

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

23 Tachwedd / November 2022

Er sylw / For the attention of: Jake Stephens

Annwyl / Dear Jake,

**FFERM WYNT ALLTRAETH AWEL Y MÔR ARFAETHEDIG / PROPOSED AWEL Y MOR
OFFSHORE WINDFARM**

**CYFEIRNOD YR AROLYGIAETH GYNLLUNIO / PLANNING INSPECTORATE REFERENCE:
EN010112**

EIN CYFEIRNOD / OUR REFERENCE: 20031687

RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 3

Thank you for your Rule 8 letter, dated 27th September 2022, requesting Cyfoeth Naturiol Cymru / Natural Resources Wales' comments regarding the above.

This letter comprises the following submission from NRW:

- a) Deadline 3 Submissions – see [Annex A](#).

The comments in Annex A include further advice from NRW on specific matters (as raised in our Written Representations at Deadline 1 [REP1-080]) following submission of further information by the Applicant into the Examination. This further advice should be read in conjunction with, and are additional to, NRW's previous submissions.

The further advice provided in Annex A has also been reflected as far as possible in our Statements of Common Ground with the Applicant, which NRW understands are being submitted by the Applicant at this Deadline 3.

Please do not hesitate to contact Nia Phillips [REDACTED] and Bryn Griffiths [REDACTED] should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,



**Andrea Winterton
Marine Services Manager
Natural Resources Wales**

[CONTINUED]

ANNEX A

NATURAL RESOURCES WALES' WRITTEN REPRESENTATIONS

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1. OFFSHORE

1.1. Physical Processes

- 1.1.1. In paragraph 2.1.5 of NRW's Deadline 1 submission [REP1-080], we advised that post-construction monitoring of secondary scour should be considered and take the form of an environmental monitoring plan. We acknowledge the Applicant's position, as indicated in their response to NRW's Written Representations [REP2-002] and the Marine Licence Principles (REP2-022), that monitoring of secondary scour is anticipated to be conducted as part of asset-protection surveys undertaken post-construction rather than specific secondary scour monitoring. NRW has considered this approach and, provided that this is appropriately secured, is content with the proposals. We welcome the agreement in the Applicant's response to NRW's Written Representations [REP2-002] that a monitoring plan would need to be conditioned as part of any Marine Licence granted by NRW Permitting Services. We advise that the plan would need to be agreed in writing.
- 1.1.2. However, we note that this commitment is not captured or cross-referenced to the measures set out in the updated Schedule of Mitigation [REP2-024] and advise that it be so.
- 1.1.3. In paragraph 2.1.7 of NRW's Deadline 1 submission, we advised that further clarity should be provided with respect to where the dredge arisings from the cable laying activities along the Export Cable Corridor (ECC) will be disposed of, and that the relationship with the offshore design parameters, as presented in the draft DCO, should be explained. NRW acknowledges the Applicant's intention to apply for further disposal licence(s) for the ECC (and GyM Interlink areas) should it be deemed required at the detailed design phase post-consent. NRW are content with the clarity provided in REP2-002.

1.2. **Benthic Subtidal and Intertidal Ecology**

- 1.2.1. In paragraph 2.3.5 of NRW's Deadline 1 submission, we recommended that the marine biosecurity plan is produced as a free-standing document, to be kept separate from the terrestrial plan as identified in the Outline Invasive Non-Native Species (INNS) Management Plan.
- 1.2.2. Following the Deadline 2 submissions, we welcome the Applicant's commitment, as detailed in REP2-002 and associated documents, that a free-standing marine biosecurity plan will be produced.

