



SHEPHERD+ WEDDERBURN

WRITTEN REPRESENTATION ON BEHALF OF

(1) BARROW OFFSHORE WIND LIMITED (REF: 20048546) (2) BURBO EXTENSION LTD (REF: 20048544) (3) WALNEY EXTENSION LIMITED (REF: 20048542) (4) MORECAMBE WIND LIMITED (REF: 20048547) (5) WALNEY (UK) OFFSHORE WINDFARMS LIMITED (REF: 20048545) (6) ØRSTED BURBO (UK) LIMITED (REF: 20048543) (THE "ØRSTED IPs")

IN CONNECTION WITH THE Application by Mona Offshore Wind Limited for an Order Granting Development Consent for the Mona Offshore Wind Farm

## Introduction

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- 1.1 This written representation is provided in accordance with Deadline 1 of the examination timetable for the application by Mona Offshore Wind Farm Limited (the “**Applicant**”) for an Order under the Planning Act 2008 (the “**Act**”) granting Development Consent for the Mona Offshore Wind Farm (the “**Project**”).
- 1.2 We represent six owners of operational offshore windfarms in the East Irish Sea (as set out relevant representations RR-004, RR-007, RR-047, RR-087, RR-088 and RR-090), who we refer to together as the “**Ørsted IPs**” for the purposes of this written representation.
- 1.3 The Ørsted IPs have been engaged in a consultation process with the Applicant in respect of the potential impacts of the Project on the Ørsted IPs’ developments. The Ørsted IPs have provided written responses to notification of the Project under section 48 of the Act and filed relevant representations in respect of the Project. The Ørsted IPs were represented at Issue Specific Hearing 2 (“**ISH2**”) on 17-18 July.
- 1.4 As outlined in the consultation documents, relevant representations and at ISH2, the Ørsted IPs do not oppose the Project in principle. However, they have concerns regarding the interactions between the Project and their developments which are yet to be resolved. Primarily, the Ørsted IPs’ concerns relate to the effects of the Project on wildlife, shipping and navigation and wake loss, addressed in turn below. The Ørsted IPs’ concerns regarding shipping and navigation were briefly presented during ISH2.

## Wildlife Impacts

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- 1.5 As flagged during ISH2, given the increasingly complex nature of the existing and proposed development environment in the East Irish Sea, the Ørsted IPs have an interest in ensuring the EIA for the Project accurately assesses the potential effects of the Project on wildlife and identifies appropriate mitigation. This is the case both in respect of the effects of the Project alone and cumulatively/in-combination with other relevant projects.
- 1.6 The Ørsted IPs have reviewed the Project documentation in order to understand the basis on which the Applicant has reached its conclusions regarding the effects of the Project on wildlife.
- 1.7 As a general point, the Ørsted IPs have identified some discrepancies in the Applicant’s assessments and consider that in some cases it is unclear how the Applicant has reached its conclusions. For example, the Applicant’s assessment of the Project’s cumulative impacts on ornithology has not included available data on some cumulative impacts, such as quantitative displacement data for the Ormonde, Robin Rigg and West of Duddon Sands developments in relation to gannet. Additionally, in some cases, outdated population data has been relied on in the Applicant’s HRA assessment of effects on Special Protected Areas, which has resulted in those features being excluded from in-combination assessment.<sup>1</sup>
- 1.8 The approach to apportionment in the HRA ornithology SPA assessment also lacks clarity in places. For example, impacts on several species have been apportioned to sites where that species is not a designated feature or known to breed. A significant proportion of impacts for guillemot, razorbill, kittiwake, herring gull and great black-backed gull have been apportioned to the Anglesey Terns SPA, for instance, despite these species not being designated features of that site.
- 1.9 We also consider the Applicant has strayed from established methodology for some aspects of its HRA. For example, collision risk with vessels for marine mammals has been screened-out for further assessment on the basis of factored-in mitigation measures. However, factored-in measures should not be taken into account at stage 1 screening.
- 1.10 Additionally, the Applicant’s stage 2 Appropriate Assessment of ornithological features incorporates an additional screening process, whereby sites are screened out based on:

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<sup>1</sup> For example, the kittiwake impact at Ireland’s Eye SPA is assessed against a population of 3,100 breeding adults in as opposed to the most recent count of 910 breeding adults, and the kittiwake impact at the Cape Wrath SPA is assessed against a population count of 20,688 breeding adults, instead of the more recent count of 7,244 breeding adults. As a result, the effects on these features have not met the in-combination assessment threshold of a percentage increase in baseline mortality of >0.05%.

