Discoveries (PAD) to the Licensing Authority for written approval prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.27.2 The Licence Holder must ensure that any actions outlined in the PAD 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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3.27.3 The Licence Holder must submit a Written Scheme of Investigation (WSI) to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The WSI must detail the archaeological assessment and mitigation works offshore and within the inter-tidal area and must provide details of ;

- i. the responsibilities of the Licence Holder and archaeological consultant;
- ii. details of contractors and curators (national and local);
- iii. requirements for a watching brief(s) within intertidal areas;
- iv. methodology for further site investigation including survey planning, specifications for geophysical, geotechnical and diver/ROV investigations;
- v. delivery of mitigation including the use of Archaeological Exclusion Zones (AEZ) during construction, operation, repowering and maintenance;
- vi. monitoring during construction, operation, repowering and maintenance; and
- vii. conservation, publication and archiving duties for archaeological material.

3.27.4 The Licence Holder must ensure that any actions outlined in the WSI detailed in condition 3.27.3 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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

### **3.28 Pre-construction Marine Archaeology Survey**

3.28.1 The Licence Holder must submit a proposal for the specification for the Archaeology Pre-construction Survey for written approval at least 2 months prior to commencement of the survey.

The pre-construction survey specifications must:

- i. satisfy the requirement of the WSI detailed in condition 3.27.3;
- ii. be sufficient to determine any potential impact on the historic environment; and
- iii. encompass the area with the potential to be directly impacted by the activity.

3.28.2 The Licence Holder must ensure that any actions outlined in the specification of the Pre-construction Surveys 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.28.3 The Licence Holder must submit a report on the results of the Pre-construction Marine Archaeology Survey to the Licensing Authority for written approval at least 2 months

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prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

- Export cables(s).
- Any tidal device or array and associated infrastructure.

The pre-construction survey report must:

- i. be in accordance with the WSI detailed in condition 3.27.3; and
- ii. determine any potential impact on the historic environment
- iii. include the identification of archaeological exclusion zones if required.

No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

3.28.4 The Licence Holder must ensure that any actions outlined in the report detailed in condition 3.28.3 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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

### 3.29 Navigation Monitoring

3.29.1 The Licence Holder must ensure that a Navigation Monitoring Specification for construction and post construction navigation monitoring survey is submitted to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The survey specification must include;

- i. Detailed periodic hydrographic surveys of the consented area, or subsections thereof, to the IHO Order 1a survey standard extending to an appropriate buffer around the site.
- ii. All proposed cable routes.
- iii. Vessel traffic monitoring by automatic identification system (AIS) for the duration of the construction period.
- iv. Detail of the programme/timetable of monitoring and reporting.
- v. Compliance with MGN 654 (Safety of Navigation: Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response), (or any successor document) including the submission of full density data and reports to the MCA and the UKHO for the update of nautical charts and publications.

3.29.2 The Licence Holder must ensure that any actions outlined in the Navigation Monitoring Specifications detailed in condition 3.29.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the

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documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.29.3 In line with condition 3.29.1 the Licence Holder must submit a report to the Licensing Authority for written approval in line with timetable agreed in the Navigation Monitoring Specification.

3.29.4 In accordance with condition 3.29.1 the Licence Holder must complete periodic hydrographic surveys of the Licensed Area, or subsections thereof, to the IHO Order 1a survey standard. On completion of these surveys the results and corresponding report of survey must be submitted to the UKHO, with notification to the MCA.

*Reason: To ensure the safety of navigation.*

### **3.30 Fisheries Liaison**

The Licence Holder must produce and implement a fisheries liaison and coexistence plan, which must be made available for inspection at all reasonable times by the Licensing Authority and/or Marine Enforcement Officer at the location detailed in paragraph 3.9.

*Reason: To minimise disruption to the fishing industry and ensure the safety of navigation.*

### **3.31 Aids to Navigation**

3.31.1 The Licence Holder must submit an Aids to Navigation Plan (AtNP) to the Licensing Authority for written approval at least 4 months prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

- Export cables(s).
- Each tidal device or array and associated infrastructure.

The AtNP must consider all stages of the Licensed Activities and provide details on navigation lights and marking of project infrastructure in addition to additional aids to navigation (including but is not limited to cardinal buoys or special marks) needed to safely mark the site boundaries.

No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

3.31.2 The Licence Holder must ensure that any actions outlined in the AtNP detailed in condition 3.31.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.31.3 The Licence Holder must submit a report to the Licensing Authority on the availability of aids to navigation in accordance with the timetable approved within the AtNP.

3.31.4 The Licence Holder must ensure that the Licensed Activities 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.

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*Reason: To ensure the safety of navigation.*

### **3.32 Depth Reduction**

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

*Reason: To ensure the safety of navigation.*

### **3.33 Mooring verification**

The Licence Holder must at all times ensure that the Licensed Activities are maintained in a safe condition that does not present a danger to the environment, or other marine users. Floating devices and any devices suspended in the water column must have a Third-Party verification of the mooring arrangements prior to construction to provide assurance against loss of station.

*Reason: To minimise the impacts to the marine environment and ensure the safety of navigation.*

### **3.34 Navigational Safety**

3.34.1 The Licence Holder must ensure a regular programme of monitoring of device condition. In case of damage, destruction or decay of any device or part of a device, the Licence Holder shall, as soon as possible and no later than 24 hours after becoming aware of such damage, destruction or decay, notify Trinity House, Maritime and Coastguard Agency, Kingfisher Information Service of Seafish, UKHO and the Licensing Authority. The Licence Holder shall lay down such buoys, exhibit such lights and take such steps as directed by Trinity House.

3.34.2 In the event of cable exposure on or above the seabed, the Licence Holder must issue a notice to mariners and notify the Kingfisher Information Service of the location and extent of exposure no later than 3 days following its identification. Copies of all said notices must be provided to the Licensing Authority, Trinity House, Maritime and Coastguard Agency

*Reason: To ensure the safety of navigation.*

### **3.35 Emergency Response Co-operation Plan (ERCoP)**

3.35.1 The Licence Holder must submit an ERCoP to the Licensing Authority for written approval at least 4 months prior to commencing of Licenced Activities. No Licenced Activities may be undertaken prior to written approval from the Licensing Authority.

