Ein cyf/Our Ref: AOS-21167-0032
Eich cyf/Your ref: EN010137
Our Unique Ref: 20048445

Natural Resources Wales
Welsh Government Offices
Cathays Park
King Edward VII Avenue
Cardiff
CF10 3NQ

Ebost/Email:
marine.advice@cyfoethnaturiolcymru.gov.uk

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

By email: monaoffshorewindproject@planninginspectorate.gov.uk

Dyddiad/Date: 30 September 2024

Er sylw / For the attention of: Jake Stephens

Annwyl / Dear Jake,

FFERM WYNT ALLTRAETH MONA / PROPOSED MONA OFFSHORE WINDFARM

CYFEIRNOD YR AROLYGIAETH GYNLLUNIO / PLANNING INSPECTORATE REFERECE: EN010137

EIN CYFEIRNOD / OUR REFERENCE: 20048445

RE: NATURAL RESOURCES WALES' DEADLINE 3 SUBMISSIONS

Thank you for your Rule 8 letter, dated 23 July 2024, requesting Cyfoeth Naturiol Cymru / Natural Resources Wales' (NRW) comments regarding the above.

Please find below NRW's Deadline 3 submissions which comprises advice on the submissions produced by the Applicant and received at Deadline 2 on 27 August 2024.

For ease of review, where our advice below refers to the Applicant's main response [REP2-080] to NRW's Deadline 1 Written Representations [REP1-056], each paragraph is preceded with the corresponding reference number extracted from REP2-080 e.g. REP2-080; para REP1-056.1.

These representations and attachments should be read in conjunction with advice previously provided into the examination.

NRW continues to engage extensively and proactively with the Applicant throughout the examination in order to resolve outstanding matters.

The comments provided in this submission, comprise NRW's response 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.

For the purpose of clarity, comments from NRWs Marine Licencing Team (NRW MLT) are titled as such and are produced in section 3; all other comments pertain to NRW's advisory (NRW (A)) role.

Our comments are made without prejudice to any further comments we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by bpENBW ('the Applicant'), the Examining Authority or other Interested Parties.

Should further clarity be required, we will be pleased to answer these further through the Examining Authority questions and / or a Rule 17 request(s).

Please do not hesitate to contact Emma Lowe [redacted]@cyfoethnaturiolcymru.gov.uk) Nia Phillips [redacted]@cyfoethnaturiolcymru.gov.uk) and Siôn Williams [redacted]@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,

[redacted]

Marine Services Manager
Natural Resources Wales

[CONTINUED]

Contents

1 OFFSHORE

1.1 Marine Ornithology

1. **REP2-080; para REP1-056.1:** NRW (A) welcomes the Applicant's comments. We have provided responses to each of these below.

2. **REP2-080; para REP1-056.2:** We welcome the Applicant's submitted detailed quantitative assessment of impacts of the Mona project alone on the kittiwake, guillemot and razorbill features of the Pen y Gogarth / Great Orme's Head Site of Special Scientific Interest (SSSI) [REP1-037]. NRW (A) provided a response on this at Deadline 2 [REP2-099], where we noted some aspects of the assessment approach that we have concerns / queries regarding, or that we do not agree with / advise are undertaken, regarding:

    - Non-breeding season age class apportioning.
    - Calculation of non-breeding season apportionment rates to the Pen y Gogarth / Great Orme's Head SSSI.
    - Concerns regarding the foraging ranges used for guillemot and razorbill (as raised by JNCC in their Written Representations, REP1-066, with which we agree) and potential implications of this for the breeding season apportionment rate calculations for the SSSI.
    - Kittiwake seasonal definitions and calculations of Environmental Impact Assessment (EIA) scale seasonal collision totals used in calculating seasonal collision impacts to the SSSI.
    - The need to consider, and present, displacement impacts across the full range of SNCB advised % displacement and % mortality rates for auk displacement assessments, and, where predicted impacts equate to 1% or more of baseline mortality of the colony to give further consideration through Population Viability Analysis (PVA).
    - The need to undertake a cumulative assessment of impacts as well as assessment of project alone impacts.

3. **REP2-080; para REP1-056.3:** With regard to the data gaps in the Applicant's cumulative and in-combination assessments, please see NRW (A)'s response to point REP1-056.59 (para 25 below) for further information in relation to this point.

4. We welcome the amendments the Applicant has made to the figures included in the cumulative assessments in the updated Offshore Ornithology Chapter in REP2-016 / REP2-17. We note that the majority of the errors in the Erebus figures have been corrected, however, there appears to still be a slight error in the Erebus guillemot breeding season figure and hence annual abundance value presented in the construction cumulative displacement in Table 5.51 of REP2-016 / REP2-017. We also query the source of the collision figures included for Erebus for the large gull species and suggest the Applicant considers the figures we provided in our Preliminary Environmental Information Report (PEIR) response regarding this and then corrects to account for the current advised species-group avoidance rates. We also welcome that the corrections made to the Mona alone figures have been taken through and updated in the cumulative tables.