1.3. **Fish and Shellfish Ecology**

- 1.3.1. In NRW's Deadline 1 submission (paragraph 2.5.9), NRW noted it disagreed that there is no potential for simultaneous, partly overlapping, or sequential noise from planned offshore windfarms to adversely affect consecutive spawning seasons of fish species. We also noted at paragraph 2.5.8 that NRW does not consider it appropriate for the cumulative effects assessment to rely on potential future regulations or mitigation that has no commitment or delivery mechanism attached to it.
- 1.3.2. We have reviewed the Applicant's Cumulative Effects Assessment (CEA) Clarification Note [REP2-028] submitted at Deadline 2 and confirm that the note has now explained, to NRW's satisfaction, that the worst-case scenario applies to all hearing sensitive fish, and that the conclusions of the assessment of '*minor adverse*' are therefore applicable also to cod. Furthermore, the note satisfactorily clarifies that the CEA conclusion does not rely on future measures which may mitigate piling noise effects but is based on best available information from Awel-y-Môr in combination with the identified projects. The Clarification Note [REP2-028] has therefore resolved the issues raised in NRW's Deadline 1 submission and we have no further concerns regarding the CEA for fish and shellfish receptors.
- 1.3.3. Both the CEA clarification note submitted at Deadline 2 [REP2-028] and the clarification note submitted at Deadline 1 [REP1-003] addressing concerns raised in our Relevant Representation [RR-015] with respect to errors in the impact assessment on fish valued ecological receptors, satisfactorily address NRW's concerns from a fish receptor perspective. As such, based on the information provided in the Applicants Deadline 1 and Deadline 2 submission, NRW is satisfied that there are no outstanding areas of disagreement on fish and shellfish receptors.

1.4. **Marine Ornithology**

- 1.4.1. NRW's Deadline 1 submission advised that a detailed assessment of the potential impacts of the Awel-y-Môr project on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head Site of Special Scientific Interest (SSSI) was required.
- 1.4.2. We have reviewed the Applicant's Deadline 1 submission [REP1-016] where an assessment of the potential effects of the project on the features of the SSSI has now been undertaken. We have advised the Applicant that in order to be able to advise fully on the potential effects of the project on the SSSI, the workings behind the calculations that are presented in REP1-016 should be provided to us. Specifically, we have requested that the values for the apportioning of collision risk for Kittiwake and displacement for Guillemot and Razorbill, and displacement matrices for number of Guillemots and Razorbills apportioned in different Biologically Defined Minimum Population Scales (BDMPS) seasons, are provided. NRW have also requested that the log of the Population Viability Analysis (PVA) parameters used are provided, in sufficient detail, in order to allow NRW to replicate the analysis. In addition, we have advised the Applicant to check the species demographic parameters listed in table 1 of the assessment, against those used in their analysis and those presented by Horswill & Robinson (2015), as there appears to be discrepancies. NRW will continue to work with the Applicant on this matter.

1.4.3. NRW welcomes the Applicant's commitment to validation monitoring for Red Throated Diver as noted in the Applicant's response to NRW's Written Representations [REP2-002], the revised Schedule of Mitigation [REP2-024] and the Marine Licence Principles document [REP2-022].

1.5. Marine Mammals

1.5.1. Paragraph 2.7.5 d(iii) of NRW's Deadline 1 submission advised that the Applicant include an analysis using a fixed threshold (such as 160dB re μPa SPL_{rms} taken from the Level B Harassment thresholds (NMFS: 1995, 2005)) for impulsive noise for bottlenose dolphin to calculate the number of dolphins disturbed, and as a useful comparison against the results of the proxy Dose Response (D/R) analysis.

1.5.2. The Applicant has submitted to NRW a note titled *Level B Harassment Threshold Comparison Note* dated 23rd November 2022 (received 21st November 2022). NRW has reviewed the note and acknowledge and welcome the additional modelling carried out against the Level B Harassment thresholds (NMFS, 1995, 2005). Given the lack of a D/R curve specific to bottlenose dolphin, efforts to help reduce uncertainty by presenting multiple assessment methods in parallel allows for useful comparison and greater robustness. The Applicant originally applied a harbour porpoise D/R curve to bottlenose dolphin: harbour porpoise are likely to be more sensitive to the effects of pile-driving than bottlenose dolphin, which was likely to lead to over-precautionary results. The differences in impact ranges between the two methods demonstrates this after, as requested, the Applicant presented the results for a second approach – Level B Harassment. In the absence of species-specific thresholds, use of a harbour porpoise D/R is a reasonably pragmatic approach. The conclusions of the comparison exercise between the D/R analysis and the modelling of Level B harassment thresholds indicates that the magnitude of effect of underwater noise on bottlenose dolphin is minor. As such, we agree with the conclusions of the Comparison Note, the Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA) based on their use of a D/R. We advise that the Applicant submits the Comparison Note into the DCO Examination at the next available deadline.