- 1.10.1 the mortality risk to the species based on the project alone, with in-combination only being considered if the Project will have an impact greater than a 0.05% change in mortality; and
  - 1.10.2 potential impacts on conservation objectives for the designated sites being considered only where the impacts (alone or in-combination) will result in a greater than 1% change in baseline mortality of a species that is a qualifying feature of the site.
- 1.11 Consideration of conservation objectives is a required process within HRA Stage 2 assessment. The Applicant's approach has resulted in impacts such as barrier effects not being considered, despite these being relevant considerations for the conservation objectives of many qualifying interests outside of solely impacts based on changes in mortality as part of the displacement assessment.
- 1.12 Finally, we consider the basis of the Applicant's baseline assessment of impacts on marine mammals is unclear. No baseline information is provided that specifies the marine mammal population densities of qualifying interests within the Project's Zone of Influence (**Zol**). The Applicant has referenced technical reporting which discusses site-specific surveys, however this information does not appear to have been used in establishing the baseline for the Zol and the rationale for this is not clear.
- 1.13 The issues flagged above raise concerns about the adequacy of the Applicant's environmental assessment and also aspects of the HRA.

### **Shipping and navigation**

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- 1.14 The Ørsted IPs have concerns regarding the Applicant's assessment of the impacts of the Project on shipping and navigation. In particular, the Ørsted IPs are concerned as to how the cumulative risks to shipping and navigation could be managed, in light of the level of development in this area, and the uncertainty regarding the location of construction and operation/maintenance operations. The Ørsted IPs consider some level of coordination will be required between developers and other sea users in the area.
- 1.15 In line with technical advice the Ørsted IPs have received on this issue, we seek that the Applicant provide ongoing updates regarding its consultation with vessel operators including any likely future case routeing which may impact the Ørsted IPs' developments, as well as engagement on any mitigations which could influence the Ørsted IPs' developments (including any positive measures). In addition, the Ørsted IPs seek that a mechanism is developed to ensure they are consulted in respect of any operational procedures for the Project, relating to construction and operation traffic to/from the Ørsted IPs developments.

### **Energy Yield**

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- 1.16 Due to the proximity of the Project to the Ørsted IPs' developments, the Ørsted IPs are concerned the Project will interfere with the wind speed and/or direction at their developments and therefore adversely affect energy yields.
- 1.17 The Applicant has treated the potential impacts of the Project on wake loss purely in terms of economic loss in the EIA, and as the panel will know, to have significant economic effects in EIA terms requires very extensive effects. That is the nature of economic evaluation in this context. The live issue is that the wake losses would be a real impact on an existing sea user and should be balanced in terms of the proposed benefits of the Project. The Applicant through design should have to minimise such effects. Such an approach requires an evaluation of the potential impacts.
- 1.18 Internal modelling undertaken by the Ørsted IPs indicates that the Project will have an impact on energy yield at their developments. In order to properly understand the effects of a development, the specific environment and relevant developments should be carefully considered. This issue is not only important in terms of impacts experienced by other sea users but is a matter of good design. It is also relevant to the degree of climate change benefit the Project offers.
- 1.19 We submit that the Applicant must model and assess the effects of the Project on other developments in the East Irish Sea, and if required, provide suitable mitigation. If the Applicant declines to undertake this assessment, the Ørsted IPs will commission it. The inclusion of a requirement like that implemented in the Awel y Mor Development Consent Order, which required

that no wind turbine generator could be erected “...until an assessment of any wake effects and subsequent design provisions to mitigate any such identified effects as far as possible has been submitted to and approved in writing by the Secretary of State...”<sup>2</sup> may be suitable.

**Shepherd & Wedderburn LLP**

**07.08.2024**

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<sup>2</sup> Schedule 2, paragraph 25 of the Awel y Môr Wind Farm Order 2023/1033.