3.35.2 The Licence Holder must ensure that any actions outlined in the ERCoP 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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*Reason: To minimise the impacts to the marine environment and ensure the safety of navigation.*

### **3.36 Navigation Risk Assessment (NRA)**

3.36.1 The Licence Holder must implement the Licensed Area NRA (document reference 18UK1479-RN-MM-NRA-20) and NRA addendum (MOR-MCO-DOC-001).

3.36.2 The Licence Holder must submit an updated Licensed Area NRA for written approval prior to the commencement of any Licensed Activities and every 2 years thereafter.

3.36.3 The Licence Holder must ensure that any actions outlined in the Licensed Area NRA and the NRA Addendum detailed in condition 3.36.1 and any updated Licensed Area NRA detailed in condition 3.26.2 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.36.4 The Licence Holder must submit a tidal device/array specific NRA for written approval to the Licensing Authority at least 4 months prior to deployment. The NRA must consider the in-combination effect with already deployed tidal devices or arrays. No deployment of tidal device may be undertaken prior to written approval from the Licensing Authority.

3.36.5 The Licence Holder must ensure that any actions outlined in the tidal device/array specific NRA detailed in condition 3.36.4 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To ensure the safety of navigation.*

### **3.37 Colouring of Infrastructure**

The Licence Holder must colour all infrastructure in the Licenced Area as directed by Trinity House.

*Reason: To ensure the safety of navigation.*

### **3.38 Detailed Environmental Management and Monitoring Plan (dEMMP)**

3.38.1 The Licence Holder must submit a dEMMP to the Licensing Authority for written approval at least 6 months prior to deployment of tidal device(s). The dEMMP must be in accordance with the outline Environmental Management and Monitoring Plan (oEMMP reference MOR/RHDHV/DOC/0072 (10)). No deployment may be undertaken prior to written approval from the Licensing Authority.

3.38.2 The Licence Holder must ensure that any actions outlined in the dEMMP detailed in condition 3.38.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be

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submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To prevent injury of marine mammals and diving birds in the operation of devices.*

**3.39 Marine Mammal Mitigation Protocol (MMMP)**

3.39.1 The Licence Holder must submit a MMMP to the Licensing Authority for written approval at least 4 months prior to commencement of Licensed Activities. No construction and/or deployment may be undertaken prior to written approval from the Licensing Authority.

3.39.2 The Licence Holder must ensure that any actions outlined in the MMMP 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To prevent injury of marine mammals.*

**3.40 Pre-construction Monitoring Survey**

3.40.1 The Licence Holder must submit a proposal for the specification of the Pre-construction Monitoring Survey that accords with the Outline Marine Biodiversity Enhancement Strategy (MOR-RHDHV-DOC-0164) to the Licensing Authority for written approval at least 2 months prior to commencement of the survey.

The Pre-construction monitoring survey specifications must:

- i. allow for the determination of the location, identification and abundance of habitats of conservation importance (i.e.; Annex I habitat, OSPAR and Section 7 habitats); and
- ii. Encompass the area with the potential to be directly impacted by the Licensed Activity.

3.40.2 The Licence Holder must ensure that any actions outlined in the specification of the Pre-construction Monitoring Surveys detailed in condition 3.40.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.40.3 The Licence Holder must submit a report on the results of the pre-construction monitoring survey to the Licensing Authority for written approval at least 4 months prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

- Export cables(s).
- Any tidal device or array and associated infrastructure.

The pre-construction monitoring survey report must:

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- i. Identify the location, sensitivity and abundance of habitats of conservation importance in the vicinity of the location proposed for deployment of any tidal device and export cable corridor;
- ii. Propose mitigation measures, to 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;
- iii. Where it is not possible to avoid damage/loss of habitats of conservation importance, include a tidal device, array or cable specific "Detailed Marine Biodiversity Enhancement Strategy (DMBES)" in accordance with the "Outline BES" (Document MMC555 MOR-RHDHV-DOC-0164).

No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

3.40.4 The Licence Holder must ensure that any actions outlined in the report on the results of the pre-construction monitoring detailed in condition 3.40.3 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 approved in writing by the Licensing Authority prior to any changes being enacted.

*Reason: To provide a robust baseline to measure the potential environmental impacts of the Licensed Activities.*

### **3.41 Pollution Prevention and Management Plan (PPMP)**

3.41.1 The Licence Holder must submit a PPMP to the Licensing Authority for written approval at least 6 weeks prior to commencement of Licensed Activities. The PPMP must be in accordance with the outline PPMP (Document MOR/RHDHV/DOC/0077) and include a Marine Pollution Contingency Plan. No construction and/or deployment may be undertaken prior to written approval from the Licensing Authority.

3.41.2 The Licence Holder must ensure that any actions outlined in the PPMP detailed in condition 3.41.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

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

### **3.42 Environmental Monitoring**

3.42.1 The Licence Holder must submit a specification for construction and post-construction monitoring surveys to the Licensing Authority for written approval at least 4 months prior to the commencement of Licensed Activities. The monitoring specification must include the following unless otherwise agreed with the Licensing Authority;

- i. Timetable for monitoring and reporting;
- ii. marine mammal monitoring;

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- iii. scour monitoring;
- iv. export cable location and burial depths and a cable burial risk assessment to inform survey requirements during the operational phase of the project; and
- v. bathymetric surveys of that part of the seabed within the Marine Development Zone within which tidal devices are to be deployed in a proposed phase, which includes a survey buffer based on the predicted near-field effects; and,
- vi. Acoustic Doppler Current Profiler (ADCP) surveys in those parts of the Marine Development Zone (MDZ) within which construction, maintenance, repowering or decommissioning works are being undertaken.

3.42.2 The Licence Holder must ensure that any actions outlined in the specification for the construction and post-construction monitoring survey detailed in condition 3.42.1 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.42.3 The Licence Holder must submit environmental monitoring reports for approval to the Licensing Authority no later than 8 months from the survey dates specified within the approved monitoring programme as detailed in condition 3.42.1.

*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.*

### 3.43 Chemical Risk Assessment (CRA)

The Licence Holder must produce and implement a CRA report. The Licence Holder must ensure that the CRA report is available for inspection at all reasonable times at the location detailed in paragraph 3.9 by the Licensing Authority and/or Marine Enforcement Officers.

