

PROPOSED MONA OFFSHORE WINDFARM

PLANNING INSPECTORATE REFERENCE: EN010137

RELEVANT REPRESENTATION FROM NATURAL RESOURCES WALES (NRW)

This Relevant Representation comprises the submission from Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) regarding the Mona offshore windfarm application.

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1. INTRODUCTION

1.1. NRW have identified key concerns relating to the following matters, which have been categorised as offshore and onshore, as set out in the Environmental Statement (ES):

- OFFSHORE
 - Marine Ornithology
 - Marine Mammals
 - Fish and shellfish ecology

- ONSHORE
 - Designated landscapes
 - Terrestrial Ornithology
 - Air Quality
 - Water Framework Directive (terrestrial)

The above matters are those that we advise either require amendments to the project, and/or substantial additional information, and/or amendments to the draft

Development Consent Order ('DCO'). The topic and/or paragraph headings for these matters are marked "**KEY CONCERN**" in the relevant sections below. We also provide comments below on matters that may need minor amendments and / or clarification.

These are matters that we can provide further details on in our Written Representations and / or can be addressed in our on-going dialogue with the Applicant in the preparation of Statement of Common Grounds (SoCGs).

- 1.2. NRW will continue to provide further advice to the Applicant on all the required matters, through correspondence and meetings, with the aim of reaching as many positions of agreement and common ground, as possible, on outstanding matters prior to the examination of the proposal. Our Relevant Representation is based solely on the information provided within the application documents. Any changes in our position will be reflected in our full Written Representation and SoCG.
- 1.3. NRW has reviewed the application and, notwithstanding our key concerns and other issues raised herein, consider the submission, on balance, to be comprehensive and of a good quality. NRW is pleased to note that many of our previous concerns, as raised during the pre-application process, have been appropriately addressed.
- 1.4. Our comments are made without prejudice to any further comments NRW may wish to make in relation to this application and examination whether in relation to the ES, provisions of the draft DCO and its Requirements, the deemed Marine Licence (dML), standalone Marine Licence (ML), SoCGs or other evidence and documents provided by Bp-Enbw and their consultants ('the Applicant'), the Examining Authority (ExA) or other interested parties. The following paragraphs comprise our Relevant Representation as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008.
- 1.5. For the avoidance of doubt, **Sections 2 and 3** of this document relate to NRW in its capacity as advisor and/or consultee (referred to as 'NRW (A)'). Comments made on behalf of NRW's regulatory function, which operates independently under distinct legislation, are made separately (referred to as 'NRW MLT'). NRW's comments in respect of its function as it is the licensing authority under the Marine and Coastal Access Act (MACAA) 2009 are provided at **Section 4**. For clarity, NRW has also received applications for a Marine Licence under the MACAA 2009. It should be noted that NRW may also have wider consenting functions in respect of the project, which are not addressed in these relevant representations, for example in the determination of separate environmental permits under the Environmental Permitting Regulations 2016. These determinations operate independently from the DCO application process. We provide a comment on NRW's general purpose in **Section 5**.
- 1.6. It should be noted that both NRW (A) and the Joint Nature Conservation Committee (JNCC) provide advice on offshore development in Welsh inshore and Welsh

offshore waters¹ that are regulated under a number of different regulatory regimes. NRW and JNCC are separately consulted under the Conservation of Habitats and Species Regulations 2017 and Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and accordingly respond independently. Typically, advice in the offshore region (from 12nmi-200nmi) is the responsibility of JNCC. However, where the impacts and effects of a project might arise both within and beyond 12nmi and affect protected sites in jurisdictional waters, both NRW (A) and JNCC may need to provide advice. Please note that the advice provided in this relevant representation is applicable to the potential impacts and effects to Welsh protected sites only. For sites outside of Wales, the relevant Statutory Nature Conservation Body (SNCB) should be consulted.

2. OFFSHORE

2.1. Marine Ornithology – KEY CONCERN

EIA Related Issues

Whilst NRW (A) considers it likely that the Environmental Impact Assessment (EIA) scale impacts from the Mona project alone are predicted to be small and hence not “significant” for the purposes of EIA, there are several areas of uncertainty, inconsistency and possible errors in the assessments presented that should be checked and corrected, where appropriate, before we can confirm agreement on a number of the conclusions. These are noted in 2.1.1 – 2.1.3 below.

2.1.1. *Lack of confidence in assessments due to inconsistencies and potential errors in information*

At present there appear to be many inconsistencies and possible errors in the information provided throughout the offshore ornithology assessment documents. For example:

- Discrepancies between seasonal definitions presented across the documents.
- Errors in seasonal collision totals presented in Section 5.7.5 of the Offshore Ornithology Chapter [APP-057] compared to the monthly collision estimates in the Collision Risk Modelling (CRM) Annex [APP-093] making up the seasonal definitions that are summed.
- Errors/discrepancies in the seasonal mean peak estimates presented for puffin (non-breeding season) and Manx shearwater (spring and autumn migration seasons).

¹ Welsh Inshore Region extends from Mean High Water Springs, 0-12 nautical miles. Welsh Offshore Region extends from 12 – 200 nautical miles or median line

We suggest that all tables of seasonal definitions, seasonal mean peak abundances for displacement, seasonal collision totals etc., presented throughout the various offshore ornithology documents are checked, as any errors will have fed through to the apportioned impacts to the designated sites.

2.1.2. *Impacts to Sites of Special Scientific Interest (SSSIs)*

Reference is made to an assessment of operational displacement from the project alone to the guillemot feature of the Pen y Gogarth / Great Orme's Head SSSI in the Offshore Ornithology Chapter [APP-057]. However, we consider the assessment is unclear, and appears to be based on breeding season impacts only. Impacts to SSSI colony features should be apportioned to the colony in the non-breeding season as well, and the annual impact assessed against baseline mortality of the colony (calculated using the colony size in adults and the adult mortality rate). As the Mona project is located within foraging range of the guillemot, razorbill and kittiwake features of the Pen-y-Gogarth / Great Orme's Head Site SSSI, we again advise that detailed quantitative assessments of the potential impacts of the Mona project on all three of these features should be undertaken. The Applicant could consider following the approach taken by the applicant in the Awel-y-Môr DCO (see Deadline 3a assessment REP3a-019).

2.1.3. *Cumulative Assessments (Volume 2, Chapter 5, APP-057)*

2.1.3.1. Data gaps

The cumulative impact assessments contain numerous data gaps and cannot be considered comprehensive. This issue was raised as a concern by NRW (and also NE and JNCC) in the Preliminary Environmental Information Report (PEIR) responses and discussed during the Expert Working Groups (EWGs). We highlight that NRW (A) advised the Crown Estate Round 4 plan-level Habitats Regulations Assessment (HRA) to undertake quantitative 'gap-filling' for historic projects. It is unfortunate that this advice was not adopted as we do consider this problem would be best tackled at the strategic level. Nonetheless, the SNCBs supplied bespoke advice to the Applicant (and other Round 4 projects in the Irish Sea) detailing a hierarchical method to 'gap-fill' the Irish Sea cumulative and in-combination assessments. The advice to the applicant was to generate **indicative** estimates for currently unknown impacts, which have been assumed to be zero. Adopting an approach that would allow indicative estimates to be made (rather than assuming zero) would then enable more informed expert judgement to be made on the likelihood of adverse effects, and thus if further investigation by a more rigorous assessment was warranted.

However, the Applicant has not followed the suggested SNCB advice and has instead presented a qualitative summary for the projects with no data, and essentially the impacts from these projects remain assumed as zero. We do not consider that the qualitative assessments presented by the

Applicant are sufficient to give confidence in the conclusions drawn with respect to the level of significance of accumulating scale of impacts to some species. Our advice therefore remains as detailed in the original SNCB advice provided to the Applicant.

However, there are ongoing internal discussions surrounding the development of an approach that may help to address this issue, which will be shared with the Applicant for consideration in due course.

2.1.3.2. Data included for other projects in cumulative assessments.

There are several errors in the figures included in the cumulative assessments for other projects, notably for Erebus for displacement, for example for puffin and gannet. We advise the Applicant to update the figures to include those advised by NRW (A) in our PEIR comments. Whilst we welcome that collision mortality from underwater devices (e.g., West Anglesey Demonstration zone) have been included, it would appear that the collision mortalities for these projects, for species such as auks, have been added to the cumulative displacement abundances that are then put through displacement matrices to calculate displacement mortality. The collision mortality figures should not be included within the abundance totals but should be added to the displacement mortality figures that result from the displacement matrix approach.

The cumulative collision assessment text and tables in the Offshore Ornithology Chapter [APP-057] suggests the predicted collision figures for the other projects included have been corrected for the current advised avoidance rates. Clarity is required from the Applicant whether this is the case. If the predicated collision figures for the other included projects have been corrected for the current avoidance rates, then the details of the approach adopted should also be provided. Clarification is also required as to which Band Option (Option 2 or 3) the figures included for Awel-y-Môr for large gulls are from.

Therefore, we recommend that the cumulative assessments are updated to address these issues where required before we can make any conclusions on the level of impacts.

Additionally, the numbers included for the Morgan and Morecambe generation asset projects are based on data from the PEIRs for these projects, which were based on only 12 months of data and are therefore, subject to change and have a degree of uncertainty associated with them.

2.1.4. HRA Related Issues

2.1.4.1. We reiterate the advice provided during the EWG discussions on the approach to the HRA Screening of likely significant effects (LSE), that where

there is potential connectivity to a very large number of sites but the likelihood of significant impacts is generally low, the approach taken in this assessment may be considered appropriate regarding the project 'alone' assessment for Mona. It should be acknowledged however, that this approach will not necessarily be appropriate for all offshore windfarm cases. Impacts from other offshore windfarm projects are unlikely to be low. Additionally, if a designated site that has potential connectivity with an offshore windfarm project is in unfavourable condition and/or has a restore Conservation Objective (CO) target (and a population which may be in decline), then even a small impact may adversely impact the COs and integrity of the European site(s) in question.

Notwithstanding the above, we note that the Applicant's approach and presentation of apportionment of predicted impacts is, in places, difficult to follow and unclear.

Whilst we consider that the likely significant effects from the project alone will not result in Adverse Effect on Site Integrity (AEoSI), the assessment and process of reaching the predicted impacts in the HRA Stage 1 Screening Report [APP-034] and HRA Stage 2 Information to Support an Appropriate Assessment (ISAA) Special Protection Areas (SPAs) and Ramsars [APP-033] is currently difficult to follow and unclear in places. Therefore, we require clarification (potentially to include a full worked example for a species and site of all apportioning (age classes and apportionment of impacts)) and/or updates to the assessment are required considering the advice below. This should provide clarity and confidence in the predicted levels of impact.

Qualifying features of Skomer, Skokholm, and Seas off Pembrokeshire (SSSP) SPA are Manx shearwater, European storm petrel, lesser black-backed gull, Atlantic puffin and a seabird assemblage. Guillemot, razorbill and kittiwake are not features in their own right but are named components of the seabird assemblage feature. The HRA Stage 1 Screening Report [APP-034] should be updated to reflect this.

2.1.4.2. *Age class apportionment and sabbaticals (Volume 6, Annex 5.5, [APP-095])*

We do not consider the use of the kittiwake adult proportion that was calculated for Hornsea 2 to be appropriate to apply to Mona due to the very low number of aged juvenile birds in the site-specific surveys, and that the juvenile survival rates (0-1 year) given in Horswill & Robinson (2015) are very old and from a single colony in the North Sea (taken from Coulson & White 1959) and hence have a poor data quality score (score of 1). Hence there is uncertainty around the appropriateness of the approach. Therefore, we advise a more appropriate approach for the breeding season would be to use the 95.23% of adults recorded in the Mona site-specific DAS data, or

to take the same approach as for auks and Manx shearwater and assume all birds are adults.

