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Marine Licensing Variation Decision

The Marine and Coastal Access Act (2009)

Applicant: Gwynt y Mor Offshore Wind Farm Limited

Application reference no: RML2109v1

Gwynt y Mor Wind Farm in Liverpool Bay

***Removal of the Gwynt y Mor Wind Farm
Meteorological Mast***

06 April 2022

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to issue a variation to the Existing Marine Licence.

This decision document:

- explains how the Variation has been determined, having regard to the relevant legal framework outlined in section 4;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Variation;
- 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 Variation.

1 APPLICATION DETAILS

1.1 The Variation

Applicant name and address	<p>The Applicant is the company set out below:</p> <p>Company name: Gwynt y Mor Wind Farm Limited</p> <p>Company number: 03697015</p> <p>Address: RWE Renewables UK Ltd, Windmill Hill Business Park, Whitehill Way, Swindon, SN5 6PB.</p>
Variation reference number	RML2109v1
Existing Marine Licence reference number	RML2109
Description of variation	<p>Changes to conditions 3.19.1 and 3.20.2. The addition of 3.19.5, 3.19.6 and 3.19.7. Email correspondence with Trinity House concluded that the conditions could be changed in terms of navigational aids. Condition 3.19.5 has been added, this reflects the correspondence with Trinity House and the new agreed approach removing the need for a guard vessel on site at all times during Licensed Activities 1 and 2. More information on this can be seen in Section 4.2 of this document.</p> <p>Condition 3.19.3 regarding the use of jack up barges has also been added, along with 3.19.6 regarding force majeure and 3.19.7 ensuring a guard vessel or working vessel is used during works.</p> <p>An amendment has also been made to condition 3.20.2 to reflect that the applicant is required to submit the bathymetry survey within 6 weeks after completion of Licensed Activities (as requested by Trinity House).</p>
Proposal[s] covered by the Variation Application	<p>Removal of the Gwynt y Mor Wind Farm meteorological mast which includes topside lattice structure removal, monopile removal, scour protection removal and a seabed survey. (the Project)</p>

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Licensable marine activities	Topside lattice structure removal Removal of monopile Scour protection removal (the Proposed Activities)
Marine Plan area	Welsh inshore region and Welsh offshore region

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2 VARIATION APPLICATION PROCEDURE

2.1 The Variation

Following correspondence received from the applicant on 22 February 2022 we considered that a NRW led-variation was required to address comments related to conditions to ensure safety of navigation, see further detail in section 4.

2.2 Documents considered

No additional documentation has been submitted.

2.3 Commercial Confidentiality

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

3 CONSULTATION

Correspondence with Trinity House was carried out which aided the conditions amendments in the marine licence. Email correspondence dated 01 March 2022 from Trinity House states that they are content with the amendment of condition 3.19.1 and 3.20.2 of the RML2109 and correspondence dated 28 March 2022 clarifies the need for navigational aids throughout the duration of the marine licence.

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4 BASIS FOR OUR DECISION

In determining this marine licence variation, NRW has taken regard of the decisions made during the determination of RML2109, issued on 05 November 2021 and consider that the conclusion of the decision document dated 05 November 2021 remain valid.

Additional consideration to section 4.2 of the decision document dated 5 November 2021 can be seen below.

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.

The NRW-led variation was to amend conditions 3.19.1 and 3.20.2, these conditions are to do with navigational safety. The condition required a guard/working vessel to be on site until completion of Licensed Activities 1 and 2 of the marine licence, and until subsequent bathymetry surveys have been completed and approved. However, due to increased cost and CO₂ emissions associated with a guard vessel remaining on site following the completing of the works was not achievable.

Instead GyM have suggested that photographic evidence of the removed structure, length measurements, mud line measurements (internal and external) and structural drawings could be submitted instead to stand down the guard/working vessel following completion of the works. Following this GyM will complete and submit the bathymetry report and monitoring within 6 weeks.

Following consultation with Trinity House we are satisfied with the change and have amended condition 3.19.1 of the marine licence accordingly. Condition 3.19.7 has been included to comply with the consultation response received from Trinity House on 20 May 2021, ensuring during works at no point should any part of this structure be unmarked, without a working vessel or guard vessel being on site.

In addition we have included 3.19.5 due to the use of jack-up barge to ensure appropriate lighting and marking requirements are complied with. 3.19.6 regarding if an obstruction was left in place for any reason of force majeure has been included to ensure GyM contacts the relevant consultees within 24 hours to assess the risk to navigation and or what risk mitigation measures are needed.

Condition 3.20.2 has been varied to include the wording 'within 6 weeks of completion of the Licensed Activities 1 and 2' to allow sufficient timeframe for bathymetric report to be completed and submitted. Also, ensuring the wording reflects Trinity House's requests accurately.

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

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, after correspondence with the Trinity House, NRW are satisfied that the need to prevent interference with legitimate users of the sea has been considered and can be appropriately mitigated.

5 Conclusions and Recommendations

Based on all the information available, , NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation Application. We have reached this decision having had regard to the relevant legal framework outlined in decision document dated 05 November 2021 and amendments outlined above. NRW has determined that a Variation to the Marine Licence for the Proposed Activities should be granted.

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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

Report by: Jodie Pullen Position: Permitting Officer	Date: 30 March 2022	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 06 April 2022	Signed: 

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ANNEX 1 – Changes to Marine Licence

Marine Licence conditions within RML2109

Condition 3.19.1 read:

The Licence Holder must ensure that the Licenced Area detailed in section 2.2 is marked with a working vessel or guard vessel on site at all times during Licensed Activities 1 and 2 until the Licensing Authority has provided written approval as required in condition 3.20.2.

Condition 3.20.2 read:

The Licence Holder must submit a monitoring report to the Licensing Authority for written approval within **6 weeks** of completion of the monitoring detailed in condition 3.20.1.

Marine Licence condition within RML2109v1

Condition 3.19.1 reads:

The Licence Holder must submit photographic evidence, length measurements, mudline measurements and structural drawings of the removed structure within 48 hours of the works being concluded for approval by the Licensing Authority.

Condition 3.19.5 reads:

Any jack up barges or jack up vessels utilised during the Licensed Activities, when jacked up, must exhibit signals in accordance with the UK Standards Marking Schedule for Offshore Installation.

Condition 3.19.6 reads:

If, by any reason of force majeure any obstruction is to be left on the seabed, the Licence Holder must provide full details and circumstances to the Licensing Authority, Trinity House and Maritime and Coastguard Agency within 24 hours of the incident occurring.

Condition 3.19.7 reads:

At no point should any part of this structure be left unmarked, without a working vessel or guard vessel being on site.

Condition 3.20.2 reads:

The Licence Holder must submit a monitoring report to the Licensing Authority for written approval within 6 weeks of completion of the Licensed Activities 1 and 2.