The CRA must include details of:

- (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.

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

### 3.44 Decommissioning

3.44.1 The Licence Holder must submit a Decommissioning Programme for the approval of the Licensing Authority at least 4 months prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

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- Export cables(s).
- Each tidal device or array and associated infrastructure.

The Decommissioning Programme must include a timetable and decommissioning method statement. No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

3.44.2 The Licence Holder must review and submit an updated Decommissioning Programme for the approval of the Licensing Authority at least 4 months prior to any decommissioning work taking place. No decommissioning work can take place prior to written approval from the Licensing Authority.

3.44.3 The Licence Holder must ensure that any actions outlined in the Decommissioning Programme detailed in condition 3.44.1 and 3.44.2 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 approved in writing by the Licensing Authority prior to any changes being enacted.

3.44.4 The Licence Holder must ensure that all tidal devices, cables and associated infrastructure are decommissioned prior to the Licence End Date.

*Reason: To minimise the impacts to the marine environment and ensure the safety of navigation.*

### **3.45 Compliance Report**

The Licence Holder must produce and submit a report on compliance with the conditions in this Marine Licence for the approval of the Licensing Authority at least 2 months prior to commencement of construction and/or deployment of the following parts of the Licensed Activities;

- Export cables(s).
- Each tidal device or array and associated infrastructure.

The report must identify where the monitoring has been or is to be undertaken for each phase of construction/deployment and identify relevant plans and how conditions have been and are to be addressed. No construction and/or deployment of the parts of the Licensed Activities above may be undertaken prior to written approval from the Licensing Authority.

*Reason: To ensure compliance with the licence.*

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**ANNEX 2**

**Documents submitted in support of the licence application submitted 17 September 2019.**

Ref	Document Title	Comments
1	ML Application Cover Letter	
2	Marine Licence Application Form	Superseded by Marine Licence application form v3 251119 submitted on 25 November 2020
3	Morlais Tidal Array - Scoping Opinion	
4	Consultation Report	
5	Environmental Statement Volume I - chapters	Superseded by Morlais_Environmental Statement_Volume I 071119 submitted on 07 November 2019
6	Environmental Statement Volume II – Figures	
7	ES Volume III – Appendices	
8	HRA Information to Support Habitats Regulations	
9	Non-Technical Summary	
10	Crynodeb Annhechnegol <i>Non-Technical Summary: Welsh Version</i>	
11	Statements of Common Ground (SoCG) Record Ornithology	
12	Statements of Common Ground (SoCG) Record Marine Mammals	
13	Statements of Common Ground (SoCG) Record SLVIA	
14	Outline Environmental Mitigation and Monitoring Plan (EMMP)	
15	Outline Construction Environment Management Plan (CEMP)	
16	Outline Landscape Management Plan (LMP)	
17	Outline Invasive Non-Native Species Management Plan (ISMP)	
18	Outline Code of Construction Practice (CoCP)	
19	Outline Pollution Prevention and Management Plan (PPMP)	
20	Design and Access Statement	
21	Application for Deemed Planning Permission	
22	Planning Statement	
23	Site Location Plan	
24	Indicative Site Plan – Landfall Substation	

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25	Indicative Site Plan – Switchgear Building	
26	Indicative Site Plan – Grid Substation	
27	Existing Site Plan – Landfall Substation	

**Following duly making, the documents listed below were submitted for the application to be considered complete.**

28	Morlais Co-ordinates spreadsheet	Submitted 15 October 2019
29	Morlais_ES_Ch4_F3.0_Project Description submitted on 01 November 2019	Submitted 01 November 2019 and supersedes chapter 4 of Morlais Environmental Statement Volume 1
30	Morlais Environmental Statement Volume I 071119	submitted 07 November 2019 and supersedes version submitted 17 September 2019. (doc 4)
31	Marine Licence Application Form v2	Submitted 07 November 2019 and supersedes version submitted 17 September 2019. (doc 2)
32	Marine Licence Application Form v3	Submitted 25 November 2019 and supersedes v2 (doc 31); application form had correction to company name and number

**ANNEX 3**

**Information submitted following further information request letter dated 2 March 2020.**

Ref	Title	Document Reference	Submission Date	comment
1	Morlais Assessment of Interactive Boundaries	20UK1619_RN_MM_VTS02-02	08/07/2020	
2	Covering Letter	MOR-MM-DOC-0064	03/07/2020	
3	Signposting Response to Letter 05/06/20	MOR-RHDHV-DOC-0130	03/07/2020	
4	Non-Technical Summary and ES Chapter 27 Summary Addendum	MOR-RHDHV-DOC-0131	03/07/2020	
5	Outline Environmental Monitoring and Mitigation Plan (Revised)	MOR-RHDHV-DOC-0072 (03)	03/07/2020	
6	Fish Ecology Issues Responses to NRW comments (Revised)	MOR-RHDHV-DOC-0114 (02)	03/07/2020	