Additionally, we do not agree with use of stable age structures from Furness (2015) to apportion to age-classes in the non-breeding season. We suggest that the same approaches are used as for the breeding season, i.e., use site-specific where possible, or take the precautionary approach and assume all 'adult type' birds are adults.

Clarification is required as to whether sabbaticals have, or have not, been excluded from the apportioned impacts as it is currently unclear in the documents.

2.1.4.3. *Apportionment of impacts to designated sites.*

Clarification is required on whether the impacts to designated sites has included apportioned impacts to both adults and immatures or just impacts to adults, as the approach is currently unclear. As breeding colony SPAs (such as Grassholm SPA, SSSP SPA) are designated based on breeding individuals or pairs, rather than all birds at the colony, we suggest that the predicted seasonal and annual impacts to these colonies be based on apportioned impacts to adults only. These should be assessed against the adult baseline mortality (using an adult colony figure that is contemporaneous with the site-specific survey data and adult mortality rate).

Non-breeding season

Based on the above, we recommend that the calculation for apportionment of adults to colonies in the non-breeding season should be based on the proportion of the SPA adult birds across the Biologically Defined Minimum Population Scales (BDMPS) total of birds of all ages for each relevant non-breeding BDMPS season as advised in response to the PEIR.

2.1.4.4. *Apportioned impacts from the project alone*

The apportioned impacts from displacement and resulting % increases to baseline mortality considered in the Stage 1 HRA Screening Report [APP-034] and hence taken through to the assessments in the HRA Stage 2 ISAA for SPAs and Ramsars [APP-033], are based on the Applicant's considered appropriate % displacement and % mortality rates only. To account for uncertainty in displacement and mortality rates, we advise that apportioned impacts and associated increases in baseline mortality across the range of % displacement and % mortality advised and previously agreed with SNCBs during EWGs, are also presented and considered in the assessments. We also advise that where impacts of collision and displacement are assessed that the annual predicted impacts for collision, displacement, and collision plus displacement are presented separately.

2.1.4.5. *In-combination (HRA Stage 2 ISAA for SPAs and Ramsars, APP-033)*

The Applicant has taken an approach where if the predicted impact from the project alone equates to less than 0.05% of baseline mortality of a designated site, then the Applicant deems this as “non-material” and within natural fluctuations of the population and is therefore screened out of in-combination assessment. This has resulted in all Welsh SPAs - except Liverpool Bay SPA - being screened out of in-combination assessment. Whilst this approach may be appropriate for *this* project - where predicted impacts from the project alone are likely very small - it may not be appropriate in *other* situations, including for designated sites where in-combination impacts are already close to/at levels that are already considered to be of an adverse effect; or designated sites considered to be in unfavourable condition/that have conservation objectives relating to restoration. It also does not mean that impacts from the Mona project should be excluded from in-combination totals for future project assessments.

As noted above at 2.1.4.1 to 2.1.4.5, there are several aspects of the assessments that are currently unclear regarding how the predicted impacts have been derived. Additionally, the predicted impacts are based solely on the Applicant’s preferred ranges of % displacement and % mortality rates for displacement, and no consideration has been made of the ranges of predicted displacement or collision impacts as advised by the SNCBs.

Based on the comments above, we advise that the approach / sites and species combinations taken forward for in-combination assessment are revisited once any updates have been made. If this then leads to more sites and species combinations being taken through to in-combination assessments, the comments above regarding cumulative assessments, e.g., errors and gaps in the data, need to be considered.

2.1.4.6. *Liverpool Bay SPA*

We welcome the measures listed in the Stage 2 ISAA Part 3 – SPAs and Ramsars [APP-033] of adherence to an offshore Environmental Management Plan (EMP) that will include measures to minimise disturbance to rafting birds from transiting vessels (as set out in APP-203), a timing restriction of no offshore export cable installation during the period 1st November – 31st March within Liverpool Bay SPA, and include a Marine Pollution Contingency Plan (MPCP). We note and agree that the offshore EMP is secured within the dML in Schedule 14 of the draft DCO. This commitment should also be secured in the standalone ML for the cable corridor.

We note the timing restriction on offshore export cable installation activities within the SPA will not apply for the trenchless works on the intertidal zone, which will be supported by up to eight vessel movements at the landfall over

the winter period. Due to the temporary nature of the activity and the commitment to trenchless works at the landfall (provided appropriately secured in the licence conditions) we do not expect this to result in an AEOsI, but we note that it is currently unclear why the timing restrictions should not apply to this aspect of the works.

- 2.1.5. We advise that Table 4 of the design parameters in Schedule 14 Part 2 of the draft DCO [APP-023] should also include the maximum rotor swept area. This is because as the table currently reads it could be interpreted that 96 turbines of 364m LAT in height, with a rotor diameter of 320m, could potentially be installed at the site.

2.2. Marine Mammals

- 2.2.1. NRW (A) agrees with the data collected through surveys and literature including the data sources used to characterise the baseline, as well as the management unit approach adopted [APP-056] (although please note comment 2.2.9 below), as discussed through the various EWGs. We agree with the majority of the conclusions in the ES and HRA, unless listed in the representations below.

- 2.2.2. *Injury and disturbance to marine mammals from elevated underwater sound due to vessel use and other (non-piling) sound producing activities*

KEY CONCERN: We acknowledge and welcome the information provided with regard to vessel traffic data (Vol. 2, Chapter 4 Mona ES – Marine Mammals; Figs 4.24 & 4.25) [APP-056], as well as the information provided in Vol. 6, Annex 7.1: Navigational Risk Assessment (NRA) [APP-098] of the ES. However, there is inadequate justification for an overall conclusion of low magnitude. We note that the estimated numbers of animals disturbed by vessels and any subsequent conclusions are based on static impact radii. Given the known sensitivity of harbour porpoise, in particular to vessel noise, and the increase in the number of vessels in the area compared to baseline vessel traffic, we advise that the assessment is revised and quantified both for the project alone and in-combination with other projects.

- 2.2.3. *Injury from elevated underwater sound due to piling*

We note a conclusion of negligible magnitude has been assigned based on the inclusion of the potential indicative use of designed-in measures (30 minutes of Acoustic Deterrent Devices (ADDs)). However, whilst we acknowledge that the proposed mitigation strategy outlined in the ES [APP-056], Marine Mammal Mitigation Protocol (MMMP) [APP-207] and Underwater Sound Management Strategy (UWSMS) [APP-202] is to be agreed post-consent, we note that any additional disturbance caused as a result of the large-scale use of ADDs has not been considered. We advise that this needs consideration, as evidenced by Elmegaard et al (2023), which demonstrates that harbour porpoise show very strong flight and physiological responses to ADD use far beyond the intended mitigation

zone. Energetic responses to noise may have a cumulative effect on health if they occur frequently enough, particularly for porpoise who are thought to need to forage constantly to meet their energy demands.

2.2.4. *Barrier effects*

Limited justification has been provided for the absence of cumulative assessment of barrier effects. Clarification and potentially further assessment is required.

2.2.5. *Interrelated effects*

There is inadequate justification for the conclusion that the effects on marine mammal receptors are not anticipated to interact in such a way as to result in combined effects of greater significance than the assessments presented for each individual phase, or when considered in conjunction with other topics addressed in the ES. We advise that this is addressed.

2.2.6. *Outline Underwater Sound Management Strategy (UWSMS)*

2.2.6.1. We welcome the inclusion of an outline UWSMS [APP-202] and acknowledge the commitments made therein by the Applicant to reducing residual impacts and the use of noise attenuation technologies, if required. We agree that the UWSMS could reduce the magnitude of impacts to an acceptable level. It should be noted, however, that whilst we anticipate that the proposed mitigation methods may be sufficient to support the current conclusions of “*not significant*”, the strategy as currently presented is high-level. We will work with the Applicant on further developing the UWSMS during examination and post-consent. We agree with the intention to secure the strategy through the dML and the standalone ML.

2.2.6.2. We also note that there appear to be a number of inconsistencies within several application documents, including, for example the UWSMS, the ES Project description [APP-050] and several ES chapters, where it is stated that Offshore Substation Platforms (OSP’s) will be attached to the seabed with foundation structures using either three, four or six-legged piled jacket foundations. However, it is stated elsewhere that the Maximum Design Scenario (MDS) includes four OSP’s four-legged jacket foundations, which contradicts the maximum value of six legs stated elsewhere. Whilst we appreciate that the Worst-Case Scenario (WCS) alters per receptor, these inconsistencies are present throughout. We advise that the Applicant corrects these discrepancies and provides clarity on this matter.

2.2.7. *Underwater Sound Technical Report [APP-079]/ Mona ES Marine Mammals [APP-056]:*

Whilst we do not disagree with the overall conclusion of *minor adverse significance* (disturbance and injury) for site investigation surveys, the impact ranges for sparkers

appears relatively small in contrast with the non-pulsed sub-bottom profiler methods presented. Given sparkers tend to be more omnidirectional source, they would be expected to have a bigger impact range. Further explanation would be welcomed.

2.2.8. *Mona ES Marine Mammals [APP-056] / Mona ISAA Special Areas of Conservation [APP-032]:*

For impulsive sources, both APP-056 and APP-032 reference that changes in the impulsive characteristics of impulsive sound at range implies that disturbance thresholds for piling noise should be considered precautionary at long range (i.e. a few kilometres). While this may be plausible for thresholds derived from observations close to the source, NRW (A) does not agree with this conclusion, given that the dose response curves applied as thresholds for piling noise, as well as the 143 dB single strike Sound Exposure Level (SEL) threshold, are based on field observations collected at up to several km from piling activities. We recommend that this technical error is rectified for this project and future projects adopting the same techniques.

2.2.9. *Mona ISAA Special Areas of Conservation [APP-032]*

In line with NRW's position statement on use of Management Units, in view of the strong evidence supporting the idea that the populations of Cardigan Bay and Pen Llyn a'r Sarnau Special Areas of Conservation (SAC) are highly connected, and that there is likely a single genetic population across the management unit, when conducting an appropriate assessment, the two protected sites should be considered together.

2.2.10. *Mona ISAA Stage 1 Screening [APP-034]:*

Explanatory notes in APP-034 for table 1.40: LSE matrix for Rockabill to Dalkey Island SAC have not been included for grey seal. For table 1.51: LSE matrix for the Chaussée de Sein SCI, cells for which a conclusion of no LSE (Likely Significant Effect) has been made should be highlighted in green. In order to provide confidence in the screening assessments presented, we advise that these changes are made.

2.2.11. *Mona ISAA Stage 2 Special Areas of Conservation [APP-032], Table 1.85 Summary of SPL_{pk} PTS injury ranges and areas of effect for marine mammals for single pin pile installation (N/E = threshold not exceeded)*

For grey seal, the initiation (first strike) impact range at 4,400kj should be 28m rather than 25m, in accordance with the underwater noise and ES chapters. We advise that this is corrected.