5. We welcome that the Applicant has worked with the Morgan and Morecambe generation asset projects to collectively agree abundance and collision estimates used within the Mona DCO application. Please see our response to reference REP1-056.69 at para 34 below with respect to the further information provided by the Applicant regarding differences that have arisen following submission of the Morgan generation and Morecambe generation assets DCO applications. We have not yet fully reviewed these changes for consistency against the Morgan Generation application, but as we understand that the Applicant intends to submit into the examination an updated cumulative effects assessment (CEA) to address the gap filling issue at Deadline 3, we will provide further advice on cumulative effects following full review of this document.

6. Until we have reviewed the gap-filling work that the Applicant will be submitting at Deadline 3, we cannot agree with the Applicant's statement at REP1-056.3 that "…*the amendments do not alter the conclusions presented".*

7. We also welcome the confirmation that the Applicant is actively engaging with the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets to align cumulative and in-combination assessments where possible. We acknowledge that these projects are being examined separately by different Examining Authorities and that Natural England (NE) is leading the majority of SNCB input in the examinations of Morgan and Morecambe. However, NRW (A) is providing advice into these projects from a mobile species and cumulative impact perspective where there is the potential for the projects to impact Welsh protected sites / features. It should be noted by the Applicant and the ExA that our clear understanding is that the advice provided by NRW (A) regarding the CEA and in-combination assessment methods is aligned with that of NE as the advice has been provided to both the Mona and Morgan generation Applicant's through the joint project EWGs and through the Relevant Representations submitted by both SNCBs for both projects. Therefore, we are uncertain why the Applicant has sought to highlight that there are "*different principal SNCBs*" for Morgan generation assets to the Mona project and if the Applicant is implying that this should have a potential to result in different cumulative assessments or in-combination assessment for Welsh designated sites.

8. **REP2-080; para REP1-056.4**: We note the Applicants confirmation and have no further comments to make.

1.1.1 EIA Related issues

9. **REP2-080; para REP1-056.41:** NRW (A) welcomes the Applicant's comments. We have provided responses to each of these below.

10. **REP2-080; para REP1-056.42:** Please see our response in Annex A regarding the updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2 to correct the various errors and discrepancies identified by interested parties and the Applicant themselves.

11. Additionally, we note that the Applicant intends to submit at Deadline 3, assessments following SNCB advice and updated CEA to fill gaps (as requested

by the ExA in their R17 request of 15 August 24, PD-012). We recommend that the Applicant ensures that all updates to the Mona project 'alone' predicted impacts are included within this updated CEA. We will provide updated advice on levels of significance of impacts from the Mona project alone and cumulatively/in-combination following full review of these Deadline 3 submissions.

12. **REP2-080; para REP1-056.43 to REP1-056.48:** We welcome that the Applicant acknowledges that the approach described by NRW (A) (i.e. using the full breeding season as defined by Furness (2015) and adjusting the non-breeding season where necessary to avoid any overlap of months) should have been undertaken for the assessment of collision impacts presented in the application. We welcome the changes that have been made in the updated assessment documents submitted by the Applicant at Deadline 2 and agree with the seasonal definitions now used. Please see our separate response in Annex A regarding the updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2 to correct the various errors and discrepancies identified by interested parties and the Applicant themselves.

13. Additionally, we note that the Applicant intends to submit at Deadline 3 assessments following SNCB advice and updated CEA to fill gaps (as requested by the ExA in their R17 request of 15 August 24, PD-012). We recommend that the Applicant ensures that all updates to the Mona project 'alone' predicted impacts are included within this updated CEA. We will provide updated advice on levels of significance of impacts from the Mona project alone and cumulatively/in-combination following full review of these Deadline 3 submissions.

14. **REP2-080; para REP1-056.49**: Please see our response to REP1-056.42 at para 10 above.

15. **REP2-080; para REP1-056.50 to REP1-056.51:** Please see our separate response in Annex A regarding the updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2 to correct the various errors and discrepancies identified by interested parties and the Applicant themselves.

16. Additionally, we note that the Applicant intends to submit at Deadline 3 assessments following SNCB advice and updated CEA to fill gaps (as requested by the ExA in their R17 request of 15 August 24, PD-012). We recommend that the Applicant ensures that all updates to the Mona project 'alone' predicted impacts are included within this updated CEA. We will provide updated advice on levels of significance of impacts from the Mona project alone and cumulatively/in-combination following full review of these Deadline 3 submissions.