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7	Additional Fish Ecology Responses to NRW comments	MOR-RHDHV-DOC-0132	03/07/2020	
8	CIA Matrix (Revised)	MOR-RHDHV-DOC-0125 (03)	03/07/2020	
9	Addendum to the CIA Chapter	MOR-RHDHV-DOC-0133	03/07/2020	
10	CIA Signposting Document	MOR-RHDHV-DOC-0134	03/07/2020	
11	Cliff Habitat Survey Report	MOR-BSG-DOC-0001	03/07/2020	
12	Cliff Habitat Design Refinement Note	MOR-RHDHV-DOC-0135	03/07/2020	
13	NRA Clarification Note	MOR-RHDHV-DOC-0136	03/07/2020	
14	Navigation Risk Assessment	18UK1479-RN-MM-NRA-20_03	28/05/2020	
15	Cover letter response to ORML1938 Request for Further Information 160420	MOR/MM/DOC/0010	22/05/2020	
16	Response and signposting to ORML1938 Request for Further Information 160420	MOR/MM/DOC/0011	22/05/2020	
17	Signposting for responses to ORML1938_all public representations 210120	MOR/RHDHV/DOC/0135	22/05/2020	
18	Supplementary note to update the NTS and Chapter 27	MOR/RHDHV/DOC/0136	22/05/2020	Superseded by MOR-RHDHV-DOC-0131 (doc 4)
19	Further consultation summary	MOR/MM/DOC/0012	22/05/2020	
20	PDE Matrix Spreadsheet (Including Phase 1 parameters)	MOR-RHDHV-DOC-0127	22/05/2020	
21	Cumulative Impact Assessment Project Screening	MOR-RHDHV-DOC-0125	22/05/2020	Superseded by MOR-RHDHV-DOC-0125 (03) (doc 8)
22	WNMP update	MOR/RHDHV/DOC/0128 (02)	22/05/2020	
23	Response to Chough comments F2.0 PUBLIC	MOR-RHDHV-DOC-0120	22/05/2020	
24	Response to Chough comments CONFIDENTIAL Figures_F1.0	MOR-RHDHV-DOC-0120	22/05/2020	
25	Outline EMMP (Revised)	MOR/RHDHV/DOC/0072	22/05/2020	superseded by MOR-RHDHV-DOC-0072 (03) (doc 5)
26	Partrac hydrographic and geophysical report Vol 1 Operation Report	MOR/RHDHV/DOC/0137	22/05/2020	
27	Vol 2 Survey Report	MOR/RHDHV/DOC/0139	22/05/2020	

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28	ISOPACHYTHE	MOR/RHDHV/DOC/0140	22/05/2020	
29	BATHYMETRY	MOR/RHDHV/DOC/0141	22/05/2020	
30	SSS Mosaic	MOR/RHDHV/DOC/0142	22/05/2020	
31	Wave model worst case clarification note	MOR/RHDHV/DOC/0143	22/05/2020	
32	Figure 15-14 GIS kayaking routes and illustrating operational exclusion zones	MOR/RHDHV/DOC/0144	22/05/2020	
33	Proposed Marine Licence condition to secure EMMP	None given	22/05/2020	
34	ML001 Response and signposting to ORML1938_NRW Advisory	MOR/RHDHV/DOC/0129	22/05/2020	
35	ML002 Signposting for responses to ORML1938_ABPmer	MOR/RHDHV/DOC/0127	22/05/2020	
36	ML002(a) Fish Ecology Response to ABPmer comments	MOR/RHDHV/DOC/0127a	22/05/2020	
37	ML005 Signposting for responses to ORML1938_DAERA	MOR/RHDHV/DOC/0138	22/05/2020	
38	ML007 Signposting for responses to ORML1938_IACC	MOR/WSP/DOC/0019	22/05/2020	
39	ML012 Signposting for responses to ORML1938_RSPB	MOR/RHDHV/DOC/0126	22/05/2020	
40	ML013 Signposting for responses to ORML1938_RYA	MOR/RHDHV/DOC/0131	22/05/2020	
41	ML014 Signposting for responses to ORML1938_Trinity House	MOR/RHDHV/DOC/0130	22/05/2020	
42	ML015 Signposting for responses to ORML1938_GAPS	MOR/RHDHV/DOC/0134	22/05/2020	
43	ML016 Signposting for responses to ORML1938_Chamber of Shipping	MOR/RHDHV/DOC/0132	22/05/2020	
44	ML017 Signposting for responses to ORML1938_MCA	MOR/RHDHV/DOC/0133	22/05/2020	
45	ML018 Signposting for responses to ORML1938_WG Fisheries	MOR/RHDHV/DOC/0145	22/05/2020	
46	Project Additional Environmental Information updated	MOR/RHDHV/DOC/0107	02/04/2020	
47	Cover letter	None given	27/03/2020	

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48	Project Additional Environmental information	MOR/RHDHV/DOC/0107	27/03/2020	Superseded by MOR/RHDHV/DOC/0107 submitted 02 April 2020 (doc 46)
49	ES Chapter 4 Project Description	MOR/RHDHV/DOC/0004	27/03/2020	
50	ES Volume II Chapter 4 Figures	MOR/RHDHV/DOC/0101	27/03/2020	
51	Welsh National Marine Plan Comparison Note	MOR/RHDHV/DOC/0128	27/03/2020	Superseded by MOR/RHDHV/DOC/0128 (02) (doc 22)
52	Traffic Clarification Note	MOR/RHDHV/DOC/0109	27/03/2020	
53	HR Wallingford Coastal processes modelling report	MOR/HRW/DOC/0001	27/03/2020	
54	Metocean and Physical Processes Numerical Modelling Supplementary Note	MOR/RHDHV/DOC/0112	27/03/2020	
56	Metocean and Physical Processes ES Supplementary Note	MOR/RHDHV/DOC/0111	27/03/2020	
57	Water Framework Directive Compliance Assessment	MOR/RHDHV/DOC/0126a	27/03/2020	
58	ES Volume II WFD Figures	MOR/RHDHV/DOC/0126b	27/03/2020	
59	Benthic and Intertidal Ecology Issues Responses to NRW comments	MOR/RHDHV/DOC/0113	27/03/2020	
60	Fish Ecology Issues Responses to NRW comments	MOR/RHDHV/DOC/0114	27/03/2020	Superseded by MOR-RHDHV-DOC-0114 (02) (doc 6)
61	Marine Ornithology Collision Risk Modelling	MOR/RHDHV/DOC/0115	27/03/2020	
62	Outline Environmental Mitigation and Monitoring Plan	MOR/AEC/DOC/0001	27/03/2020	superseded by MOR-RHDHV-DOC-0072 (03) (doc 5)
63	Confidential Onshore Ornithology Response to Comments on Chough	MOR/RHDHV/DOC/0120	27/03/2020	Superseded by version MOR/RHDHV/DOC/0120 F2.0 submitted in May (docs 23 / 24)
64	Underwater Noise Modelling Report	MOR/RHDHV/DOC/0116	27/03/2020	
65	Marine Mammals Underwater Noise Modelling Note	MOR/RHDHV/DOC/0117	27/03/2020	
66	Marine Mammals Addition Collision Risk Modelling	MOR/RHDHV/DOC/0118	27/03/2020	
67	Marine Mammals Monitoring and Mitigation Options	MOR/RHDHV/DOC/0119	27/03/2020	