2.3. Fish and Shellfish Ecology

- 2.3.1. NRW (A) agrees that the data collected through the site-specific surveys and through the desktop review of existing literature and data sources are sufficient to appropriately characterise the fish ecology for the project.
- 2.3.2. We agree with the assessment methodology and conclusions for impacts to fish from construction, operation and decommissioning activities (but please see 2.3.4 below).
- 2.3.3. We agree with the screening undertaken in the HRA Screening report (document reference E1.4 [APP-034]) and the subsequent Stage 2 assessment (document reference E1.2 [APP-032]) and agree with the overall conclusion of no risk of an adverse effect on the integrity of diadromous fish features from the Welsh protected sites; Dee Estuary/Aber Dyfrdwy SAC, River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid SAC, and Afon Gwyrfai a Llyn Cwellyn SAC.
- 2.3.4. **KEY CONCERN:** We do not agree that, for the project 'alone', impacting 21.64% of the cod high intensity spawning habitat as a result of disturbance from underwater noise can be assessed as *minor*. We advise that, by adopting the approaches applied for herring, that the impact should be assessed as *moderately adverse* during the breeding season.
- 2.3.5. We consider that whilst some of the issues relating to the assessment of impacts to fish from underwater sound have been resolved, some concerns relating to clarity in the ES [APP-055] as raised in advice to the PEIR remain outstanding. For example, in response to the PEIR we requested that the Popper et al. (2014) Sound Exposure Guidelines for fishes and sea turtles, were used in assessing impacts from underwater sounds and specifically that sound levels from impact piling were described using Cumulative Sound Exposure Levels (SEL_{cum}) to reflect the cumulative exposure from the total piling event. We consider the SEL_{cum} threshold is likely to be lower than the Peak Sound Pressure Levels (SPL_{pk}) used to assess the percentage of cod spawning habitat affected and therefore, the 21.64% presents a potential underestimate of the area ensonified. This has not been done by the Applicant. Such outstanding issues creates difficulty in advising as to whether a realistic worst-case assessment for piling noise has been presented.
- 2.3.6. We welcome the inclusion of an outline UWSMS [APP-202] but note that this is currently high-level. Whilst we acknowledge that further detail cannot be populated at this time, we consider it likely that the UWSMS could potentially reduce the magnitude of impacts to an acceptable level. We welcome the commitment of the Applicant to continue to engage with NRW (A) to develop the USWMS during examination and post-consent. We agree that the UWSMS be conditioned through both the dML and ML. NRW (A) welcomes the opportunity to engage with the Applicant on developing the UWSMS during the examination and post-consent.

- 2.3.7. As noted in 2.2.6.2 for Marine Mammals, there appear to be a number of inconsistencies across the application, for example with respect to the exact number of OSP legs that are considered to be the WCS. Whilst we appreciate that the WCS alters per receptor, these inconsistencies lie within receptor chapters e.g., Marine Mammals APP-056, Fish and Shellfish APP-055, and Project Description APP-050. We advise that clarity is required throughout the documentation.
- 2.3.8. We note from paragraph 1.5.4.10 in document APP-186 and paragraph 3.11.9.1 of APP-055 that whilst not currently planned, the Applicant will commit to future monitoring of fish and shellfish ecology, if relevant. Whilst not essential to the project (as mitigation measures are proposed to manage potential impacts), such future monitoring is encouraged in National Policy Statement (as recognised in the NPS for Renewable Energy Infrastructure (EN-3) 2.8.223). We welcome and encourage the commitment from the Applicant to consider this further, in order to inform the baseline of future projects and their alone and in-combination assessments.

For example, for the Mona project alone, the Applicant proposes to manage underwater sound impacts from piling through the UWSMS. If Mona was the only project proposed in Liverpool Bay SAC, then this would be acceptable. However, the UWSMS places a reliance on other projects to adopt the same (or similar) approaches / mitigation techniques in order to address issues relating to cumulative and in-combination effects. Such approaches, of course, may not be adopted / proposed by other projects. We consider, therefore, that it would be highly beneficial for additional future monitoring to be carried out, particularly to address concerns surrounding cumulative effects, and we would encourage the Applicant to work with other project proposers on a joint monitoring strategy.

2.4. Physical Processes

- 2.4.1. NRW (A) agrees that the baseline description of physical processes through the desktop review of existing literature and existing data sources, project specific surveys and numerical modelling baseline scenarios are sufficient to appropriately characterise the study area (Array Area as it relates to potential impacts in Welsh waters, Export Cable Corridor).
- 2.4.2. We agree with the Numerical modelling approach and scenarios conducted in relation to hydrodynamics, waves and sediment transport to inform the potential changes on Constable Bank, Menai Strait and Conwy SAC and the adjacent coast arising from the construction, operation and decommissioning of Mona Offshore windfarm.
- 2.4.3. We acknowledge the commitment of the Applicant to develop and adhere to an Offshore Construction Method Statement (CMS) including a cable specification and installation plan (CSIP) [APP-195, APP-196] which will detail the Applicant's commitments to minimise the potential impacts to Constable Bank (an Annex 1 habitat outside of an SAC); the habitats and species within the Menai Strait and

Conwy Bay SAC, and; the intertidal area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS). We recommend that NRW (A) should be consulted in writing on the suitability of the offshore CMS ahead of commencement of activities.

- 2.4.4. We welcome the commitment that no cable protection will be installed within Constable Bank, that no cable protection higher than 70 cm will be installed within the Menai Strait and Conwy Bay SAC, and that no cable protection will be placed in the intertidal between MHWS and MLWS. These commitments were made during extensive pre-application discussion and are confirmed in the draft Marine Licence principles [APP-195] and physical process chapters [APP-053]. However, we note that paragraph 1.5.2.28 of APP-186 states that “...*no cable protection is **anticipated*** (our emphasis) *on Constable Bank*”. We seek assurance that cable protection will not be installed on the bank. Should this position change, then NRW (A) would have significant concerns.
- 2.4.5. In addition, we require clarification from the Applicant as to whether cable protection will be required on the Horizontal Directional Drilling (HDD) exit pits, as this is currently not clear within the submitted documentation. Should this be required, impacts to physical processes will require assessment. Consideration should be given to the potential obstruction to the bedload sediment transport pathways both alongshore and onshore/offshore, and the potential impact on wave diffraction and wave refocussing on the coast given that the exit pits will be located in shallow water just seaward of MLWS.
- 2.4.6. We acknowledge the use of HDD at landfall to minimise the environmental impact of trenching on conservation features in the intertidal area between MHWS and MLWS, and that no maintenance works will be undertaken in the intertidal zone during the operation and maintenance phases. We advise that the design and installation of the cable to landfall should take account of the natural envelope of beach profile change and the future erosion of the backshore. It is fundamental that the depth of installation across the intertidal is sufficient to minimise any future risk of exposure over the lifetime of the project due to short-term beach draw-down during storms or long-term beach erosion. We advise that that this information is gathered prior to determining the burial depth for the HDD cable landfall across the intertidal and is included in the Landfall Construction Method Statement (LCMS) NRW (A) should be consulted in writing on the suitability of the LCMS ahead of commencement of activities.
- 2.4.7. We acknowledge the commitment of the Applicant to conduct a detailed Cable Burial Risk Assessment and Burial Assessment Study, to be included within the CSIP [e.g. APP-195 and APP-196] prior to cable laying and which will confirm the locations requiring cable protection along the cable corridor. We acknowledge the commitment that no more than 5% reduction in water depth (referenced to Chart Datum) will occur at any point along the Mona offshore cable corridor without prior written approval from the Licensing Authority in consultation with the Maritime Coastguard Agency (MCA). We request clarity as to whether this commitment

means that the height of the cable protection above the seabed will be altered in relation to the given water depth at that point along the export cable corridor. Altering the height of the cable protection will ensure that the cable protection is sufficiently low profile to cause minimal changes to wave, tide and sediment transport.

- 2.4.8. The MDS for sand wave clearance in Mona Offshore windfarm (OWF) Array and cable corridor amounts to 14,541,497m³ and of that, 1,504,000m³ of sediment displacement occurs in the offshore cable corridor. We acknowledge that in all cases, the material cleared from the sandwave will be sidecast allowing the sediment to be readily available for supply for sandwave recovery. We further acknowledge that sandwave reformation will depend on a range of factors including the size, location and alignment of any breach with respect to the sediment transport pathways and available recharge material. Whilst we recognise that monitoring is not essential, given the active sediment transport in the study area and the availability of recharge material, consideration should be given to sandwave recovery monitoring in the post installation surveys, particularly on Constable Bank. This would also assist in validating assumptions made in the ES, i.e. that sandwave reformation would occur within months, therefore we encourage the Applicant to actively consider monitoring.
- 2.4.9. During pre-application engagement, JNCC liaised with NRW (A) on the Applicant's proposal to use marine sediment from the Mona Array area as ballast for the conical gravity base foundations. Both JNCC and NRW (A) requested further information from the Applicant regarding the impacts of potential sediment loss from the proposed operations, in the context of the wider environment, and, the sediment transport budget of the area - particularly as the impacts resulting from the loss of material would be further exacerbated as similar activities have been proposed for the Morgan OWF project. We also requested that the Applicant's ES cover the following:
- a detailed methodology of proposed activities including detailed technical aspects;
 - justification for the proposed activities and comparison with alternatives, and;
 - impact assessments for both offshore benthic ecology and physical processes (all potential impact pathways should be considered, assessed, or scoped out with justification).
- 2.4.10. In the ES [APP-053] the Applicant has responded by stating that in terms of sediment budget, 490,000m³ of the maximum 6,746,105m³ seabed preparation volume (which equates to 7.2%) may be removed across the Mona Array Area during the 12month installation period, which equates to an average sediment ballast requirement of 5,104m³ per foundation location when 96 gravity base foundations are considered. Under tides alone, the typical net sediment transport through the array area is circa 20,000m³ per day; the harvested material therefore represents a one-off 6.7% reduction in sediment budget during the construction phase and would therefore not significantly influence sediment transport across the Mona Array Area.

2.4.11. NRW (A) are satisfied that the sediment removal is not likely to indirectly have an impact on designated features within Welsh inshore waters.

2.5. Benthic Subtidal and Intertidal Ecology

2.5.1. NRW (A) agrees that the data collected through the site-specific surveys and through the desktop review of existing literature and data sources is sufficient to appropriately characterise the benthic ecology in the export cable corridor.

2.5.2. We agree with the conclusions of the ISAA [APP-032], that provided the mitigation measures outlined are adhered to, the project will not have an AEOI and therefore will not undermine the conservation objectives of the benthic designated features of the Menai Strait and Conwy Bay SAC. Notwithstanding this, there are a number of minor issues that we consider should be amended in the ISAA. These minor issues do not change the assessment conclusions.

2.5.3. We acknowledge and welcome the commitment of the Applicant to use trenchless techniques at landfall in order to avoid impacts to sensitive features i.e. *Sabellaria alveolata* and Peat and clay exposures on piddocks. However, it is currently unclear whether cable protection will be required on the HDD exit pits. We require clarification on this matter. Furthermore, should this be required, the Applicant will need to consider and assess the potential impacts on benthic ecology.

2.5.4. We note that no maintenance works will be undertaken in the intertidal zone during the operation and maintenance phase and therefore no assessment regarding temporary habitat disturbance/loss of the intertidal Important Ecological Features (IEFs) has been carried out. We advise that the outputs of the physical processes study should be used to ensure the depth of cable installation across the intertidal is sufficient to minimise any future cable exposure. Please also refer to paragraphs 2.4.6 above for further information.

2.5.5. NRW (A) agrees with the conclusion of the ES that the potential impact from sandwave clearance in Constable Bank (Annex I sandbank outside SAC) will be of minor significance, which is not significant in EIA terms. However, in line with comments at 2.4.8 above, consideration should be given to sandwave recovery monitoring during post-installation surveys in Constable Bank, in order to validate the assumptions made in the ES. Recovery monitoring of sandbanks will support statements made in the submitted documentation that sandbanks will recover in the short-term and will also help to inform future work. We recommend that this should be secured within the dML / standalone ML.

2.5.6. We acknowledge the commitment of the Applicant to produce a biosecurity risk assessment and Invasive Non-Native Species (INNS) Management Plan to be conditioned within the ML, as outlined in Marine Licence Principles Document [APP-195]. We recommend that the marine biosecurity plan is a free-standing document kept separate to the terrestrial plan provided in the Outline Biosecurity Protocol

[APP-223]. We recommend that NRW (A) should be consulted on the suitability of a marine biosecurity risk assessment and plan ahead of commencement of activities. We advise that the Biosecurity Plan should be secured in both the dML and standalone ML.

