

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

14 Chwefror / February 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' ADDENDUM – CONSERVATION OBJECTIVES
FOR LIVERPOOL BAY SPECIAL PROTECTION AREA**

Cyfoeth Naturiol Cymru / Natural Resources Wales' (NRW) Deadline 5 submissions advised that a new set of Conservation Objectives for Liverpool Bay Special Protection Area (SPA) have recently been published and that we would provide the Examining Authority with an addendum regarding any implications of these changes for our advice on the Awel-y-Môr project and for the Habitats Regulations Assessment.

This letter comprises NRW Advisory's (NRW (A)) addendum (see Annex A) to our Deadline 5 submissions and updates the Examining Authority on NRW (A)'s position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA on our statutory advice relating to Awel-y-Môr.

This response should be read in conjunction with, and are additional to, NRW's previous submissions (as provided in REP1-080, REP3-026, REP4-045 and REP5-039).

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

Yn gywir / Yours sincerely,

[REDACTED]
Andrea Winterton
Marine Services Manager
Natural Resources Wales

ANNEX A: NRW Advisory's position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA on our statutory advice relating to the Awel-y-Môr offshore windfarm.

1. Liverpool Bay SPA was originally designated in 2010, with features of Red-throated diver (*Gavia stellata*), Common scoter (*Melanitta nigra*), and, an assemblage that was made up of both these features.
2. In 2017, the SPA was reclassified by the UK and Welsh Governments. As part of the reclassification exercise in 2017, the boundary of the SPA was extended to the north and west to support the addition of additional features. This reclassification kept the original features as above, but also added, wintering little gull (*Hydrocoloeus minutus*), breeding Common tern (*Sterna hirundo*) and little tern (*Sternula albifrons*), and to the wintering bird assemblage named features list, it added little gull (*H. minutus*), Red-breasted merganser (*Mergus serrator*) and Great cormorant (*Phalacrocorax carbo*). Notably, the Conservation Objectives (COs) for the original 2010 features did not change at that time.
3. Throughout the Awel-y-Môr pre-application and statutory consultations, NRW Advisory (NRW (A)) has advised that the impacts of the proposal on all the features of Liverpool Bay SPA would need to be assessed in view of the site's COs.
4. To do this the Applicant used the COs from the Regulation 35 Conservation Advice Package (October 2012) for the site, which included Red-throated diver, Common scoter and the assemblage (see para 5 below). Furthermore, the Applicant also made an assessment of impacts on the other new additional features in a similar way to the original features, considering potential impacts on size of the population as well as on the extent of supporting habitat.
5. The COs in the Regulation 35 Conservation Advice Package (October 2012) were as follows:

3.3.1 The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature 1: Internationally important non-breeding population of red-throated diver (*Gavia stellata*)

The interest feature red-throated diver will be considered to be in favourable condition only when both of the following two conditions are met:

- (i) The size of the red-throated diver population is at, or shows only non-significant fluctuation around the mean population at the time of designation of the SPA. to account for natural change;*
- (ii) The extent of the supporting habitat within the site is maintained.*

3.3.2 The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature 2: Internationally important non-breeding population of common scoter (*Melanitta nigra*).

The interest feature common scoter will be considered to be in favourable condition only when each of the following two conditions is met:

- (i) The size of the common scoter population is at, or shows only non-significant fluctuation around the mean population at the time of designation of the SPA to account for natural change;*
- (ii) The extent of the supporting habitat within the site is maintained.*

3.3.3 The conservation objective for Liverpool Bay / Bae Lerpwl SPA Interest feature 3: Non-breeding assemblage of over 20,000 waterbirds

The interest feature waterbird assemblage will be considered to be in favourable condition only when each of the following two conditions is met:

- (i) The size of the waterbird assemblage population shows only non-significant fluctuation around the mean at the time of designation to allow for natural change;*
- (ii) The extent of the waterbird assemblage supporting habitat within the site is maintained.*

6. In fulfilment of duties under Regulation 37 of the Conservation of Habitats and Species Regulations 2017, new conservation advice for Liverpool Bay SPA has recently been produced by Natural England and NRW, and by the Joint Nature Conservation Committee (JNCC) in fulfilment of its duty under Regulation 21 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. The new Conservation Advice Package for the site contains new COs for Liverpool Bay SPA which can be accessed [here](#).

7. Although the COs have changed, the surveys, assessments, modelling and analysis undertaken previously remain sufficient to allow assessment against the COs and thus for NRW (A) to provide advice regarding conclusions about the potential impacts of the Awel-y-Môr project on site integrity.

8. The Applicant's assessment concluded that the Awel-y-Môr project will not have an impact on the Common tern and little tern features of the site. The assessments and surveys showed no potential for effects from risk on these features, as they do not use the location in sufficient numbers. NRW (A) agree with that conclusion. The change in COs makes no material difference to that conclusion.

9. The same is true, in our view, for the assemblage features of Red-breasted merganser and Cormorant.

10. Whilst the site of the proposed windfarm does not coincide with areas used by Common scoter, boat traffic to and from the site during construction and operation may cause disturbance to this feature. However, the potential impact on this feature is sufficiently mitigated by the vessel traffic management plan proposed by the Applicant. Thus, the change in COs makes no material difference for this feature either.

11. The main remaining issue is the potential effect of Awel-y-Môr on the Red-throated diver feature of the site.

12. Table 1 below notes the new COs for Red-throated diver from the new Conservation Advice Package (Regulation 37).

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Table 1: Conservation objectives (attributes and targets) for the Liverpool Bay / Bae Lerpwl SPA interest feature red-throated diver.

Feature	Attribute	Target
Red-throated diver	Non-breeding population: abundance	Maintain the size of the non-breeding population at a level which is at or above 1800 individuals (mean peak, 2015, 2018, 2019 & 2020).
	Non-breeding population: distribution	Restore ¹⁶ the distribution of the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting feature distribution.
	Disturbance caused by human activity	Minimise the frequency, duration and/or intensity of disturbance affecting the feature so that the population, its distribution within the site, or its use of the habitat is not significantly affected.
	Supporting habitat: Food availability and quality of prey	Maintain the distribution, abundance and availability of key food and prey items (e.g. fish) to maintain the population.
	Supporting habitat: extent, distribution and quality of supporting habitat for the non-breeding season	Restore the extent, distribution and availability of suitable habitat which supports the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting the extent and quality (including water quality).

13. It remains NRW (A)'s view, as outlined in REP5-039, that the evidence available shows that:

- (a) there will not be a decrease in the size of the non-breeding population, therefore abundance will be maintained;
- (b) the overall distribution of the feature will remain the same;
- (c) levels of disturbance will not be sufficient to affect the population numbers, distribution or use of habitat within the site, and;
- (d) supporting habitat will be maintained.

14. As such, even in light of the new COs, it remains NRW (A)'s view that the assessment that the Applicant has undertaken for this feature still stands, and that there will be no adverse effect upon it or the site, either alone or in-combination.

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