1.5.3. Paragraph 2.7.13 of NRW's Deadline 1 submission noted potential discrepancies and inconsistencies with respect to the assessment of cumulative effects from underwater noise between marine mammals and fish ecology. We noted that the projects, plans and activities identified in the cumulative effects assessment (Section 7.13 of the Marine Mammals chapter of the ES [AS-026]) differs to those included in the in-combination assessment (RIAA) and the fish CEA. The Applicant has been in discussion with NRW in this regard to clarify the projects included and the differences between the fish and the marine mammal approaches. The Applicant has since submitted into the Deadline 2 submissions a Cumulative Effects Assessment clarification note [REP2-028] which clarifies their position. NRW has reviewed this clarification note and agree with the reasons for differences between fish and marine mammal assessments. Although the clarification note still fails to explain the reasons for the differences in projects included in the in-combination assessment and the CEA for marine mammals, NRW does not consider this to have a material effect on the conclusions. NRW agree that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEoI) from the project in-combination with others on sites designated for marine mammals.

1.5.4. NRW is satisfied that previous concerns, as outlined in its Written Representation [REP1-080], and with respect to the following:

- The exclusion of cumulative PTS-onset from the Marine Mammal Mitigation Protocol (paragraph 2.7.5 c);
- The use of D/R curves to conduct area-based assessments to estimate the area of harbour porpoise habitat disturbed (paragraph 2.7.5 d);
- Justification to support the conclusion of no Likely Significant Effect from vessel collision for bottlenose dolphin, grey seal or harbour porpoise features of relevant SACs (paragraph 2.7.6);

- Interim Population Consequences of Disturbance (iPCoD) modelling for harbour porpoise disturbance and PTS injury (paragraph 2.7.5 a), and;
- Understanding the proportion of the harbour porpoise Celtic and Irish Sea Marine Mammal Management Unit habitat disturbed (paragraph 2.7.5 a ii)

have been appropriately addressed in the updated Marine Mammal clarification note [REP1-002].

1.6. **Decommissioning**

1.6.1. NRW notes and accepts the comments provided by the Applicant in their Deadline 2 submission [REP2-002] in response to paragraph 2.9.5 of NRW's Written Representation.

1.7. **Mitigation: Schedule of Mitigation and the Marine Licence Principles**

1.7.1. We note, at paragraph 8 of the Marine Licence Principles document [REP2-022], that the Schedule of Mitigation [REP2-024] and the Marine Licence Principles document should cross-refer to each other in order to confirm where the mitigation measures secured in the Schedule of Mitigation would be secured through the Marine Licence, and to clarify where different terms for plans and documents are used in the Schedule of Mitigation. NRW notes that some discrepancies between the Schedule of Mitigation and Monitoring [REP2-024] and the Marine Licence Principles document [REP2-022] remain. For example, please see paragraph 1.1.2 above. NRW advise that the Applicant undertakes another cross-check between the documents for the reasons outlined above and in paragraphs 2.10.1 and 2.10.2 of NRW's Written Representation [REP1-080].

1.7.2. For the avoidance of doubt, NRW recommends that the title of future updated versions of the Schedule of Mitigation [REP2-024] is amended to reflect the fact that the document contains details relating to both mitigation measures *and* monitoring – currently the document title only refers to Mitigation.

2. **ONSHORE**

2.1. **Protected Species (Onshore)**

2.1.1. In paragraph 3.4.2 of NRW's Deadline 1 submission [REP1-080], we advised amendments to the Outline LEMP in order to demonstrate that the proposal would not be detrimental to the favourable conservation status of protected species. These amendments had been previously communicated to the Applicant on 5/10/2022.