- 2.5.7. We acknowledge the commitment of the Applicant to produce an Offshore Environmental Management Plan (EMP) and a Marine Pollution Contingency Plan (MPCP) to be conditioned within the ML, as outlined in Marine Licence Principles Document [APP-195]. NRW (A) should be consulted on the suitability of the EMP and MPCP plans ahead of commencement of activities. We advise that the EMP and MPCP should be secured in both the dML and standalone ML.

2.6. Marine Water and Sediment Quality (MW&SQ)

- 2.6.1. NRW (A) acknowledge the commitment of the Applicant to produce an Offshore EMP and a MPCP to be conditioned within the ML, as outlined in Marine Licence Principles Document [APP-195]. As noted in 2.5.7 above, we recommend that NRW (A) should be consulted on the suitability of the EMP and MPCP plans prior to of commencement of activities. We also advise that the EMP and MCPC should be secured in both the dML and standalone ML.
- 2.6.2. We welcome the inclusion of the additional sediment sampling undertaken by the Applicant. We support and agree with the precautionary approach undertaken to the initial assessment and note that no sediment contaminants exceed the CEFAS action level 2 threshold [APP-087], and that very few contaminants exceed the CEFAS action level 1 threshold as determined by additional sediment sampling in the area of disturbance.
- 2.6.3. We acknowledge the commitment of the Applicant to use trenchless techniques at landfall to minimise sediment disturbance [APP-088]. On the basis that the cable burial techniques used in the intertidal zone will be trenchless, we have no concerns from a water quality perspective and are satisfied that no impact from the disturbance and / or remobilisation of sediment bound contaminants in the cable corridor will occur during construction, operation or decommissioning. We agree, therefore, with this being scoped out from further assessment, but please see comments above at 2.4.5 and 2.5.3 for Physical Processes and Benthic Ecology requesting clarity on cable protection at exit pits.

2.7. WFD Coastal and Transitional Water Bodies: Offshore works

- 2.7.1. NRW (A) supports the assessment conclusion in APP-088 that the proposed works will not cause deterioration to the water quality of either of the water bodies considered (North Wales coastal waterbody and Clwyd transitional waterbody), nor the individual elements of these water bodies, or impact the objectives of achieving Good Ecological Potential (GEP) and Good Ecological Status (GES).

2.7.2. WFD Compliance Assessment screening and Zone of Influence (Zol)

- 2.7.2.1. We suggest that clarification is provided on the justification for the screening decision not to include other waterbodies (e.g. Dee (North Wales), Conwy Bay and Anglesey North) in consideration of impacts, particularly given some of these additional waterbodies were assessed at HRA (ES Water Framework Directive Coastal Waters Assessment [APP-088] para 1.3.2.12 (pg 13)).
- 2.7.2.2. Paragraph 1.3.2.6 in APP-088, acknowledges the advice previously provided by NRW (A) which advised the assessment of deterioration should extend further than 1nmi (modelling suggests 10km either side of the corridor). However, we note at 1.3.2.8 [APP-088] that this advice is subsequently discounted in asserting that the zone of influence (Zol) of the activities associated with the proposed works will be limited to 2 km (approximately 1.1nmi). We further note that section 6 of APP-194 (the Scoping opinion) states that: “...the waterbodies to be included in the assessment should be derived through numerical modelling and other assessment methods to determine the Zol”. We continue to advise the Applicant should provide further details of the numerical modelling used and/or further details of the other assessment methods used to determine the Zol with respect to the risk of mobilisation of chemical contaminants and their impacts in assessing WFD compliance.
- 2.7.2.3. We further advise that the justification given (in para. 1.3.2.8 [APP-088]) for the Zol considered in the WFD compliance assessment is inconsistent with the justification for the HRA screening decision not to take forward to consideration of LSE any features or impacts outside of the 12km precautionary buffer, and that referred to in the scoping section of this document (1.4.1.1 [APP-088]). We advise that this is corrected within the WFD compliance assessment.

2.7.3. Water Quality

- 2.7.3.1. With the exception of 2.7.2.1 – 2.7.2.3 above, we agree that the assessment with respect to water quality is compliant with the requirements of the WFD.
- 2.7.3.2. We welcome the inclusion and consideration of the results of the additional sediment sampling. We support the precautionary approach to the initial assessment.
- 2.7.3.3. We note that the Applicant states that no sediment contaminants exceed the CEFAS action level 1 threshold - as determined by additional sediment sampling in the area of disturbance. We note that this statement is accurate only for samples taken within the assessed WFD waterbodies. We advise that as this statement is not consistent with the sediment contamination

results presented in the Benthic Subtidal and Intertidal Ecology Technical Report [APP-087] (e.g. para. 1.7.3.27), and that additional clarity should be given to highlight that the data used in the WFD compliance assessment were relatively limited in their spatial applicability compared with the entire benthic subtidal and intertidal ecology study area.

2.7.4. *Protected Areas*

2.7.4.1. We agree with the WFD compliance assessment conclusions [APP-088] that there is no pathogen source from the offshore works and so no potential to impact the WFD waterbodies and associated bathing waters sites.

2.7.4.2. We support the conclusion by the Applicant of the requirement to consider the protected areas stated in the WFD Compliance Assessment.

2.7.5. *Biology*

2.7.5.1. We support the conclusion that further assessment is required for the biological quality elements and supporting elements due to the proximity to sensitive habitat. It is currently unclear as to when and how these further assessments will be carried out. NRW (A) reserves its position until further detail is provided at which point we will provide further advice.

2.7.6. *Invasive Non-Native Species (INNS)*

2.7.6.1. We support the scoping consideration conclusion for the Clwyd transitional waterbody and the North Wales coastal water body that an INNS assessment of impacts is not required for WFD Assessment Compliance.

2.8. **Biodiversity Benefit and Green Infrastructure Statement**

2.8.1. NRW (A) welcomes the Applicant's commitment to enhancing resilience of marine and coastal ecosystems in Wales as noted in APP-193². We also welcome the Applicant's positive engagement with the formalisation of the delivery of terrestrial net benefit for biodiversity in Wales as the Welsh Government develops its approach. We will continue to work with the Applicant on developing these proposals as more detail emerges throughout examination and post-consent, and we welcome the work that the Applicant has done on this topic thus far. We also recommend that the Applicant reviews NRW's Guidance Note 59 *Principles supporting restoration and enhancement in marine or coastal development proposals*, which sets out NRW (A)'s approach to advising on the inclusion of restoration or enhancement elements

² Please note that the term "Net Gain" is only applicable in English terrestrial biodiversity benefit policy and is not relevant for Wales. The term used in Wales is Net Benefit for Biodiversity under terrestrial planning through Planning Policy Wales (PPW).

in a marine or coastal development proposal and encourages engagement with NRW (A).

- 2.8.2. We advise that there is a requirement through Wales's terrestrial planning system as captured in Planning Policy Wales (PPW) 12 and as detailed in APP-193 (note that APP-193 incorrectly refers to PPW Edition 11 and which requires amendment throughout the application) which requires Net Benefit for biodiversity. This is based on the concept that development should leave biodiversity and the resilience of ecosystems in a better state than before, through securing long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. We note that this applies down to Mean Low Water (MLW) so there is cross-over with the marine planning regime at the coast.
- 2.8.3. We also advise that Marine planning - Welsh National Marine Plan (WNMP) includes policy ENV_01: *Resilient Marine Ecosystems* which aims to ensure that biological and geological components of ecosystems are maintained, restored where needed and enhanced where possible, to increase the resilience of marine ecosystems and the benefits they provide. It encourages consideration of the inclusion of restoration and enhancement in a development project at sea and at the coast but, as noted in APP-193, there is not currently obligation upon proposers of projects in the marine environment to do so.
- 2.8.4. We have reviewed the proposed commitments in APP-193 and consider that these align with the WNMP Policy ENV-01 in relation to the resilience of marine ecosystems.
- 2.8.5. Paragraph 3.2.1.1 in APP-193 states that NRW (A) agreed to the qualitative approach taken by the Applicant during a meeting held in April 2023. Whilst we do not necessarily disagree with this approach, we note that engagement on this topic, from both a terrestrial and marine perspective was limited. We do however acknowledge that no formal advice was requested by the Applicant or provided by NRW (A) during the pre-application phase. Nonetheless, we welcome the Applicant's commitment to this matter, and we will continue to work with the Applicant on this as more detail emerges throughout examination.
- 2.8.6. We note the Applicant's commitment to considering post-consent voluntary off-site opportunities to further improve biodiversity. We acknowledge the Applicant's intention to consider various biodiversity measures that may be secured in the dML and ML.
- 2.8.7. We welcome the inclusion of nature positive design elements (subtidal and intertidal) in the Applicant's proposals, beyond what may be required through the mitigation hierarchy, in order to deliver biodiversity benefits, and the commitments to explore wider opportunities to contribute to building resilience of marine and coastal ecosystems - both within the footprint of the proposal and beyond. We consider it important, however, to emphasise the importance of keeping mitigation and enhancement elements separate from one another.

- 2.8.8. We note that the Applicant refers to providing biodiversity benefit measures in addition to ensuring sufficient mitigation is to be put in place, in order to reduce and/or eliminate potential for significant effects as part of the mitigation hierarchy (avoid, minimise, mitigate). We advise that mitigation measures should not be considered as methods for biodiversity improvement or enhancement, as they are in place as preventative measures of deterioration of features rather than providing biodiversity benefits from the baseline.
- 2.8.9. Reference is made in Section 2 of APP-193 to the North-East and North-West Wales Area Statements, however the Marine Area Statement is not considered within the document. In developing their proposals, we advise that the Applicant amends this to include consideration of the Marine Area Statement in addition to the terrestrial statements.

2.9. Decommissioning - Offshore

- 2.9.1. We acknowledge the commitment to produce a Written Decommissioning Programme under section 105 of the Energy Act 2004 to be approved by the Secretary of State for the Department of Energy Security and Net Zero (DESNZ).
- 2.9.2. We note, from the ES [APP-050], that it is anticipated that all structures above the seabed or ground level will be completely removed where feasible and practical, unless, closer to the time of decommissioning it is decided that removal would lead to a greater environmental impact than leaving some components *in situ*. However, elsewhere, [e.g. APP-186], it is stated that inter-array, interconnector and offshore export cables will be removed, and that all structures above the seabed would be removed, with only scour protection remaining *in situ*. NRW (A) advise that offshore renewable projects should produce a decommissioning plan that retains all decommissioning options (maintain, full removal and partial removal); the options for which can be assessed and refined closer to the time of decommissioning itself in consultation with NRW (A). NRW (A) reserves its position until a draft plan is submitted at which point we will provide further advice.
- 2.9.3. Should decommissioning not be included within the scope of both the dML and standalone ML, we advise that the Applicant will need to submit a Marine Licence application at the point of decommissioning to remove infrastructure. It is not currently clear whether decommissioning works are included in the scope of the licences (please also see comments from NRW MLT in Section 4).

2.10. Mitigation and Monitoring Schedule and the Marine Licence Principles

2.10.1. There are a number of inconsistencies between the Mitigation and Monitoring Schedule [APP-196], Marine Licence Principles document [APP-195] and draft deemed Marine Licence [APP-023] that require clarification. For example, APP-196 states that condition 18 (1)(d) within the draft dML to produce an Offshore CMS should include a commitment to cable burial where possible. We note that this commitment has not been transposed to the dML within the draft DCO, or the Marine Licence Principles document. Such discrepancies potentially result in confusion as to the exact measures that are to be secured as part of the project mitigation and which licence (dML or standalone ML) it is applicable to. We request that clarification regarding such discrepancies and inconsistencies is provided and advise that both APP-196 and APP-195 are consistent and contain accurate reference to all proposed mitigation and plans as described in the application documents. We advise that the Applicant undertakes a thorough review of both documents.