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68	Navigation and Shipping Responses	MOR/RHDHV/DOC/0124	27/03/2020	
69	Navigation Risk Assessment - Morlais Tidal Demonstration	18UK1479-RN-MM-NRA-20_03	27/03/2020	Superseded by 18UK1479-RN-MM-NRA-20_03 (doc 14)
70	Supplementary Tourism and Recreation Assessment	MOR/BAU/DOC/0001	27/03/2020	
71	Supplementary Socio-economics Assessment	MOR/BAU/DOC/0002	27/03/2020	
72	Outline Skills and Training Action Plan	MOR/MM/DOC/0008	27/03/2020	
73	Outline Tourism and Recreation Monitoring Strategy	MOR/MM/DOC/0009	27/03/2020	
74	Onshore Archaeology Settings Assessment for Offshore Infrastructure	MOR/RHDHV/DOC/0125	27/03/2020	
75	Onshore Archaeology Supplementary Note	MOR/RHDHV/DOC/0122	27/03/2020	
76	Terrestrial Ecology Assessment Update	MOR/RHDHV/DOC/0110	27/03/2020	
77	Terrestrial Archaeology & Walkover Survey Text	MOR/WES/DOC/0001 (1)	27/03/2020	
78	Terrestrial Archaeology & Walkover Survey Figures	MOR/WES/DOC/0001 (2)	27/03/2020	
79	Terrestrial Archaeology & Walkover Survey Plates	MOR/WES/DOC/0001 (3)	27/03/2020	
80	Seascape Landscape and Visual Impact Assessment response	MOR/SLR/DOC/0002	27/03/2020	
81	Outline Landscape Management Plan	MOR/SLR/DOC/0002	27/03/2020	

**Annex 4**

**Document list of further information submitted on the 19 February 2021.**

Reference given by applicant			Title	Comment
MDZ/A16.7	MMC446	MOR-WSP-DOC-0020	Morlais Mitigation Route Map	
MDZ/A17.1	MMC021	MOR-BAY-DRW-0002	TWAO Map1 Location Plan	

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MDZ/A17.2	MMC022	MOR-BAY-DRW-0003	TWAO Map2 Location Plan	
MDZ/A17.3	MMC023	MOR-BAY-DRW-0004	TWAO Map3 Location Plan	
MDZ/A17.4	MMC024	MOR-BAY-DRW-0005	TWAO Map4 Location Plan	
MDZ/A17.5	MMC025	MOR-BAY-DRW-0006	TWAO Map5 Location Plan	
MDZ/A17.6	MMC026	MOR-BAY-DRW-0007	TWAO Map6 Location Plan	
MDZ/A17.7	MMC027	MOR-BAY-DRW-0008	TWAO Map7 Location Plan	
MDZ/A25.15 MDZ/A28.59	MMC194	MOR-MSP-DOC-002	Vol 1 Ch 15 Shipping and Navigation (Revised)	ES Volume I Document
MDZ/A28.1 MDZ/A28.53	MMC186	MOR-RHDHV-DOC-0147	ES Volume II Chapter 4 Figures	
MDZ/A28.12 MDZ/A31.13	MMC364	MOR-RHDHV-DOC-0118 (02)	Marine Mammals Addition Collision Risk Modelling	
MDZ/A28.15 MDZ/I1	MMC196	MOR-MCO-DOC-001	Navigation Risk Assessment Addendum - September 2020	
MDZ/A28.18 MDZ/A31.4	MMC353	MOR-RHDHV-DOC-0110 (4)	Terrestrial Ecology Assessment Update	supersedes MDZ/F9
MDZ/A28.2	MMC308	MOR-RHDHV-DOC-0128	Welsh National Marine Plan Comparison Note	superseded by MDZ/A28.57
MDZ/A28.54	MMC187	MOR-RHDHV-APP-00126a	Appendix 8.1 WFD Compliance Assessment	
MDZ/A28.55	MMC188	MOR-RHDHV-DOC-0148	Morlais Project - Air Quality Response	
MDZ/A28.56	MMC191	MOR-RHDHV-DOC-0150	Tagging of Guillemots and Razorbills	
MDZ/A28.57	MMC192	MOR-RHDHV-DOC-0128 (03)	WNMP Comparison Note	supersedes MDZ/A28.2
MDZ/A28.58	MMC193	MOR-BAU-DOC-0003	Supplementary Kayaking And Sailing Activities Assessment	
MDZ/A28.7 MDZ/A31.10	MMC361	MOR-RHDHV-DOC-0115 (03)	Marine Ornithology Collision Risk Modelling Note	supersedes MDZ/F16
MDZ/A31.1	MMC350	MOR-HRW-DOC-0002	Further information on predicted changes to currents	superseded by MMC350(2)
MDZ/A31.11	MMC362	MOR-RHDHV-DOC-0016 (04)	Vol I_Chapter 11: Marine Ornithology	
MDZ/A31.12	MMC363	MOR-RHDHV-APP-0019 (04)	Vol III_Chapter 11.3: Marine Ornithology	

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MDZ/A31.14	MMC365	MOR-RHDHV-DOC-0020 (02)	Vol I_Chapter 12: Marine Mammals	
MDZ/A31.15	MMC366	MOR-RHDHV-APP-0022 (02)	Vol III_Chapter 12.2: Marine Mammals	
MDZ/A31.16	MMC367	MOR-RHDHV-DOC-0067 (02)	Information to Support HRA	
MDZ/A31.17	MMC368	MOR-RHDHV-DOC-0154	Marine Mammals Revised Collision Risk Modelling Signposting document	
MDZ/A31.2	MMC351	MOR-MSP-DOC-003	Additional Information to Support Morlais Habitats Regulations Assessment (migratory fish)	
MDZ/A31.3	MMC352	MOR-MSP-DOC-004	Further Environmental Information Benthic_Annex 1 habitats	
MDZ/A31.9	MMC360	MOR-RHDHV-DOC-0153	Marine Ornithology Revised Collision Risk Modelling Signposting document	
MDZ/E10	MMC424		PINS Assessment of Environmental Statement	
MDZ/E11	MMC433		PINS 2nd Assessment of Environmental Statement	
MDZ/F16	MMC190	MOR-RHDHV-DOC-0115 (02)	Marine Ornithology Collision Risk	superseded by MDZ/A28.7_MDZ/A31. 10
MDZ/F4	MMC341		Provision of 'Updated assessments for terrestrial ecology (excluding chough) in response to comments made on the ES by NRW and RSPB' Technical Note (the EclA Update) by MM to NRW (February 2019)	
MDZ/F9	MMC189	MOR-RHDHV-DOC-0110	Terrestrial Ecology Assessment Update	superseded by MDZ/A28.18_MDZ/A31 .4
MDZ/G13	MMC007	MOR-MSP-DOC-0020	Restricted Area Plan	