17. **REP2-080; para REP1-056.52:** We welcome the updates the Applicant has made to the various offshore ornithology related documents. Please see our separate response in Annex A regarding the updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2 to correct the various errors and discrepancies identified by interested parties and the Applicant themselves.

18. Additionally, we note that the Applicant intends to submit at Deadline 3 assessments following SNCB advice and updated CEA to fill gaps (as requested by the ExA in their R17 request of 15 August 24, PD-012). We recommend that the Applicant ensures that all updates to the Mona project alone predicted impacts are included within this updated CEA. We will provide updated advice on levels of significance of impacts from the Mona project alone and cumulatively/in-combination following full review of these Deadline 3 submissions.

19. **REP2-080; para REP1-056.53**: Please see our response to REP1-056.2 at para 2 above.

20. **REP2-080; para REP1-056.54**: No further comment

21. **REP2-080; para REP1-056.55:** Please see our response to REP1-056.2 at para 2 above.

22. **REP2-080; para REP1-056.56:** Please see our responses to REP1-056.2 at para 2 above. Additionally, as the Applicant confirms here that the adult survival rates have been used, please note our specific comments in Section 2.2.3.2 of our Deadline 2 response [REP2-099] on the Applicant's Great Orme's Head SSSI annual assessment in REP1-037 regarding the calculation of the baseline mortality figure of 457.87 for guillemot. Please note the specific point that the baseline mortality figure presented does not appear correct if the adult survival rate from Horswill & Robinson (2015) has been used to calculate the mortality rate and hence baseline mortality figure.

23. We also refer to our comments in Section 2.2.3.2.1 of our Deadline 2 response [REP2-099] regarding the input parameters (use of standard errors rather than standard deviations and the productivity rate) used in the Applicant's Great Orme's Head SSSI guillemot PVA. We continue to recommend the Applicant gives consideration to these comments / queries.

24. **REP2-080; para REP1-056.57 to REP1-056.58:** Please see our responses to REP1-056.2 at para 2 above. We recommend the Applicant gives consideration to the comments / issues we have raised regarding their Great Orme's Head SSSI assessment.

25. **REP2-080; para REP1-056.59 to REP1-056.63:** We welcome that the Applicant is progressing work to gap-fill historical projects. NRW (A) is currently engaging with the Applicant regarding their proposed approach and results to the gap-filling exercise in cumulative (and in-combination) assessments, and a useful meeting was held with the Applicant, NRW (A), JNCC and NE to discuss this on 29 August 2024. Joint SNCB written comments (NRW (A), NE and JNCC) have been provided to the Applicant following this meeting on the 6 September 2024. We welcome the Applicant's intention to submit this information into the examination at Deadline 3. NRW (A) will provide further advice into the examination following review of the submitted document.

26. **REP2-080; para REP1-056.64:** Please see our response to point REP1-056.3 at para 3 above and our response to point REP1-056.69 at para 34 below.

27. We welcome the amendments the Applicant has made to the figures included in the cumulative assessments in the updated Offshore Ornithology Chapter in REP2-016/REP2-017. We note that the majority of the errors in the Erebus figures have been corrected, however, there appears to still be a slight error in the Erebus guillemot breeding season figure and hence annual abundance value presented in the construction cumulative displacement in Table 5.51 of REP2-016/REP2-017. We also query the source of the collision figures included for Erebus for the large gull species and suggest the Applicant considers the figures we provided in our PEIR response regarding this and then corrects to account for the current advised species-group avoidance rates. We also welcome that the corrections made to the Mona alone figures have been taken through and updated in the cumulative tables.

28. We recommend that the Applicant ensures that these corrected figures and totals for the projects with data are included in the updated CEA document they intend to submit at Deadline 3 that will include gap-filling for historical projects in the CEA.

29. **REP2-080; para REP1-056.65:** No further comment. Issue resolved.

30. **REP2-080; para REP1-056.66:** No further comment. Issue resolved.

31. **REP2-080; para REP1-056.67:** We welcome that the Applicant has amended the large gull collision figures included for the Awel-y-Môr project in the cumulative assessments in REP2-016 / REP2-017 from the Band Option 3 figures to the Band Option 2 figures, and that these figures have then been corrected to account for the current advised avoidance rates. We advise that the Applicant should ensure that these corrected figures for Awel-y-Môr large gull collisions are be included in the corrected cumulative and in-combination totals in the updated CEA document to be submitted at Deadline 3. NRW (A) will provide further advice into the examination once we have fully reviewed the information submitted by the Applicant at Deadline 3.

32. **REP2-080; para REP1-056.68:** We welcome that the Applicant is currently undertaking a review of new information for cumulative and in-combination projects and anticipates being able to provide further information at Deadline 3. We will therefore provide further advice into the examination once we have fully reviewed the information submitted by the Applicant at Deadline 3.