3. ONSHORE

3.1. Designated Landscapes – KEY CONCERN

NRW's (A) Relevant Representations on seascape, landscape, and visual matters are set out below. These relate to the development's potential impacts on the character and visual amenity of the Isle of Anglesey (IoA) National Landscape (NL), Eryri National Park (ENP), and the Clwydian Range and Dee Valley (CRDV) NL, and the statutory purpose of these designations to conserve and enhance their natural beauty.

For the purposes of this representation, the aforementioned designations are referred to collectively as Statutory Designated Landscapes (SDLs) and *ES Volume 2 Chapter 8: Seascape and Visual Resources* [APP-060] and *ES Volume 3, Chapter 6: Landscape and Visual Resources* [APP-069], and the appendices which support these chapters, are referred to collectively as the Seascape, Landscape, and Visual Impact Assessment (SLVIA).

3.1.1. Effects of Proposed Development

3.1.1.1. Since NRW (A) commented on the PEIR, the MDS for the proposed wind turbines has changed. For MDS Scenario 1 the maximum number of turbines has reduced from 107 to 96 but the maximum blade tip height is unchanged at 293m above Lowest Astronomical Tide (LAT). For MDS Scenario 2 the maximum blade tip height has increased from 324m to 364m above LAT but the maximum number of turbines is unchanged at 68 turbines. (Table 3.5 ES Document Reference: F1.3) [APP-050].

3.1.1.2. The changes above do not address concerns raised in pre-application advice provided by NRW to the applicant regarding the impacts of the

proposed turbines on the loA NL and potential cumulative impacts on both the loA NL and ENP. Instead of reducing the maximum blade tip height of the turbines, the Applicant has increased it. We advise that without a reduction in the height of the turbines and/or a reduction in the array area (i.e. away from the coast) it is likely the proposed turbines will cause significant and adverse effects on the character and special qualities of the loA NL; adverse cumulative effects on the character and special qualities of the ENP which are potentially significant; and effects on both the loA NL and ENP that are not significant, but nevertheless adverse.

- 3.1.1.3. The proposed wind turbines individually and cumulatively with e.g., the consented Awel-y-Môr development, will result in visual changes to the settings of the loA NL and the ENP. These changes will harm characteristics and qualities of these landscapes - particularly those relating to perceptual and scenic aspects. We advise the SDLs exist for the purpose of conserving and enhancing their natural beauty. In the case of both the loA NL and the ENP, the proposals will harm aspects of these landscapes which contribute to their natural beauty.
- 3.1.1.4. Effects on the views and visual amenity of visual receptors (people) at locations within both the loA NL and ENP would be significant and adverse, both as a result of the proposed development individually and cumulatively with the consented Awel y Môr development. This will include harm to views at locations which attract visitors seeking to experience the natural beauty and special qualities of these landscapes.
- 3.1.1.5. People using the Wales Coast Path would experience both combined and sequential cumulative impacts as a result of the proposal and wind turbines within the consented Awel-y-Môr development. At locations such as Penmon Point, the cumulative effect would be greater than the effect of the Mona Array Area in isolation, and it is likely to be significant. We advise that as a result of both schemes in combination, people will have to travel ever further west along the north coast of Wales to be afforded coastal views unaffected by wind turbine development.
- 3.1.1.6. People walking the Offa's Dyke Path National Trail where it crosses the CRDV NL are expected to experience combined and sequential visibility of the Tier 1 onshore and offshore projects (including Awel y Mor substation) and experience potentially significant adverse visual effects. However, mitigation measures are expected to reduce the impact on receptors within the CRDV NL. These measures – which NRW (A) welcome – include proposals for new woodland planting around the proposed substation, as illustrated on the Illustrative Landscape and Ecology Strategy Plan within the Outline Landscape and Ecology Plan (LEMP) [APP-208] together with the intention for substation buildings to be finished in recessive colours as set out in the Design Principles (Document Reference J3) [App-189].

- 3.1.1.7. Overarching National Policy Statement for Energy (NPS EN-1) sets out a requirement for projects to be designed carefully, taking account of the potential impact on the seascape and landscape. The aim is to minimise harm to the seascape and landscape, providing reasonable mitigation where possible and appropriate. NRW (A) do not consider that sufficient evidence has been provided to demonstrate that seascape, landscape, and visual impacts have been minimised in this case.
- 3.1.1.8. We advise the proposal would not accord with Policy SOC06 – *Designated Landscapes* - of the Welsh National Marine Plan 2019 (WNMP) because it does not avoid adverse impacts on designated landscapes; has not satisfactorily minimised impacts which cannot be avoided; and has not satisfactorily mitigated impacts which have neither been avoided nor minimised. Therefore, we advise that mitigation measures should be explored in the first instance. Enhancement measures should not be proposed unless and until mitigation measures have been fully exhausted.
- 3.1.1.9. Opportunities to enhance designated landscapes are encouraged by the WNMP but no proposals for enhancement have been included by the applicant in the draft DCO. NRW (A) considers enhancements represent compensation and/or offsetting and not mitigation for adverse effects, as any enhancements would not be directly related to the impacts.

3.1.2. *Issues with SLVIA*

- 3.1.2.1. NRW (A) are concerned that the SLVIA has not assessed the worst-case scenario because it is based on MDS Scenario 2 (i.e. 68 x 364m tall turbines). Assuming it is technically feasible, we advise the worst-case assessment scenario for SLVIA purposes is a combination of the maximum number of turbines from MDS Scenario 1 and the maximum turbine height from MDS Scenario 2 (i.e. 96 x 364m tall turbines). If approved, these parameters will be listed on the DCO (Document Reference C1) [APP-023]. It is not clear why this combined scenario did not form the basis for the SLVIA and visualisations.
- 3.1.2.2. We advise the Applicant's comment that no consultee objected to the approach to using MDS Scenario 2 for SLVIA (Table 8.17 Document Reference F2.8) [APP-060] is incorrect. We raised concerns with this approach in advising on the PEIR).
- 3.1.2.3. We disagree with conclusions in the SLVIA regarding the effects of the proposed turbines on the IoA NL, ENP, and visual receptors within the SDLs. We advise the SLVIA has underreported and underestimated effects on SDLs. We advise conclusions regarding the effects on SDLs reported in the SLVIA are undermined by a number of fundamental issues. These include the omission of relevant receptors from the assessment, flaws within the SLVIA methodology, and flawed judgements. We advise that because

the SLVIA has underestimated the effects of the proposed wind turbines, no specific mitigation measures have been considered.

- 3.1.2.4. We are concerned that local landscape and seascape character areas have been excluded from the SLVIA. Whilst studies such as the Anglesey Landscape Strategy 2011 and Anglesey Seascape Character Assessment, 2013, are referenced in the SLVIA, they are not receptors and it is not clear how – if at all - the review of these documents has informed an understanding of the character of the SDLs, their special qualities, and the impacts on these.
- 3.1.2.5. We advise there are methodological and presentational issues with the visualisations and figures intended to support the SLVIA. We advise these issues should be addressed. Issues include: visualisations not presented in accordance with best practice guidance; photography taken in unsuitable conditions; heavily pixilated baseline photography; and, information being illegible due to the presentation of figures/maps as insets within the ES report. We require that the applicant provides a full hard copy of all SLVIA figures and visualisations relevant to SDLs printed at the correct paper size.
- 3.1.2.6. We advise that the additional information requested in our PEIR response to understand the impacts of the proposal has not been provided. For example, we requested a cumulative Zone of Theoretical Visibility (ZTV) analysis for the Wales Coast Path be included in the ES, to highlight the route of the Path and be supported by more detailed ‘sectional’ cumulative and non-cumulative analysis. This has not been provided.
- 3.1.2.7. We advise that cumulative wireline visualisations – depicting the proposed turbines in combination with schemes scoped into the cumulative SLVIA - have only been prepared from a select number of viewpoints (5 in total across all three SDLs). This means at other viewpoints, where the nature of the view and impact would be different, no visualisation is provided. Given the nature of the proposal, the sensitivity of the receptors being assessed, and the conclusions of the SLVIA with regard to these receptors, we advise cumulative visualisations should be provided from all relevant viewpoints within the SDLs. We also consider cumulative visualisations showing the proposed substation and other Tier 1 developments (including the Awel y Môr substation) should be provided.

3.2. Water Framework Directive (WFD) Compliance Assessment: Onshore works

3.2.1. Water Quality

- 3.2.1.1. We agree with the WFD compliance assessment conclusion [APP-120] that there is no pathogen source from the onshore works and so no potential to

impact the Clwyd transitional waterbody and associated bathing waters sites.

3.2.1.2. We agree with the WFD compliance assessment conclusion that the proposed onshore works are unlikely to create or present significant sources of nutrients that would negatively impact the moderate phytoplankton status of the North Wales coastal waterbody or the good status of the Clwyd Transitional waterbody.

3.2.2. *Fish*

We agree with the WFD compliance assessment conclusion [APP-120] that the proposed onshore works are unlikely to pose a potential risk to the fish quality element status of the Clwyd transitional waterbody and so do not require detailed assessment.

3.2.3. *Protected Areas*

We support the Applicant's approach to consideration of bathing waters protected areas (Environment Statement – Water Framework Directive surface water and groundwater assessment, Vol 7 Annex 2.4 para 1.9.4.6 pg. 70 [APP-120]). We advise that the Applicant takes note of the susceptibility of the Pensarn, the Kinmel Bay, the Rhyl and Rhyl East bathing waters sites to failure during heavy rainfall events when sewage, agricultural and sanitary pollutants may be washed into the sea. We welcome the commitment in the Outline Code of Construction Practice (CoCP) [APP-212] to pre-construction site investigation surveys and protective measures to reduce the risk of exacerbating this.

3.2.4. *Biology, INNS*

We support the conclusions of the WFD compliance assessment [APP-120] that there will be no potential risk to the biological habitats, biological species or INNS receptors from the onshore portion of the proposed works to the WFD transitional and coastal waterbodies considered.

3.2.5. *Mitigation measures assessment*

We advise that the mitigation measures assessment element for North Wales coastal water body (table 1.15 [APP-120]) should be moderate status, rather than the good status reported in 2021 classification. This is because the mitigation measures should be "not in place - not yet identified" instead of "Not applicable - not required in this water body" (Water Watch Wales 2021 Cycle 3 Classification Data - Erratum tab).

3.2.6. *In combination effects and cumulative effects*

We advise a summary within the WFD compliance assessment would be beneficial as noted in our comments to the PEIR (1 June 2023 Our Ref: AOS-21167-0026),

we note the signposting to F3.2 Environmental Statement Hydrology and Flood Risk [APP-065]. However, we advise that the WFD compliance assessment should consider the cumulative effects from other projects.

3.2.7. Fluvial geomorphology elements of the WFD - KEY CONCERN

3.2.7.1. *General Comments*

With the exception of being mentioned in the WFD assessment [APP-120] and partial related reference to impacts on habitats in the Onshore Ecology chapter [APP-066] section, the ES fails to specifically address fluvial geomorphology (the physical form and natural processes of rivers). Unlike other similar subjects (e.g. hydrology, flood risk, ecology, fisheries etc) there is no baseline fluvial geomorphology data (e.g. River Habitat Survey, MoRPh, Fluvial Audit), no impacts identified, no consideration of sensitivity of receptors, no significance of effect or cumulative impact of any of the proposed works with regard to fluvial geomorphology (e.g. open cut or trenchless crossings of watercourses, haul road bridges etc.). As stated in our previous response to the PEIR dated (1 June 2023 AOS-21167-0026) “*More details of the geomorphological impacts associated with the proposals should be provided and suitable expertise sought.*” This position remains valid.

