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JNCC Reference: OIA-10354
JNCC Interested Party Ref: 20048439
PINS Reference: EN010137
Date: 7 August 2024

By email: monaoffshorewindproject@planninginspectorate.gov.uk

To whom it may concern,

Mona Offshore Wind Project – Issue Specific Hearing 2 – Action Point Responses

1. The following provides a response to the actions points resulting from the Mona Offshore Wind Project Issue Specific Hearing 2: Onshore and Offshore Environmental Matters and dDCO Hearing Actions Points. The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit).

AP20 - “Confirm whether you are satisfied with the Applicant’s approach to disturbance from elevated underwater sound due to piling or do you think it is necessary to assess separately the effects of Acoustic Deterrent Devices.”

2. JNCC confirm they are satisfied with the applicant’s approach to disturbance from piling noise and how the use of Acoustic Deterrent Devices (ADDs) has been incorporated into the assessment, which reflects assessments undertaken for other wind farm developments.
3. In addition, McGarry et al (2022) undertook simple modelling to ascertain whether ADDs in isolation could cause injury to marine mammals. This concluded that risks were low, with no injury predicted at greater than 130m from the devices modelled. Ensuring the pre-piling mitigation search (see APP-207) commences before the ADD is switched on (with the ADD activation overlapping with the latter part of the pre-piling mitigation search) will mitigate this risk i.e. the ADD is only switched on if the marine mammal observer confirms there are no animals near the device. Subsequently we do not think it is necessary to model the impacts of the ADD separately as:
 - the ADD will only be used immediately prior to piling,
 - the duration of that deployment will be controlled with activation times defined in the mitigation plan,
 - and the risk of injury from the ADD alone will be low and can be mitigated.

4. We highlight that an updated version of McGarry et al is underway which provides a review of evidence supporting the effectiveness of different models of ADD currently available. This should be published before the end of this year, and so will be available to support development of the final mitigation plan. On this basis, JNCC does not consider it necessary to assess separately the effects of ADDs.

AP24 – “JNCC and NRW(A) to confirm their positions to ADD following Applicant response to Relevant Representations Disturbance from elevated underwater sound due to piling.”

5. JNCCs Relevant Representations did not specifically refer to the use of ADDs as a form of mitigation for elevated underwater sound due to piling. We did, however, comment on the applicant’s response to our request at the Preliminary Environmental Information Report (PEIR) stage (APP-040, D.25.10, Reference Identifier Mon_060_045_010623) to include additional mitigation measures above ADDs. Please refer to our Written Representations for further details.
6. We were aware of comments made by Natural Resources Wales (NRW) on this topic (PDA-008, Unique Reference Identifier RR-011.28), which stated that the additional disturbance caused by large-scale ADD use has not been considered, especially considering the disturbance effects on harbour porpoises beyond the intended mitigation zone. The Applicant acknowledged these comments (PDA-008, Unique Reference Identifier RR-011.28) and agreed that the potential effect of ADDs should not be overlooked but argued that it did not change the outcome of the assessment, and that the approach taken (which involves modelling the piling both with and without the use of an ADD for a period of 30 minutes (Table 4.5, APP-056)) was typical for offshore wind assessments. In addition, the Applicant stated that the disturbance ranges for ADD use are smaller than those for piling and that it is captured within the disturbance from piling assessment. Finally, the Applicant confirmed that they will carefully consider the need for a proportionate application of ADDs.
7. JNCC agree with NRW’s point but also recognise the type of ADD to be deployed is yet to be chosen. JNCC also agree the current assessment is typical for offshore wind projects and are of the opinion that the approach is satisfactory.
8. We do, however, recommend careful consideration is given to the effective range of different ADDs when choosing a device to deploy, to minimise unnecessary disturbance at greater distances, e.g. at distances greater than the predicted injury ranges for piling. Further consideration of this issue and how this will be dealt with should be provided in the final Underwater Sound Management Strategy (APP-202) and final Marine Mammal Mitigation Plan (APP-207). This should provide confidence that unnecessary disturbance will be minimised when choosing which type of ADD to deploy.
9. The updated McGarry report (McGarry et al. 2022) will provide an overview of evidence supporting the effectiveness of currently available ADDs and should be available to support the development of these documents.

AP25 – “Advise on your position on magnitude for disturbance to marine mammals from elevated underwater sound due to vessel use and other (non-piling) sound producing activities.”

10. JNCC agree with Natural Resources Wales (NRW) Relevant Representations (PDA-008, Unique Reference Identifier RR-011.27) that, “*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.*”
11. We are aware of the Applicant’s response to NRW relevant representations (PDA-009), which gives detailed examples of the studies used within the Environmental Statement (ES; APP-056), of harbour porpoise responses to vessels associated with construction activities. We note however, these studies are often based on a single vessel or type of vessel / non-piling noise source, and do not consider circumstances where there will be a wide range of vessels or that other noise sources may be occurring simultaneously. Neither do these studies consider vessel use may be ongoing for prolonged periods. As such, JNCC also agree with NRW that the use of static impact radii is an unrealistic scenario given the mobile nature of vessels.
12. However, we also recognise it is impractical to determine the impact ranges of all vessels that may be present. We therefore agree with the suggestion being put forward by NRW (as stated in their Written Representations) of assuming a single track for all vessels from port to the array area (e.g. the centre of the array), and using an impact radius taken from the literature to the estimated ensonified area.
13. Until that further assessment has been carried out, JNCC is unable to confirm the magnitude of disturbance to marine mammals from elevated underwater sound due to vessel use and other (non-piling) sound producing activities.

AP27 – “Submit any views on the lack of provision for marine mammal monitoring to test the predictions made within the impact assessment.”

14. With the exception of UXO clearance on harbour porpoise, it was concluded in the ES (APP-056) there would be no significant impacts on marine mammals from the Mona Offshore Wind Project, either alone or cumulatively (Section 4.15, APP-056) and that “*No marine mammal monitoring to test the predictions made within the impact assessment is considered necessary*”. JNCC previously asked for further justification to support this approach at the PEIR stage ((APP-040, D.25.10, Reference Identifiers Mon_060_024_010623, Mon_060_065_010623 & Mon_060_075_010623) but no additional evidence was provided in the ES.
15. We maintain our opinion that further justification is required e.g. by relating this approach to caveats associated with the assessment methods and subsequent confidence that can be attributed to modelling that underpins these conclusions. Unless and until such justification is provided, JNCC does not agree with the Applicant that no marine mammal monitoring is required to test the predictions made within the impact assessment. Consequently, it is not possible at present to conclude that there would be no significant impacts on marine mammals due to the Project.

Please contact me with any questions regarding the above summary.

Yours sincerely,

Jillian Whyte

Senior Marine Industries Adviser

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References

McGarry, T., De Silva, R., Canning, S., Mendes, S., Prior, A., Stephenson, S. & Wilson, J. 2022. Evidence base for application of Acoustic Deterrent Devices (ADDs) as marine mammal mitigation (Version 4). JNCC Report No. 615. JNCC, Peterborough. ISSN 0963-8091