

Sent by e mail

22 June 2022

Dear Consultee,

## **MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING**

### **Awel y Môr offshore wind farm**

The Natural Resources Wales Permitting Service (NRW PS) has received an application from Awel y Môr Offshore Wind Farm Limited, for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, to undertake the above stated works.

A copy of the application and a list of documents submitted in support of the application is attached.

A copy of all application documents has been shared with you using our online fileshare system in the accompanying email. The documents are also available on our online public register [REDACTED]. You can search for the documents using the application reference number **ORML2233**.

I would be grateful for any views that you may have regarding the significance of these works taking into account the:

- protection of the environment,
- protection of human health,
- prevention of interference with other legitimate uses of the sea,
- protection of the local biodiversity,
- minimisation of noise and nuisance,
- potential impacts on navigation, such as obstruction or endangerment,
- need for any special lighting or markings,
- potential impacts on marine archaeology interests or sites.

Please assess the application over a calendar year to highlight any potential seasonal issues that could arise as a result of the proposal.

In accordance with our responsibilities under national and European legislation, your advice should also take into account the following provisions:

## **Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)**

We are of the opinion that the proposed works fall under Schedule A2 paragraph 21 of the Regulations;

### *21. Installations for the harnessing of wind power for energy production (wind farms).*

The project also requires a Development Consent Order from the Secretary of State under the Planning Act 2008. In accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the Secretary of State must not make an Order granting development consent for EIA development unless an EIA has been carried out in respect of that application.

Under Reg 10(1)(b) of the Marine Works Regulations, NRW may determine that an EIA is not required, for the purposes of determining the Marine Licence application, if we are satisfied that an assessment of any effects on the environment of the project in question has already been, is being or is to be carried out, by another consenting authority and the assessment is or will be sufficient to meet the requirements of the EIA Directive in relation to that project.

Based upon the information received to date, in accordance with Regulation 10(1)(b) of the Marine Works Regulations, NRW intend to defer the EIA consent decision, on the basis that an assessment of any effects on the environment of the project in question is being / is to be carried out by the Secretary of State as part of the determination process for a Development Consent Order under the Planning Act and that this is, or will be, sufficient to meet the requirements of the EIA Directive.

## **Conservation of Habitats and Species Regulations 2017 – Regulation 63**

The site of the proposed work lies within Liverpool Bay SPA an area designated as a European site of conservation importance under the provisions of the Conservation of Habitats and Species Regulations 2017.

The proposed works also has the potential to impact upon a number other European Designated Sites. The protected sites identified have been recorded and assessed within *Report 5.2: Report to Inform the Appropriate Assessment* and associated appendices submitted by the applicant.

I have consulted our internal statutory nature consultee for their views on whether the proposed work, alone or in combination with other projects, is likely to have a significant effect on the sites and/or on any European protected species and if an Appropriate Assessment of the implications for the sites and/or species having regard to their conservation objectives is necessary.

## **Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000**

Under the Wildlife and Countryside Act 1981, Statutory Authorities are required to give notice to the Natural Resources Body for Wales (hereafter “Natural Resources Wales”) of

operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest (SSSI) is of special interest.

The offshore works within the marine licensable area is not within a SSSI.

Impact of the project on onshore SSSI have been considered within *Environmental Statement Volume 3, chapter 3.5: Onshore Biodiversity and Nature Conservation*. As such notice has been given to Natural Resources Wales.

### **Biodiversity Duty under the Environment (Wales) Act 2016**

Under section 6 of the Environment (Wales) Act 2016 ('the 2016 Act'), a public authority in Wales must seek to maintain and enhance biodiversity in the exercise of its 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.

In complying with the duty under section 6 of the 2016 Act, a public authority must take account of the resilience of ecosystems, in particular—

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

If you consider the proposed works will impact upon ecosystem(s), please advise NRW as to:

- the ecosystem(s) that you consider would be affected;
- how you consider that the ecosystem(s) would be affected; and,
- mitigation measures that would avoid adverse impacts to the ecosystem(s) identified.

In complying with the duty under section 6 of the 2016 Act, a public authority must also have regard to any list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales published by the Welsh Ministers under section 7 of the 2016 Act. The Welsh Ministers have published interim lists of habitats and species, for the purposes of section 7 of the 2016 Act, which are available from the Biodiversity Wales Partnership:

If you consider the proposed works will impact upon listed species and / or habitat(s) listed under the 2016 Act, please advise NRW as to:

- any species and / or habitat listed under section 7 of the 2016 Act that you consider would be affected; and,
- mitigation measures that would avoid adverse impacts to the species and / or habitats identified.

### **Consultation Response Due**

A response to this consultation letter is required within **42 days** of the date of this letter, this being **3 August 2022**. If I do not hear from you by this date I shall assume you have no comments to make.

Please send your response electronically where possible at

### **Public Register**

I would advise you that any information you provide in relation to the application is liable to be made available through our Public Register unless you specifically request otherwise.

### **Enquires**

Should you wish to discuss any aspect of this application please do not hesitate to contact me quoting reference number: **ORML2233**.

Thank you for your assistance.

Yours faithfully

### **Peter Morrison**

Marine Licensing Team  
Permitting Services  
Natural Resources Wales