3.2.7.2. *Environmental Statement Volume 5, Annex 5.3: Onshore Crossing Schedule [APP-083]*

From the onshore crossing schedule there appears to be 9 watercourse crossings proposed. Seven of these crossings are proposed as trenchless (NRW’s preferred method of crossing, dependant on launch and receiving pit locations and depth below the watercourse) and two marked as to be crossed via trenching or trenchless (S3N/S-WX-1 and S9-WX-1). Additional detail should be provided for each crossing location (and haul road bridges) but greater depth of assessment will likely be required for the crossings proposed using trenched techniques.

3.2.7.3. *Environmental Statement Volume 7, Annex 2.4: Water Framework Directive surface water and groundwater assessment [APP-120]*

“*A note of the condition of each channel has been made*” – however, no details of how this was assessed, or the record of the condition has been provided.

Open cut trenching techniques can cause long term or irreparable impacts, not just short to medium term impacts stated in Table 1.13.

No consideration is given to the long-term impacts on the rivers physical form and natural sediment processes given that the proposals fail to detail decommissioning of the scheme at the end of its life (Table 1.13), leaving equipment in-situ in perpetuity potentially within zones of influence of rivers. Rivers are naturally mobile features of the landscape and as such the risk of erosion, scouring or re-exposure of cables etc is likely over the coming generations.

3.3. Air Quality – KEY CONCERN

F3.10 Environmental Statement - Air Quality [APP-073]

- 3.3.1. NRW (A) notes that a traffic assessment has been conducted (section 10.8.3), however, it is also noted that only human health receptors have been included and not those for ecology (along with the relevant thresholds and assessment criteria for ecological impacts). There is no proposal/justification included to scope traffic out for construction and decommissioning as is for operational and maintenance phases. There are ecological receptors within 200m of plant construction activities and track out (within 20m according to dust assessment section 10.8.2). The NO_x (NO₂) emissions should be assessed against ecological receptors and we advise that an assessment is undertaken. Alternatively, should the number of vehicle movements screen out on the Annual Average Daily Traffic Heavy Duty Vehicle threshold then justification should be provided to this effect.
- 3.3.2. We are satisfied with the assessment of dust impacts (section 10.8.2) and proposed mitigation measures within the Outline Dust Management Plan [APP-214] to form part of the Code of Construction Practice (CoCP) [APP-212]. We also note that the final CoCP (Requirement 9 of the DCO) will be approved by the Local Planning Authority (LPA) following consultation with NRW. We agree with this approach.
- 3.3.3. We note that the works will be within the proximity of Ancient Woodland. Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. Our standing advice to all planning proposals that may affect (directly or indirectly) ancient woodland can be found on the NRW website under “*Advice to planning authorities considering proposals affecting ancient woodland*”. The LPA will be able to advise with respect to the acceptability of the proposals in terms of Ancient Woodland.

3.4. Ecology (Terrestrial) – KEY CONCERN

3.4.1. Ornithology – KEY CONCERN

3.4.1.1. NRW (A) note that Table 1.5 (page 12, Volume 7, Annex 4.3: Onshore ornithology – breeding birds technical report (Confidential)) [APP-142] identifies Barn Owl as a potential breeding species within the onshore corridor. However, no surveys have been provided to assess the use of the onshore corridor for breeding and/or foraging barn owls. As barn owl are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) we advise that an assessment for this species is undertaken.

3.4.2. Protected Species

3.4.2.1. We consider the survey and assessment to be satisfactory in respect of great crested newts (GCNs), bats, otters, dormice, water voles. Water voles are protected under the Wildlife and Countryside Act 1981 (as amended). GCNs, bats, otters and dormice are also European Protected Species (EPS) which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.4.2.2. We agree with the conclusions in the ES Onshore Ecology (ref F3.3) [APP-066] and the recommendations and proposed principles for mitigation in the Outline Landscape and Ecology Management Plan (LEMP) [APP-208]. We also note that the final LEMP (Requirement 12 of the DCO) will be approved by the LPA following consultation with NRW. We agree with this approach. However, we consider that amendments to the Outline LEMP are required to ensure that the final LEMP is based on a more robust Outline LEMP (e.g. the need for an external Ecological Compliance Audit, revised details regarding long-term monitoring and management).

3.4.3. Fish (Freshwater)

3.4.3.1. We agree with the conclusions in the ES Onshore Ecology (ref F3.3) [APP-066] and the recommendations and proposed principles for mitigation for fish (eels) in the Outline LEMP (LEMP) [APP-208]. We also note that the final LEMP (Requirement 12 of the DCO) will be approved by the LPA following consultation with NRW. We agree with this approach.

3.4.4. Designated Sites

3.4.4.1. We note the design of the cable corridor is for an avoidance of impact to sensitive ecological receptors and when this is not possible there is a commitment to trenchless techniques under Traeth Pensarn Site of Special Scientific Interest (SSSI) and Llanddulas Limestone and Gwrych Castle Wood SSSI as stated in Table 3.22 of the Onshore Ecology report [APP-066]. Micro-siting of the route will be detailed in the Outline Landfall

Construction Method Statement [APP-226] and Outline Construction Method Statement [APP-227] as they are progressed as part of the of the overarching Outline Code of Construction Practice (Requirement 9 of the DCO). We also note the commitments in Outline LEMP [APP-208] as part of the final LEMP (Requirement 12 of the DCO). Both Requirements 9 and 12 will be approved by the LPA following consultation with NRW. We agree with this approach.

3.4.5. Invasive Non-Native Species (INNS) (Terrestrial)

- 3.4.5.1. We note that the (terrestrial) Biosecurity Protocol will be approved by the LPA (Requirement 9 under CoCP). We agree with this approach and consider that this will appropriately manage INNS. However, we advise that NRW (A) is consulted prior to the discharge of Requirement 9. We also consider that minor amendments to the Outline Biosecurity Protocol (APP-223) is required to be made in order to ensure that the final version of the plan is based on a more robust outline version (e.g. the Plan should consider landscape planting, diseases that may affect protected species, and preventive techniques). In addition, although the Outline version refers to species listed under the provisions of European Protected Species which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We advise that it should also refer to the provisions under the Invasive Alien Species (Enforcement and Permitting) Order 2019.

3.5. Water Quality (Surface and Groundwater)

F3.1 Geology, Hydrogeology and Ground Conditions [APP-064]

- 3.5.1. NRW (A) note the completion of a water feature survey and on the whole are satisfied with the baseline condition assessments. However, it is noted that private water supplies (PWS) located within this area. (PWS 02, 06, 07 and 08) require further site investigation and for mitigation measures to be agreed with the PWS owners – we should be informed of the mitigation measure employed so that the risk is assessed on site.
- 3.5.2. We note that the method used on site for the trenchless cable routing will be confirmed at the detailed design stage. Once the trenchless method(s) has been confirmed all the risk assessments to controlled waters (groundwaters) should be updated to consider this method.
- 3.5.3. Cable routing around the historical landfill will be by trenchless cable routing methods (likely Horizontal Direction Drilling), this needs to be confirmed and a commitment that risks will be assessed to ensure the waste material and landfill engineering is not affected or impacted by the trenchless methods – this will prevent (minimise) the risk to controlled waters.

- 3.5.4. Reference is made to working near an old mine in Outline Onshore Construction Method Statement [APP-227]. Confirmation should be provided whether or not grouting will be required to be protective of groundwater and limit the risk to controlled waters.
- 3.5.5. We, therefore, consider all of the above are minor amendments that should be made to the Outline Code of Construction Practice [APP-212] and the underpinning Outline Method Statements and Management Plans in order to ensure that the final version of the plan is based on a more robust Outline versions.
- 3.5.6. We note that the final Code of Construction Practice [APP-212] and the underpinning Method Statements and Management Plans must be submitted to and approved by the LPA (Requirement 9). We agree with this approach and consider that impacts on water quality (both surface and groundwater) will be appropriately managed and suitable mitigation measures will be adopted. We advise that NRW (A) is consulted prior to the discharge of Requirement 9.

3.6. Flood Risk

3.6.1. *F3.2 Environmental Statement Hydrology and Flood Risk [APP-065]*

- 3.6.1.1. Further to our previous comments on the PEIR, NRW (A) note that the comment relating to the glossary have been addressed and updated accordingly.
- 3.6.1.2. It is important to remind all interested parties that NRW on flood risk is associated with that risk posed from the Sea and Rivers as shown on the Flood Map for Planning (FMfP). Since the implementation of the Floods and Water Management Act 2010 in Wales, it is the local authorities acting as the Lead Local Flood Authority (LLFA), who manage flooding from ordinary watercourses, surface water (and ground water). Thus, it is the LLFA who are ultimately responsible for managing and advising on flood risk management related to Ordinary watercourses/Surface water and small watercourses. They would also advise/approve surface water management and normally as they are also the Sustainable Drainage Systems Approval Bodies (SABs). Thus, the views and comments from both Conwy County Borough Council and Denbighshire County Council should be sought on the documents relating to flood risk as they are the LLFA and the SAB in this instance.
- 3.6.1.3. With regard to paragraph 2.3.8.18, we are still awaiting confirmation from Welsh Government as to when the new Technical Advice Note (TAN) 15 will be published. The 2004 TAN15 remains the Policy in force.
- 3.6.1.4. With regard to table 2.7. Assessment of significant effects - Construction phase – we note and accept that the landfall will be installed using trenchless techniques. It should be noted that this is the only section of the

Mona Onshore Development Area that is shown to be within the Flood Zones 2 and 3 for flood risk from the Sea or Rivers as per the FMfP.

3.6.1.5. With regard to section 2.7.2.2 - any temporary change in runoff over the areas affected during construction, such as temporary construction compounds, haul road, construction accesses will be subject to sustainable drainage systems approval from the respective SAB to ensure that changes and minimal/managed.

3.6.1.6. With regard to section 2.7.2.4 - whilst all watercourse crossings for the haul road are on ordinary watercourses (and subject to consent from Conwy CBC/Denbighshire CC as Lead Local Flood Authorities), we suggest that bridged (or clear span) crossings would be preferable to culvert crossings. It should be noted that culverting of watercourses (regardless of length) may pose a high risk to the delivery of WFD objectives. On average the UK has one barrier to natural processes and ecosystem communities per kilometre of watercourse. The majority of those barriers are culverts. Physical modification (e.g. culverting) remains a high risk in the majority of Welsh catchments and the primary cause of waterbody failure is physical modification.

3.6.2. *Flood Consequence Assessments [APP-117]*

3.6.2.1. No further comments to those provided previously for the PEIR, our comments have been addressed and thus the relevant risk management authority (LLFA/SAB) should provide any additional advice.

3.6.3. *Surface watercourses and NRW Flood Zones [APP-118]*

3.6.3.1. The title of the document may be misleading by using 'Surface watercourses...'. There are no references to the mapped outlines for Surface Water and Small Watercourses as shown on the Flood Map for Planning for watercourses which have a catchment area less than 3km². This is crucial since all of crossings along the route are those of small (ordinary) watercourses and the document should be updated to accordingly.

3.6.3.2. It is noted that 'ordinary' watercourses have been shown on figures 1.3 to 1.5 along with Main Rivers. It may therefore be useful to use the FMfP 'detailed view' to produce the flood outlines for Sea, for Rivers and for Surface Water and Small Watercourses.

3.6.4. *Outline Flood Management Plan (OFMP) [APP-219]*

3.6.4.1. This document is adequate to manage flood risk as an appendix to the Outline Code of Construction Practice document (Ref J26) [APP-212] for flood risk from the sea at landfall location.

3.6.4.2. However, there will be flood risk associated with the small watercourses/ordinary watercourses as a result of the onshore development route. It may be appropriate to also consider flood risk from these sources as shown on the Flood Map for Planning Flood zones 2 and 3 for Surface water and Small Watercourses. The respective LLFA would be able to advise if the management plan for this source of flood risk can be managed in any updated OFMP.

3.7. Materials and Waste

NRW (A) notes that the final Site Waste Management Plan [APP-221] will be approved by the LPA. We agree with this approach and consider that waste will be appropriately managed. NRW (A) should be consulted on the final Site Waste Management Plan [APP-221] as part of the Code of Construction Practice [APP-212] prior to discharge of Requirement 9.