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MDZ/L1	MMC476	MOR-RHDHV-DOC-0157	Statement of Common Ground - NRW - Marine Mammals	
MDZ/L2	MMC477	MOR-RHDHV-DOC-0158	Statement of Common Ground - NRW - Ornithology	
MDZ/L5	MMC480	MOR-RHDHV-DOC-0161	Statement of Common Ground - NRW - SLVIA	
MDZ/L6	MMC481	MOR-RHDHV-DOC-0162	Statement of Common Ground - NRW - Other topics	
MDZ/L7	MMC482	MOR-WSP-DOC-0017	Statement of Common Ground - IoACC	
MDZ/L8	MMC483	MOR-RHDHV-DOC-0156	Statement of Common Ground - MCA - Shipping and Navigation	
MDZ/L9	MMC448	MOR-RHDHV-DOC-0155	Statement of Common Ground - Trinity House - Shipping and Navigation	
MDZ/M1	MMC198	MOR-EXT-DOC-001	Aquantis Letter to support scale of Morlais	
MDZ/M2	MMC199	MOR-EXT-DOC-002	Instream Letter to support scale of Morlais	
MDZ/M3	MMC200	MOR-EXT-DOC-003	Sabella Letter to support scale of Morlais	
MDZ/M4	MMC201	MOR-EXT-DOC-004	Orbital Marine Power Letter to support scale of Morlais	
MDZ/M5	MMC202	MOR-EXT-DOC-005	Verdant Power Letter to support scale of Morlais	
MDZ/M6	MMC203	MOR-EXT-DOC-006	Magallanes Letter to support scale of Morlais	
MDZ/N1	MMC001	MOR-EVS-DOC-0014	Statement of Case - Morlais Demonstration Zone	
MDZ/P1	MMC435	Proofs of Evidence	Dr Murray Grant_Ornithology	
MDZ/P10	MMC444	Proofs of Evidence	Dr James Orme_Project Witness	

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MDZ/P2	MMC436	Proofs of Evidence	Dr Jennifer A. Learmonth_Marine Mammals	
MDZ/P3	MMC437	Proofs of Evidence	Gordon Campbell_Onshore Ecology	
MDZ/P4	MMC438	Proofs of Evidence	Frank Fortune_Environmental Monitoring and Mitigation Plan	
MDZ/P5	MMC439	Proofs of Evidence	Simon Myers_Seascape, Landscape and Visual impact	
MDZ/P6	MMC440	Proofs of Evidence	Dr Edward Thomas Jones_Socioeconomics	
MDZ/P7	MMC441	Proofs of Evidence	Commander Paul Brown_Marine and Navigational Issues	
MDZ/P8	MMC442	Proofs of Evidence	Andrew Billcliff_Project and Compulsory Acquisition	
MDZ/P9	MMC443	Proofs of Evidence	David Bell_Planning and Policy	
	MMC011(2)	MOR-ESI-DOC-0001 (02)	Morlais Draft Marine Licence Conditions	
	MMC028(2)	MOR-BAY-DRW-0009 (02)	TWAO Map8 Location Plan	
	MMC029(2)	MOR-BAY-DRW-0010 (02)	TWAO Location & Key Plan (Overview Plan)	
	MMC177(2)	MOR-RHDHV-DOC-0125 (04)	Cumulative Impact Assessment Matrix	
	MMC181(2)	MOR-RHDHV-DOC-0133a (02)	Morlais CIA Addendum	
	MMC289(3)	MOR-WSP-DOC-0018 (03)	Proposed Planning Conditions	
	MMC292	MOR-GAT-DOC-0001	Archaeological Evaluation: Trial Trenching Areas 2_3_7_8	
	MMC293	MOR-GAT-DOC-0002	Archaeological Evaluation: Trial Trenching Areas 7,8,10,24,25	

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	MMC303	MOR-RHDHV-DRW-0089 (02)	Vol II_Chapter 15: Shipping and Navigation (Revised)	ES Volume II Drawing
	MMC350(2)	MOR-HRW-DOC-0002 (02)	Further information on predicted changes to currents	supersedes MDZ/A31.1
	MMC434		Core Document Library Index	
	MMC447(3)	MOR-RHDHV-DOC-0072 (09)	Outline EMMP	
	MMC555	MOR-RHDHV-DOC-0164	Outline Marine Biodiversity Enhancement Strategy	
	MMC556	MOR-RHDHV-DOC-0165	Rebuttal Proof of Evidence - Marine Mammals	
	MMC557	MOR-RHDHV-DOC-0166	Rebuttal Proof of Evidence - Ornithology	
	MMC558	MOR-AEC-DOC-001	Rebuttal Proof of Evidence - EMMP	
	MMC559	MOR-MCO-DOC-002	Rebuttal Proof of Evidence - Navigation	
	MMC560	MOR-SLR-DOC-0003	Rebuttal Proof of Evidence - SLVIA	
	MMC561	MOR-MM-DOC-0015	Rebuttal to Orthios Proof of Evidence	
	MMC562	MOR-MM-DOC-0016	Rebuttal to Land & Lakes Proof of Evidence	
	MMC563	MOR-EVS-DOC-0020	TWAO and ML Interaction Note	
	MMC571	MOR-MM-DOC-0018	Response to questions raised in the public speaking sessions regarding public consultation	
	MMC572	MOR-MM-DOC-0019	Further updates to UK Government Energy Policy	
	MMC574b	MOR-MM-DOC-0021	Figure 4 (revised) in response to RYA Further Information 161220	