2.1.2. We have reviewed the revised Outline LEMP submitted at Deadline 1 [REP1-035] and Deadline 2 [REP2-009] and are satisfied that our previous comments have been addressed. We note that the final LEMP will be approved by the discharging authority, in consultation with NRW (Requirement 13). In view of the above we are satisfied that the proposals will not be detrimental to the maintenance of the favourable conservation status of protected species.

2.2. **Invasive Non-Native Species (INNS) (Terrestrial)**

2.2.1. In paragraph 3.5.1 of NRW's Deadline 1 submission, we advised amendments to the Outline INNS Management Plan [APP-323]. We have reviewed the revised Outline INNS Management Plan submitted at Deadline 1 [REP1-041] and Deadline 2 [REP2-046] and are satisfied that our previous comments have been addressed.

2.2.2. We also note that a revised Draft Development Consent Order has been submitted at Deadline 2 [REP2-014] which includes specific reference to NRW as a consultee for Requirement 10 (which requires the submission of a final INNS Management Plan for approval by the discharging authority).

2.2.3. Based on the above, we are satisfied that INNS will be appropriately managed.

2.3. **Water Quality (Freshwater)**

2.3.1. In paragraphs 3.6.2 and 3.6.3 of NRW's Deadline 1 submission, we advised amendments to the Outline Pollution Prevention and Emergency Incident Response (PPEIR) Management Plan [APP-318] and Outline Construction Method Statement (CMS) [APP-313]. We have reviewed the revised Outline CMS [REP2-017] and Outline PPEIR Management Plan [REP2-036] submitted at Deadline 2 and are satisfied that our previous comments have been addressed. As detailed in paragraph 2.2.2 above, a revised Draft Development Consent Order has also been submitted at Deadline 2 [REP2-014] which includes specific reference to NRW as a consultee for Requirement 10 (which requires the submission of a final CMS and PPEIR Management Plan). Based on the above, we are satisfied that potential impacts on water quality (both surface and groundwater) can be appropriately managed. We would however refer you to our comments with respect to WFD (paragraphs 3.3.1 – 3.3.7 (Annex A) of our Deadline 1 submission) which advises further information should be provided with respect to the watercourse crossing options retained at some locations.

2.4. **Fish (Freshwater)**

2.4.1. In paragraph 3.7.3 of our Deadline 1 submission, we stated that we agree with the conclusions of the ES that the watercourses that may be subject to in-river works are not important spawning areas for salmonids. However, as a precaution, we advised that the Outline LEMP should be updated to include a statement that "*works will have regard to the Salmon and Freshwater Fisheries Act 1975*". We have reviewed the Outline LEMP [REP2-009] submitted at Deadline 2 and are satisfied that our previous comment has been addressed.

2.5. **Air Quality**

2.5.1. In paragraph 3.8.3 (Annex A) of our Deadline 1 submission, we advised that there was no assessment of any air quality impacts arising from marine vessel emissions. It was unclear whether marine vessels will operate within proximity to sensitive coastal onshore habitat (that may support features of SSSIs/SACs/Ramsar). We received an Air Quality Clarification Note from the Applicant on 14/10/2022, and this was formally submitted into the Examination at Deadline 1 [REP1-020]. Based on the information provided in this note, we are now satisfied that marine vessels are not likely to have significant effects on any designated onshore coastal habitat.

3. REFERENCES

- 3.1.1. Horswill, C. & Robinson R. A. (2015). Review of seabird demographic rates and density dependence. *JNCC Report No. 552. Joint Nature Conservation Committee, Peterborough*
- 3.1.2. National Marine Fisheries Service (NMFS). (1995). *Small takes of marine mammals incidental to specified activities; offshore seismic activities in southern California*. Federal Register. 60(200), 53753-53760.
- 3.1.3. National Marine Fisheries Service (NMFS). (2005). *Scoping Report for NMFS EIS for the National Acoustic Guidelines on Marine Mammals*. National Marine Fisheries Service.

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