4. NRW REGULATION AND PERMITTING SERVICES: MARINE LICENSING – REGULATORY RESPONSE

The Welsh Ministers delegated functions for the administration and determination of Marine Licence applications under Part 4 of the Marine and Coastal Access Act 2009 to Natural Resources Wales. The representation below is provided by NRW's, marine licensing function (referred to as NRW MLT for the purposes of this representation) in respect of the proposal.

4.1. The Marine Licence proposals

As set out within the Marine Licence Principles Document (APP-195), two Marine Licences are sought for the Mona Offshore Wind Project;

- A Licence in respect of the Generation Assets, to be deemed as part of the Development Consent Order (DCO)
- A separate Licence in respect of the Transmission Assets to be granted by NRW MLT.

NRW MLT agrees that the DCO sought may, in principle, lawfully include provisions deeming a Marine Licence to have been issued for those marine licensable activities that are wholly within Welsh Offshore Waters in accordance with s149A of the Planning Act 2008. The Transmission Assets are located within both the Welsh inshore and offshore region and therefore cannot be deemed as part of the DCO and a separate Marine Licence is being sought from NRW MLT.

The applicant submitted a Marine Licence application in respect of the Transmission Assets to NRW MLT on the 29 April 2024. The application is currently undergoing

our validation checks and if/when accepted, NRW MLT will be commencing a consultation process with relevant consultation bodies and the public in relation to this application. It is anticipated that this application will be determined concurrently with the DCO examination, although it is currently not possible to provide an indicative timescale in respect of the determination. Although there are issues that substantively overlap between the determination of the DCO and the Transmission Assets Marine Licence application, it should be noted that the respective consents must be determined separately.

NRW MLT, has determined that an Environmental Impact Assessment is not required in relation to the Marine Licence for the Transmission Assets in reliance on Regulation 10 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended). This is on the basis that we are satisfied that an EIA assessment in respect of the project is to be carried out by the Secretary of State and that such assessment will be sufficient to meet the requirements of the EIA Directive. NRW MLT must take into account inter alia the conclusions of the Secretary of State's assessment, any conditions attached to the DCO, and mitigation and monitoring measures. A practical consequence of this therefore is that we would not be in a position to issue a Marine Licence for the Transmission Assets until the DCO has been issued.

NRW MLT in its delegated role as Licensing Authority will be responsible for determining any request to discharge conditions of a Marine Licence and therefore have a keen interest in ensuring that the provisions drafted in a deemed Marine Licence are appropriate to allow it to exercise this function.

Although a number of Marine Licences have been deemed within DCOs in English Waters, this is the first deemed Marine Licence that has been sought in Welsh Waters.

NRW MLT provided the applicant with a template Marine Licence and condition bank to aid with drafting. However, the applicant has sought to use deemed Marine Licences issued in English waters as their template for the proposed deemed Marine Licence. Although we are not opposed to this approach, there has been minimal pre-application engagement in regard to the drafting of the Licence therefore there remains a number of outstanding comments and concerns. The relevant representation below contains the key concerns surrounding the drafting of the Licence. Whilst a number of further comments on the drafting has been provided in Annex 1.

4.2. Decommissioning

The marine licensable activities in para 3 of schedule 14 of the draft DCO list construction, maintenance and operation of the scheme but there is no reference to decommissioning.

Consultation Report Appendices Part 3 - reference Mon_054_542_010623 (APP-040), details that the applicant does not intend for the deemed Marine Licence to cover decommissioning activities. However, the Marine Licence Principles Document (APP-195) states that the deemed Marine Licence will include provisions for decommissioning. The Explanatory Memorandum (APP-024) section 1.2.1.1 details that the purpose of the DCO is for the construction, operation and decommissioning of the scheme.

The applicant should clarify whether it proposes to include decommissioning provisions within the deemed Marine Licence, and if so, amend the deemed Marine Licence accordingly to reflect this.

If licensable decommissioning activities are not included within the deemed Marine Licence, a further Marine Licence would need to be sought at a later date prior to decommissioning activities being carried out. This should be acknowledged by the applicant.

NRW MLT previous practice has included decommissioning activities alongside construction and maintenance within the Marine Licence.

4.3. Transfer of the Licence

Para 7 of Schedule 14 (deemed Marine Licence) of the draft DCO proposes to amend the provisions under s72 MACAA2009 for the transfer of the Marine Licence. Specifically, the applicant proposes that the powers to transfer should be given to the Secretary of State instead of the Licensing Authority. NRW MLT has concerns over the inclusion of this provision.

Neither the Explanatory Memorandum (APP-024) or Consultation Report Appendices Part 3 - reference Mon_054_545_010623 (APP-040), provides rationale for this change only noting that it has been used previously in deemed Marine Licences in English Waters.

NRW MLT's initial concerns in this regard are firstly whether such a provision would be lawful in amending the provisions of s72 of MACAA2009 and secondly that the inclusion of such provision would result in differentiating the arrangements for transfer for the generation/transmission Licences for the project. NRW MLT would also question the need for such provision when there is already an established mechanism set out in MACAA for the transfer of a Licence.

Therefore, the applicant should provide further explanation and justification as to the need and lawfulness of this proposed provision.

4.4. Overlap between the generation and transmission Licences

The Marine Licence Principles Document (APP-195) states that there is intentional overlap between the generation and transmission Licences in relation to the

authorisation of offshore substation platforms and the inter-connector cables, which are duplicated within both Licences. The reason given being, that the location of the offshore substation platforms at this stage are unknown, likewise it is unknown at this stage whether the offshore substation platforms and inter-connector cables will be transferred to the Offshore Transmission Operator alongside the Transmission Assets in future.

The applicant has not provided details as to how the deemed Marine Licence can lawfully address this overlap, specifically ensuring that the deemed generation and transmission Licences when taken together do not authorise the construction of more than four offshore substation platforms.

NRW MLT has previously dealt with similar issues by including the following condition on both licences:

No Works relating to the Offshore Substation Platform shall be carried out until the Licensing Authority has given written approval.

Such approval would be subject to confirmation/evidence being provided to NRW MLT demonstrating that the offshore substation platforms would not exceed the quantity assessed as part of the Environmental Statement.

In respect of the Marine Licence Principles Document (APP-195) itself, the applicant has detailed conditions it would anticipate being incorporated within the Marine Licence for the Transmission Asset (based on review of previous Marine Licences issued in Wales), and have compared these with those presented within the deemed Marine Licence for the Generation Asset. NRW MLT note that in some instances conditions which are detailed as anticipated within the Transmission Licence, are omitted from the deemed Marine Licence with no rationale provided for their omission. For example, where a Compliance Report has been proposed for the transmission Marine Licence, no such equivalent report has been proposed within the deemed Marine Licence. NRW MLT consider that further details are required to explain the justification for these omissions in the deemed Marine Licence.

4.5. Approval of Plans

Condition 19(2) of the deemed ML provides that NRW must determine an application for approval made under condition 18 (pre-construction plans and documents) within a period of four months commencing on the date the application is received by NRW MLT. NRW MLT do not consider the condition necessary. There are no provisions under MACAA2009 for such time limits and it would not be consistent with NRW MLT's established practice to constrain its determination to a defined period.

We also note that time limitations (as set out in Condition 19(2)) are not proposed in respect of the approval of Plans under other conditions of the deemed Marine Licence, including condition 20 (the Underwater Sound Management Strategy) and

condition 21 (related to UXO method statement). We consider this approach is appropriate and consider that the provision stated within 19(2) should be removed.

Condition 21 related to UXO method statement details that a plan must be submitted for approval 3 months prior to commencement of unexploded ordnance clearance activities. We would request that this is increased to 4 months to align with timeframes set for other plans and to ensure sufficient time is given to allow detailed review and consultation as is necessary.

4.6. Reference to NRW as the Licensing Authority

'NRW' is used by the applicant throughout the deemed Marine Licence as the Licensing Authority.

NRW provides two distinct and separate function in relation to the Marine Licence. This includes in relation to its role acting on behalf of Welsh Ministers as the Licensing Authority, and secondly in its environmental advisor function and that of the Appropriate Nature Conservation Body.

Therefore, for clarity and consistency with existing Marine Licences in Wales, we would request that the 'Licensing Authority' is used throughout the deemed Marine Licence in place of 'NRW' and the definition amended to detail that the Licensing Authority means NRW acting on behalf of the Welsh Ministers. This will also aid with consistency with the transmission Marine Licence.

4.7. Designated Disposal Site

The applicant is proposing to designate a disposal site for disposal of material associated with the construction of the project. A site Characterisation Report has been provided for the Generation Asset (APP-205) and separate site Characterisation Report (APP-206) for the offshore cable corridor which is part of the Transmission Assets.

It is established practice for NRW MLT to consider the designation of a disposal site and the suitability of material for disposal at sea during the determination of the Marine Licence application. As part of this determination NRW MLT would consult with independent external scientific advisors for specific advice on whether sufficient information has been provided for the designation of the disposal site, whether sufficient sampling has taken place by the applicant, whether the sampling has indicated that material is suitable for disposal at sea, and whether further monitoring will be required during the course of the Licence, in line with OSPAR guidelines. If this advice has not be sought by the Examining Authority we would need to consider this further.

Where a disposal site is designated, a unique disposal site code would be allocated to the site by Cefas (Centre for Environment, Fisheries and Aquaculture Science) who lead and maintain an active list of all open and closed or disused sites in UK waters and allocate a unique reference to each site. NRW MLT would then include

reference to this disposal site within the Marine Licence. As this is the first deemed Marine Licence issued in Wales, NRW MLT would seek clarity from the Examining Authority whether it is their intention to seek to designate the disposal site and obtain the appropriate disposal site code from Cefas during the determination of DCO and deemed Marine Licence.

NRW MLT would also request that sediment sampling results are provided by the applicant within the proforma provided on our website which aids with both consultation and ongoing OSPAR reporting should the application be positively determined.

4.8. Enforcement Authority

The enforcement provisions in respect to conditions of a Marine Licence have not been delegated to NRW and remain with Welsh Government. This has been correctly identified within the deemed Marine Licence itself (Schedule 14 of the DCO), however the Environmental Statement Chapter 2 Policy and Legislative Context (APP-049 - section 2.3.3.2), incorrectly refers to NRW as the Enforcement body in respect to conditions of the Marine Licence.

5. NRW's GENERAL PURPOSE

NRW is satisfied that this advice is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short-, medium- and long-term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

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7. ANNEX 1

	Schedule 14 deemed Marine Licence - Reference	Comment
1	Title. Marine Licence: Mona Offshore Wind Farm Generation Assets	For consistency with NRW MLT established practice we require that a Marine Licence reference number is included, that being ORML2429G. We would suggest it is included within the title of Schedule 14 as follows; "Marine Licence ORML2429G: Mona Offshore Wind Farm Generation Assets"
2	Definition - Commercial operation	This definition has been provided in place of "commissioned" which appears to have been used in deemed Marine Licences elsewhere for this purpose. The applicant should explain why this term has not been adopted
3	Definition – Joint Nature Conservation Committee	It is unclear why a separate definition of JNCC is provided. While separate definitions for other nature conservation bodies including NRW and Natural England have not been included. The applicant should explain the rationale for this. See also row 8 below.
4	Definition - measures to minimise disturbance to marine mammals and rafting birds from transiting vessels	NRW MLT considers that this would be better referenced to as a Plan.
5	Definition – Natural Resources Wales	See para 4.6 of the relevant representation.
6	Definition – offshore in-principle monitoring programme	NRW MLT consider that this should be renamed as an "outline" programme to be consistent with established practice. Unless the applicant is able to provide an explanation of the difference between an "in-principle" and "outline" programme.
7	Definition - Statutory Historic Body	This should refer to CADW, Welsh Archaeological Trust, and Royal Commission on the Ancient and Historical Monuments of Wales, or its successor bodies.
8	Definition - Statutory nature conservation bodies	Clarity is required in order to understand which organisations this is referring to.