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	MMC575	MOR-MM-DOC-0020	Response to comments made by Snowdonia Canoe Club in EIC012 SCC-CW Representation 301020	
	MMC576	MOR-RHDHV-DOC-0167	Responses to TWAO FEI and Modelling Comments from NRW	
	MMC577	MOR-RHDHV-DOC-0168	Potential for Underwater Noise from Operational Turbines and ADDs to Significantly Disturb Marine Mammals	
	MMC578	MOR-RHDHV-DOC-0169	Outline Habitat Enhancement Plan	
	MMC579	MOR-MM-DOC-0022	Further updates to UK & Welsh Government Energy Policy	
	MMC579	MOR-MM-DOC-0022a	Sixth Carbon Budget - Climate Change Committee	
	MMC579	MOR-MM-DOC-0022b	Energy White Paper - Powering our Net Zero Future	
	MMC579	MOR-MM-DOC-0022c1	The path to Net Zero and reducing emissions in Wales_Progress	
	MMC579	MOR-MM-DOC-0022c2	The path to Net Zero and reducing emissions in Wales_Executive	
	MMC579	MOR-MM-DOC-0022d	UK Government signs North Wales Growth Deal	
	MMC580	MOR-MCO-DOC-002	Responses to TWAO FEI on Navigation	
	MMC581	MOR-BAV-DOC-001	Note on EMF EMR	
	MMC582	MOR-EVS-DOC-0021	Note on Condition 15 and securing Tourism and Monitoring Strategy	
	MMC583	MOR-EVS-DOC-0022	Morlais letter to the RYA	

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	MMC584(2)	MOR-EVS-DOC-0015 (05)	Welsh Statutory Instrument – Morlais TWAO	
	MMC585(2)	MOR-EVS-DOC-0016 (05)	Morlais Demonstration Zone - order changes tracker	
	MMC586(2)	MOR-EVS-DOC-0017 (05)	Explanatory Memorandum	
	MMC587(2)	MOR-EVS-DOC-0018 (05)	Explanatory Memorandum compareite	
	MMC588(2)	MOR-EVS-DOC-0019 (05)	Welsh Statutory Instruments - compareite	
	MMC591	MOR-BAY-DRW-0011	TWAO Map8 Location Plan - tracked changes	
	MMC592	MA-LG-4496-20	Special Category Land Certificate	
	MMC593	MA-LG-4496-20	Special Category Land Decision Letter	
	MMC594	MOR-EVS-DOC-0024	Section 106	
	MMC595	MOR-EVS-DOC-0025	Section 106 - compareite	
	MMC596(2)	MOR-EVS-DOC-0026 (02)	Proposed Planning Conditions - changes tracker	
	MMC599	MOR-RHDHV-DOC-0170	Menter Môn Comments on NRW Request for Further Information and Stakeholder Marine Licence Consultation Responses	
	MMC600	MOR-MM-DOC-0024	Morlais Socio-Econ Response to NRW ML Request for FEI	

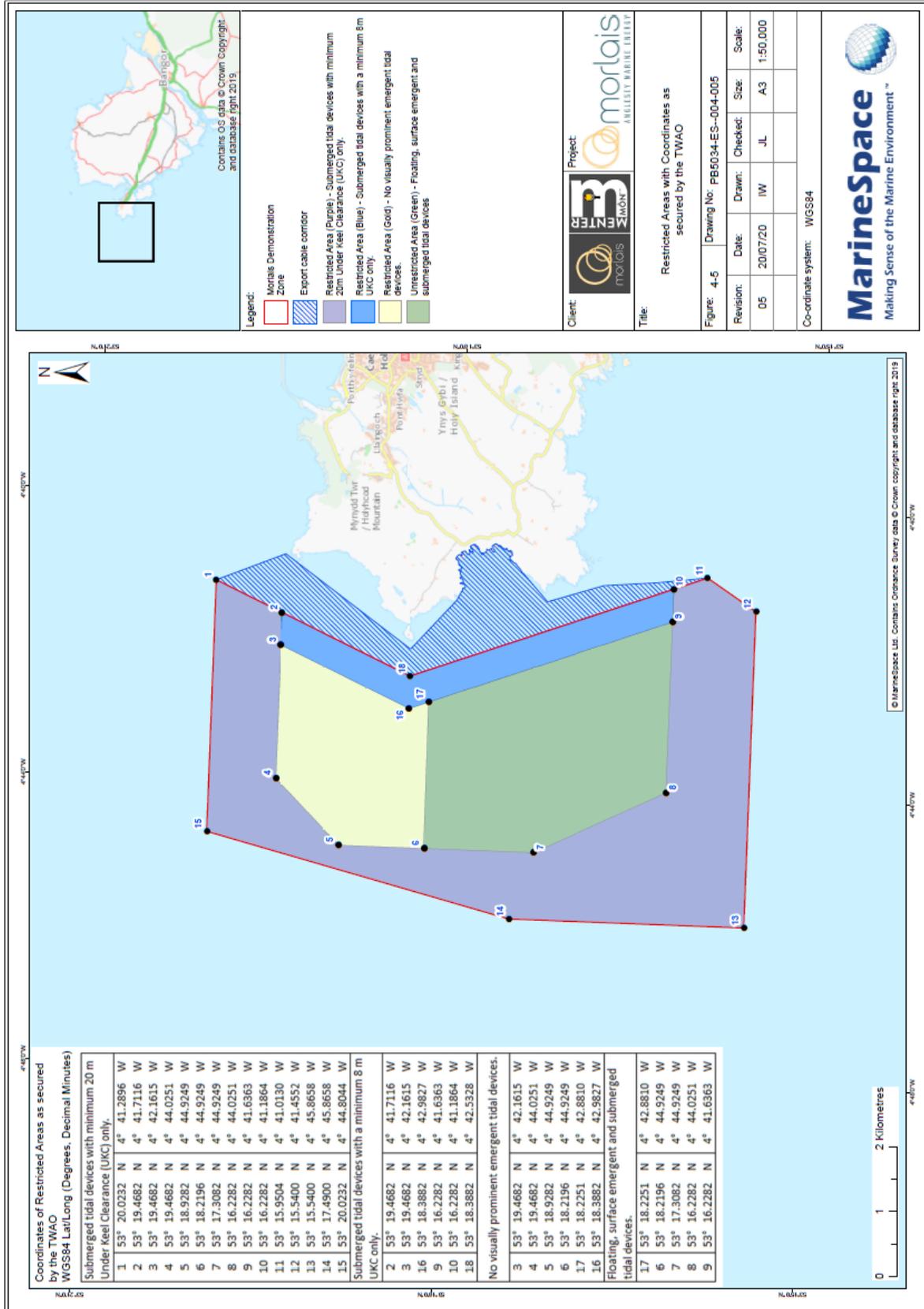
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**Annex 5**

