



Awel y Môr Offshore Wind Farm

The Applicant's Comments on the RIES

Deadline 8

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1 Introduction

- 1 The Applicant submitted a Report to Inform Appropriate Assessment (RIAA) (APP-027) for the Habitats Regulation Assessment (HRA) with the Awel y Môr Development Consent Order (DCO) application, which was accepted for Examination by the Planning Inspectorate (PINS) on 18 May 2022. The Applicant has continued to engage with the relevant Interested Parties (IPs) throughout the Examination process.
- 2 The ExA, with the support of the Planning Inspectorate Environmental Services Team, provided the Report on the Implications for European Sites (RIES) (OD-021) on the 22 of February 2023.
- 3 The Applicant has undertaken a detailed review of the RIES and has found no major discrepancies with what has been presented. The Applicant's comments on the RIES are presented below in the order with which the content is presented within the RIES.

2 Applicant's response on the RIES

2.1 Comments on Section 1: Introduction

- 4 Paragraph 1.1.6 states that a potential for Likely Significant Effect (LSE) was identified for 32 UK National Site Network sites and 23 Natura 2000 sites in EU member states. The Applicant notes that within the RIAA (APP-027) 54 sites have been identified, 32 UK National Site Network sites and 22 Natura 2000 sites in EU member states. The Applicant is unable to identify from the RIES which site has been identified as the 23rd Natura 2000 site, however the Applicant does consider that the 32 UK National Site Network and 22 Natura 2000 sites identified within the RIAA (APP-027) are appropriate.

2.2 Comments on Section 2: Likely Significant Effects

- 5 The ExA asked the following question to Natural England and NatureScot:
- “Natural England and NatureScot are requested to confirm that they do not have any concerns relating to effects from the Proposed Development on European sites.”*
- 6 The Applicant notes that Natural England were consulted as part of the Evidence Plan Process (APP-301, APP-302 and APP-303), however they provided a response to the Examination confirming that they did not wish to register as an Interested Party (IP) in the Examination. No response was received from NatureScot, however it is worth noting that NatureScot did not register as an IP. Neither organisation was consulted with by the Secretary of State through the scoping process.
- 7 Paragraph 2.3.2 notes that the Royal Society for the Protection of Birds (RSPB) identified potential LSE on Manx Shearwater at two additional sites which were not identified in the Applicant's screening exercise, Rum Special Protection Area (SPA) and St Kilda SPA. The Applicant consulted further with the RSPB during a meeting on 8 February 2023 to discuss this matter among others.

- 8 Following discussion on these data sets, the RSPB agreed in principle that Manx shearwaters were not at risk from AyM due to them being present in very low abundance and densities as highlighted in RSPB's response to ExQ3.2.9 (REP7-059). Therefore, the Applicant can confirm that the RSPB are now in broad agreement on the matter relating to the Rum and St Kilda SPAs. This is indicated in the SoCG with RSPB (Document 8.38 of the Applicant's Deadline 8 submission).
- 9 Furthermore, Natural Resources Wales (NRW) is satisfied that the RIAA identifies all relevant designated sites and features with respect to offshore ornithology (see item SoCG06-3.18 in Document 8.34 of the Applicant's Deadline 8 submission), and therefore these two sites have not been assessed further by the Applicant within the RIAA or subsequent assessments.

2.3 Comments on Section 3: Adverse Effects on Integrity

- 10 Paragraph 3.1.3 states that while NRW initially confirmed that it was satisfied with the conservation objectives used in the Applicant's assessment of effects on Liverpool Bay SPA, NRW has subsequently provided a link to the new Conservation Advice Package which includes updated conservation objectives (COs) for the site (REP5-047).
- 11 The Applicant acknowledges the HRA addendum presented within REP5-047 and notes that NRW confirmed within this statement that "*[...] 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*". This is acknowledged later in the RIES at paragraph 3.2.4.
- 12 The Applicant has also undertaken a review of the new set of conservation objectives and considers that the conclusion of no Adverse Effect on Integrity in relation to this SPA remains valid, in concurrence with NRW's advice on this matter. Both the Applicant and NRW have confirmed this in their responses to ExQ3.2.14 (REP7-003 and REP7-056 respectively).
- 13 Under the North Anglesey Marine SAC, Harbour porpoise section of Table 3.1, it is stated that NRW is still reviewing the Cumulative Effects Assessment Clarification note that the Applicant submitted at Deadline 2 (REP2-028).