9	Definition – Co-ordinates - all coordinates are latitude and longitude degrees and minutes to two decimal places.	We request co-ordinates are provided in decimal degrees rather than degrees and minutes.
10	NRW Marine Licensing Team – contact details	The following address should be included; Welsh Government Offices Cathays Park King Edward VII Avenue Cardiff CF10 3NQ
11	Definition NRW Advisory – contact details	Contact details not required and should be removed. No conditions within the deemed Marine Licence requires submission directly to NRW Advisory.
12	Para. 2(g) the disposal of up to 13,037,497 cubic metres of inert material of natural origin within Work No. 1 produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works.	Rather than refer to disposal of material within Work No.1 we would consider the condition would be clearer if the boundary of the disposal activity referenced to the co-ordinates in Table 3. This should also reference the Disposal Site Code once the disposal site has been designated.
13	Para. 2 Details of licensed marine activities There is no reference to UXO clearance	UXO clearance is a licensable activity therefore should be listed in condition 2.
14	Para. 3 Work No 1 (c) up to four offshore substation platforms each fixed to the seabed by a foundation; and (d) a network of subsea interconnector cables between the offshore substation platforms including cable crossings and cable protection; and	Both (c) and (d) works are proposed to also be included within the non-deemed marine licence alongside the transmission assets. Clarity is required to understand how the Marine Licence seeks to control this overlap, specifically ensuring that deemed Marine Licence and transmission Marine Licence when taken together do not authorise the construction of more than four offshore substation platforms See section 4.4 of the relevant representation.
15	Para. 3 Work 1 (d) the removal of material from the seabed required for the construction of Work No. 1 and the disposal of inert material of natural	See comment reference 12 above related to limiting the disposal area by the co-ordinates defined within Table 3 rather than reference to Work No 1.

	origin and/or dredged material within Work No. 1 produced during construction drilling, and seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching;	
16	Para. 3 Work 1 (h) (h) the use of extracted seabed material within gravity base foundations	We consider that this should detail the maximum amount of material that can be used for this purpose.
17	Para. 4(f)	See comment reference 12 rather than defining area by reference to Work No 1, we consider the area would be better defined by reference to Table 3.
18	Table 3	Co-ordinates are listed as latitude and longitude degrees and minutes to two decimal places. This does not reflect the co-ordinates in the table. Regardless we would request that co-ordinates are provided in latitude and longitude decimal degrees.
19	Para. 6 This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) of the 2004 Act including any modification to the programme under section 108 (reviews and revisions of decommissioning programmes) of the 2004 Act, and the completion of such programme has been confirmed by the Secretary of State in writing.	We request the following text is inserted to refer to requirement 20 of the DCO. This licence remains in force until the authorised scheme has been decommissioned in accordance with the provisions of requirement 20 of this Order and a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) of the 2004 Act including any modification to the programme under section 108 (reviews and revisions of decommissioning programmes) of the 2004 Act, and the completion of such programme has been confirmed by the Secretary of State in writing.
20	Decommissioning has not been included as a licensed activity	See section 4.2 of the relevant representation
21	Para. 7 The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of	We request provision is removed. See further detail in section 4.5 of the relevant representation.

	the licence apply only to a transfer not falling within article 7 (benefit of order) of the Order.	
22	Para. 9. Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment or variation may only be given where it has been demonstrated to the satisfaction of NRW that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.	Remove – do not consider necessary
23	Table 4	Some parameters we would have expected to see not present e.g. Maximum volume of natural material for disposal, Maximum total volume of scour protection (this could be split between generators and platforms) Maximum volume of cable protection Maximum footprint of cable protection Maximum volume of extracted material to be used in gravity base foundations
24	Table 4 Minimum distance between offshore surface structures within in a row	Grammatical error “within in a row”
25	11 The undertaker may at any time maintain the authorised scheme, except to the extent that this marine licence or an agreement made under this marine licence provides otherwise.	We request the following text is inserted. The undertaker may at any time maintain the authorised scheme, so far as is consistent with the provisions of this licence and except to the extent that this marine licence or an agreement made under this marine licence provides otherwise.
26	Para. 11 (3) No maintenance works authorised by this marine licence may be carried out until an operations and maintenance plan in accordance with the outline operations and maintenance plan	Change “details” to Plan

	has been submitted to and approved by NRW in writing. Maintenance must be carried out in accordance with the approved details .	
27	Para. 12 Any time period given in this marine licence to either the undertaker or NRW may be extended with the agreement of the other party, such agreement not to be unreasonably withheld or delayed.	See section 4.5 of relevant representation in relation to requirement 19(2). We consider that this therefore should be amended to; Any time period give in the marine licence may be extended with the agreement of the Licensing Authority.
28	Para. 13(b) those persons referred to in paragraph (a) must be requested to confirm receipt of a copy of this licence in writing to NRW within 28 days of receipt.	Not a general requirement in NRW Marine Licences we consider this could be removed.
29	Para. 13(4) The information referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3)(b).	Request that “authorised enforcement officer” is changed to “by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers”
30	Para. 13 7 (b) and confirmation of notification must be provided to NRW and the MEO within five days.	Standard conditions used in previous NRW Marine Licences have not required that confirmation of notice to kingfishers is also sent to Marine Enforcement Officers
31	Para. 13 (8) and (9)	Standard conditions used in previous NRW marine licences have not required that confirmation of notice is also sent to MEO.
32	Para. 16 (2) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.	This refers to pollution prevention control guidelines produced by the Environment Agency. NRW MLT has not been provided with the Environment Agency’s Pollution Prevention Control Guidelines referred to and therefore we are unable to confirm whether this reference is applicable.
33	Para. 16 (7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost within the Order limits, the undertaker must report the loss in writing to NRW and the MEO within 48 hours and if NRW, in consultation with the MEO, reasonably	We would advise that para. 16 (7), 16 (10) and 17 could be placed together as relate to the same issue. We would request that 16 (7) is amended,. that the undertaker must report the loss to NRW, MEO, Trinity House and the MCA.

	<p>considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to NRW that reasonable attempts have been made to locate, remove or move any such material.</p>	<p>The condition should also be amended that the undertaken must locate the material and recover it at its own expense unless otherwise approved by Licensing Authority.</p> <p>Examples of condition usually used as standard in NRW licences are below;</p> <p>Accident or Emergency 3.7.1 If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority, Trinity House and the Maritime and Coastguard Agency within 48 hours of the incident occurring. 3.7.2 If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.</p> <p>Removal of Deposited Material If the Licensing Authority considers it necessary or advisable for the safety of navigation. The Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, or as otherwise agreed, and shall not replace such material until the Licensing Authority has given its written approval.</p>
34	<p>Para. 16 (10) All dropped objects must be notified to NRW in accordance with the dropped objects plan. On receipt of a notice NRW may require relevant surveys to be carried out by the undertaker (such</p>	<p>This condition should be amended to provide that the undertaken must locate the material and recover it at its own expense unless otherwise approved by Licensing Authority.</p>

	as side scan sonar) if reasonable to do so and if reasonable to do so NRW may require obstructions to be removed from the seabed at the undertaker's expense.	In addition, "if reasonable to do so" should be removed.
35	Para. 17 If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to NRW, the MEO, Trinity House and the Maritime and Coastguard Agency.	This condition should also be amended to include; (2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the Licensing Authority.
36	In connection with Para. 16(7), 16(10) and 17	In line with establish practices NRW MLT requests that an additional condition is provided, as follows: If it is necessary for the undertaker to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the undertaker is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority. Reason: to allow for the recovery of objects that have been accidentally dropped when carrying out the Licenced Activity.
37	Para. 18 (1) No part of the authorised scheme may commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by NRW, in consultation with the relevant statutory nature conservation body Trinity House and the MCA as appropriate	We do not consider it necessary to list the consultation bodies within this condition, reference to specific consultation bodies can be removed. As drafted, NRW MLT considers that the reference to consultation bodies is imprecise, as it fails to specify which Plans are relevant and fall to be considered by those consultation bodies identified. It also fails to provide a complete list of consultees that would be required for the

		breadth of plans listed in section 18. If however the applicant maintains that reference to consultation bodies is considered necessary we consider that amendments will need to be made to ensure reference to consultation bodies are precise and directed to specific plans.
38	Para. 18 (c) (iii) (iii) at least four months prior to the authorised scheme being brought in commercial operation scheme, details of operational monitoring, if required	See comment row 2. This would be useful to understand why the change from commissioning which appears to have been used in other deemed Marine Licences.
39	Para. 19 (2) NRW must determine an application for approval made under condition 18 within period of four months commencing on the date the application is received by NRW, unless otherwise agreed in writing with the undertaker.	We consider this should be removed see section 4.5 of the Relevant Representation.
40	Para. 21 (2) The method statement (excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iii)) and the marine mammal mitigation protocol must be submitted to NRW for approval at least three months prior to the date on which unexploded ordnance clearance activities are intended to begin	We would request that this is amended from 3 to 4 months to align with other plans proposed. We remain unclear why (1)(a)(ii) and (1)(a)(iii) are excluded from the information required to be submitted to NRW with the method statement. If not provided with the method statement when would this information be available? And when would this be provided for approval?
41	Para. 21(4) Subject to sub-paragraph (5), an unexploded ordnance close-out report must be submitted to NRW and the relevant statutory nature conservation body within three months following the end of the unexploded ordnance clearance activity and must include the following for each detonation undertaken	Unclear why 3 months is required to submit a close out report post activity. The information proposed in the close out report does not seem extensive and therefore would request that a shorter timeframe be considered.
42	Para. 21 4(b) whether any mitigation was deployed including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably	We require further clarity regarding the purpose of this condition.

	practicable, or justification if this information is not available.	
43	<p>Para. 22</p> <p>No part of the authorised project may commence until NRW, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN654 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (or any equivalent guidance that replaces or supersedes it) and its annexes.</p>	<p>We advise that there is modification of the condition as follows, consistent with NRW MLT established practice;</p> <p>No part of the Licensed Activities may commence prior to written approval from the Licensing Authority in consultation with the Maritime and Coastguard Agency that a Search and Rescue checklist has been agreed and is in place in line the requirements of MGN654 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response” (or any successor document)</p>
44	<p>Para. 23 (1) (b)</p> <p>a completed Hydrographic Note H102 each week during the construction of the authorised scheme listing the vessels currently and to be used in relation to the licensed marine activities.</p>	<p>We require clarify as to what is meant by Hydrographic Note H102</p>
45	<p>Para. 26.—(1)</p> <p>The undertaker must, in discharging condition 18(1)(c) submit details (which accord with the offshore in-principle monitoring plan) for approval in writing by NRW in consultation with the relevant statutory nature conservation body of proposed post-construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.</p>	<p>We consider that the condition should also require that Reports on the results of monitoring should be provided to the Licensing Authority no later than four months following receipt by the undertaker of the results of monitoring to which it relates, unless otherwise agreed with the Licensing Authority in writing.</p>
46		<p>We require a Compliance Report to be submitted for approval prior to commencement of any licensable activity. The compliance report should identify all relevant Plans and monitoring which is applicable to associated works.</p> <p>We proposed the condition below consistent with established practice for previous licences;</p>

		<p>The Licence Holder must produce and submit a report on compliance with the conditions in this Marine Licence for the approval of the Licensing Authority at least 2 months prior to commencement of the Licensed Activities or an individual phase of Licenced Activities.</p> <p>The report must identify where the monitoring has been or is to be undertaken for each phase of construction and identify relevant plans and how conditions have been and are to be addressed. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.</p>
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