**Documents provided following clarification request letter dated 19 May 2021.**

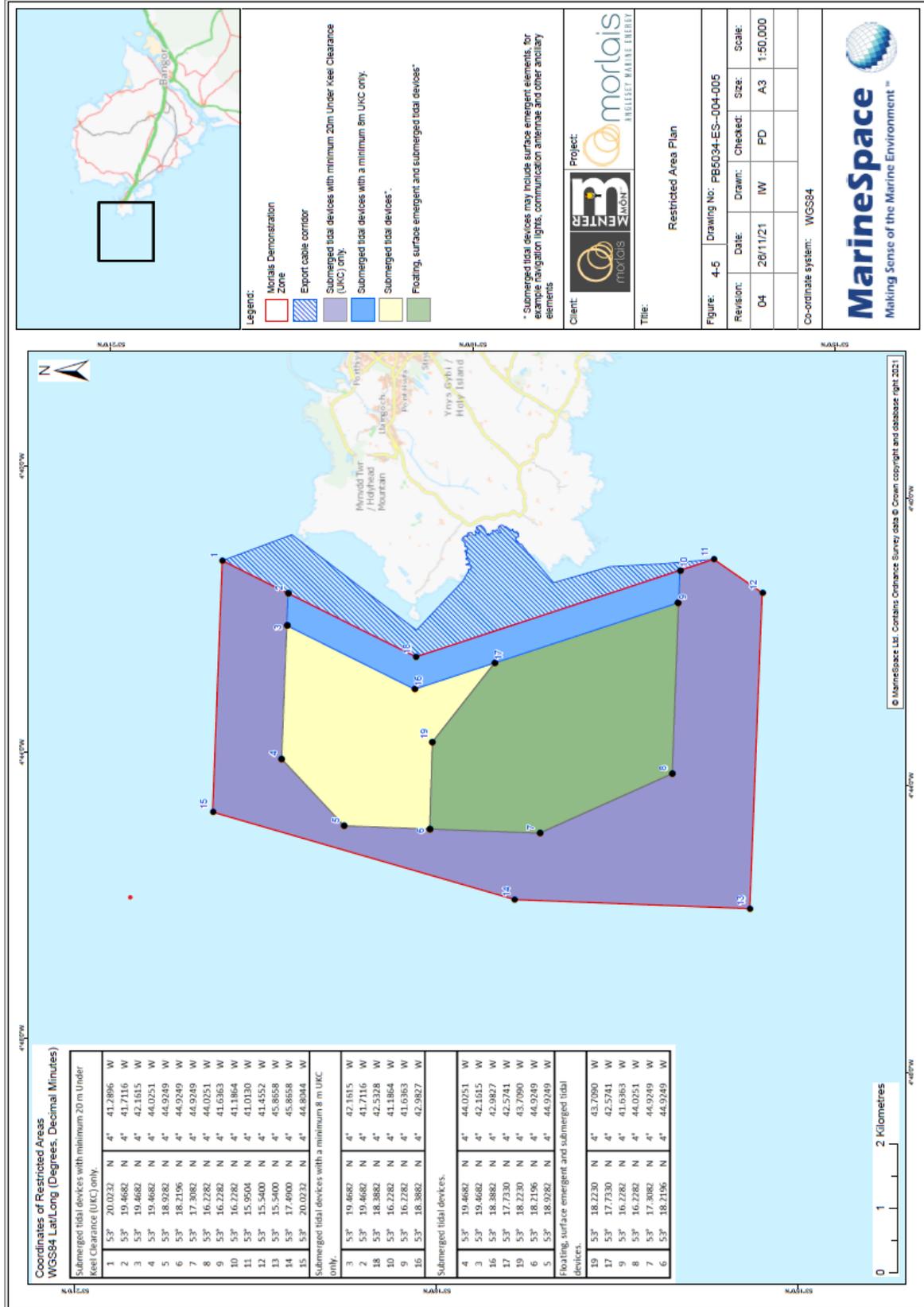
	Document Reference	Document Title	Date submitted
1	MOR-MM-DOC-0031	Signposting of Morlais response_loACC	9/06/2021
2	MOR-MM-DOC-0032	Signposting of Morlais response_JNCC	9/06/2021
3	MOR-MM-DOC-0033	Signposting of Morlais response_Public 12 NWWT	9/06/2021
4	MOR-MM-DOC-0034	Signposting of Morlais response_Public 13	9/06/2021
5	MOR-MM-DOC-0035	Signposting of Morlais response_RSPB	9/06/2021
6	MOR-MM-DOC-0036	Signposting of Morlais response_NRW Advisory	9/06/2021
7	MOR-MM-DOC-0037	Signposting of Morlais response_Public 9	9/06/2021
8	MOR-MM-DOC-0038	Signposting of Morlais response_Public Representations	9/06/2021
9	MOR-MCO-DOC-003	Signposting of Morlais response_MCA	9/06/2021
10	MOR-MCO-DOC-004	Signposting of Morlais response_Public 14 SCC	9/06/2021
11	MOR-MCO-DOC-005	Signposting of Morlais response_Public 15 SCC	9/06/2021
12	MOR-MCO-DOC-006	Signposting of Morlais response_RYA	9/06/2021
13	MOR-MCO-DOC-007	Signposting of Morlais response_Trinity House	9/06/2021
14	-	Menter Mon Closings FINAL	9/06/2021
15	MOR-RHDVH-DOC-0072 (10)	Outine EMMP(version 10) 140621	15/06/2021
16	MOR-MM-DOC-0039	Signposting of Morlais response_NRW Licensing	15/06/2021

Location of works, including restricted zones



Annex 7

Accepted amendment to Figure 4-5 (Volume II, Chapter 4 of the ES)



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