- 14 The Applicant wishes to note NRW's Deadline 3 submission (REP3-026) and the SoCG covering offshore issues with NRW submitted at Deadline 6 (REP6-039), NRW confirm it "[...] has reviewed this documentation and confirmed in paragraph 1.5.3 of its Deadline 3 submission that 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 agrees that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEol) from the project in-combination with others on sites designated for marine mammals."

2.4 Comments on Section 4: Summary

- 15 Paragraph 4.1.2 states that The Applicant's conclusions on LSE were disputed by the RSPB in relation to the Manx shearwater features of the Copeland Islands SPA, the Irish Sea Front SPA, Glannau Aberdaron ac Ynsy Enlli/Aberdaron Coast and Bardsey Island SPA and Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and the Seas off Pembrokeshire SPA. The RSPB also identified two additional SPAs with Manx shearwaters as a feature which it considers could be affected, the Rum SPA and the St Kilda SPA.
- 16 No other sites or features were identified by any other Appropriate Nature Conservation Body (ANCB) or IP. Despite this response from the RSPB, the Applicant considers that the original conclusions presented within the RIAA (APP-027) are still valid, as confirmed by NRW who are satisfied that the RIAA identifies all relevant designated sites and features with respect to offshore ornithology (REP7-056).
- 17 Paragraph 4.2.3 states that the RSPB disputes the Applicant's conclusion of no AEol against the sites discussed in the above paragraph. It also states that the RSPB disputes the Applicant's conclusions in relation to the red-throated diver feature of the Bae Lerpwl/Liverpool Bay SPA and the gannet feature of the Grassholm SPA and the Alisa Craig SPA. The Applicant consulted further with the RSPB during a meeting on 8 February 2023 to discuss this matter among others.

- 18 Based on the site-specific survey data as well as data collected for the sister project Gwynt y Môr, the Applicant considers that Manx shearwater are not regularly recorded and only recorded in very low abundances and densities during the daytime. Additional evidence from a further desk study providing details on nocturnal tracking data from Manx shearwaters also confirmed that no flights entered AyM during the hours of darkness.
- 19 As highlighted above, following discussion on these data sets, the RSPB agreed in principle that Manx shearwaters were not at risk from AyM due to them being present in very low abundance and densities as highlighted in their response to ExQ3.2.9 (REP7-059) and as highlighted in Document 8.38 of the Applicant's Deadline 8 submission. Therefore, the Applicant can confirm that the RSPB are now in agreement on the matter relating to the Copeland Islands SPA, the Irish Sea Front SPA, Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA and Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and the Seas off Pembrokeshire SPA, Rum SPA, and St Kilda SPA.
- 20 Additionally, during the meeting held on 8 February 2023, the red-throated diver (RTD) feature of the Bae Lerpwl/Liverpool Bay SPA was discussed, and as the Applicant took a precautionary approach to assessment for the RTD feature of the Liverpool Bay SPA, which provided for consideration and review of the research submitted within the RSPB Written Representation additional references (REP2-058), no change is therefore required to the outcomes of the RIAA (APP-027). This is noted as an area of disagreement with RSPB in the SoCG (Document 8.38 of the Applicant's Deadline 8 submission).
- 21 The Applicant considers that AEoI can be ruled out for the conservation objectives of the red-throated diver feature of the Liverpool Bay SPA from predicted impacts and effects from AyM alone and in-combination with other plans and projects as agreed with NRW (RR-015).

- 22 With regard to the gannet feature of the Grassholm SPA and the Alisa Craig SPA, following the meeting on 8 February 2023 and the response provided in the Applicant's comments on ExQ2.2.17 (REP6-003), the RSPB is in broad agreement that there would not be a material difference to the level of impact significance estimated for AyM, which would remain minor and therefore not significant at the EIA or HRA levels for any designated sites.
- 23 Furthermore, NRW is satisfied that the RIAA identifies all relevant designated sites and features with respect to offshore ornithology, and therefore these two sites have not been assessed further by the Applicant within the RIAA or subsequent assessments.
- 24 The Applicant considers that the original conclusions presented within the RIAA (APP-027) remain valid, as confirmed by NRW in their response to ExQ3.2.14 (REP7-056) who are satisfied that subject to the delivery of the mitigation measures listed in the Schedule of Mitigation and Monitoring (Document 8.12 of the Applicant's Deadline 8 submission) and the Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission), it agrees with the Applicant's conclusions.



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