33. We also advise that the Llŷr 1 project has recently submitted its application to NRW MLT and therefore, figures are now available for this project to include within CEAs. Further information can be found on NRW's public register. We suggest that the Applicant considers the inclusion of this project in their updated CEA to be submitted at Deadline 3.

34. **REP2-080; para REP1-056.69:** We welcome that the Applicant has updated the relevant abundance and collision estimates for other projects in the cumulative assessments in the updated Offshore Ornithology Chapter [REP2-016 / REP2-017] to facilitate alignment with the Morgan Generation and Morecambe Generation asset project submissions. We have not yet fully reviewed these changes for

consistency against the Morgan Generation application, but as we understand that the Applicant intends to submit into the examination an updated CEA to address the gap filling issue at Deadline 3, we will provide further advice on cumulative effects following full review of this document.

1.1.2 HRA Related Issues

35. **REP2-080; para REP1-056.70**: No further comment

36. **REP2-080; para REP1-056.71 to REP1-056.72:** We welcome that the Applicant acknowledges that information relating to the Habitats Regulations Assessment (HRA) stage 1 screening and stage 2 Information to Support Appropriate Assessment (ISAA) is presented across multiple documents. Whilst the Applicant has addressed many of the errors and inconsistencies identified by interested parties in the updated assessment documents submitted at Deadline 2, and these corrections have fed through to the HRA related documents, please see our separate response in Annex A regarding the updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2. However, we still consider that the presentation of the process for reaching the predicted impacts in the HRA related documents remains difficult to follow as the required information is scattered throughout. We do not recommend that this approach is followed by future projects. We again advise that the information recommended in our Written Representations (para 109; section 2.1.2.1 of REP1-056) is presented in a table for each site. This is in order to have all the required information in one place, so that the calculations from unapportioned figures through to the apportioned impacts and the resulting proportions (%) of baseline mortality the impacts equate to, can be fully followed through.

37. We note that the Applicant intends to submit additional information into the examination at Deadline 3, which will include additional information and specific aspects of assessment in accordance with advice provided by NRW (A) and JNCC in Relevant and Written Representations. We welcome this and will provide further advice into the examination once we have fully reviewed the information submitted by the Applicant at Deadline 3.

38. The Applicant has engaged with NRW (A) to seek further guidance on how best to present the information requested. We advised the Applicant accordingly on 18 September 2024.

39. **REP2-080; para REP1-056.73:** We welcome that the Applicant has corrected the errors in the qualifying features of Welsh designated sites, particularly Skomer, Skokholm and seas of Pembrokeshire Special Protection Area (SPA), within the updated HRA related documents (Stage 1 Screening Report, REP2-012 / PEP2-013; Stage 2 ISAA Part 3, REP2-010 / REP2-011; HRA Integrity Matrices, REP2-014 / REP2-015).

40. **REP2-080; para REP1-056.74:** We again welcome the confirmation from the Applicant that the proportion of immatures presented in the apportioning technical report (updated version submitted in REP2-022 / REP2-023) have not been used in the assessment. Whilst we note the Applicant considers this has been presented

for information only, we still consider that its inclusion adds confusion to the assessment process and results.

41. **REP2-080; para REP1-056.75 to REP1-056.76:** We welcome that the Applicant has updated the breeding season age-class apportioning in the updated apportionment technical report in REP2-022 / REP-023. It appears that these updates have fed through to the amendments to the apportioned impacts to kittiwake at Skomer, Skokholm and seas off Pembrokeshire SPA (the only Welsh SPA with kittiwake as a feature, in this case a named component of the assemblage feature). Please note that we have not checked whether updates have fed through into assessments of impacts to other kittiwake designated sites outside of Wales, given that this is out with our jurisdiction.

42. We understand that the Applicant intends to submit further information/updated assessments following SNCB advised approaches at Deadline 3 and therefore, we will provide further advice regarding impacts to Welsh designated sites following full review of the information submitted at Deadline 3.

43. **REP2-080; para REP1-056.77 to REP1-056.79;** NRW (A) has re-checked the approach set out by the Applicant in the original Apportioning Technical Report that was submitted at application [APP-095]. Paragraph 1.3.38 and the values presented in Table 1.6 of APP-095 clearly state and show that: *'In the non-breeding season, age-class was based on Furness (2015)'*, i.e. the stable age structures from Furness (2015). Additionally, the Applicant's worked example of the approach taken for apportioning non-breeding season impacts for great black-backed gull for the Isles of Scilly SPA provided in PDA-008 (see response to point RR-011.13 of PDA-008) clearly states that for the non-breeding season the Applicant applied an apportionment rate for proportion of adults (*'44% of birds are estimated to be adults in the non-breeding season, Furness 2015'* - this is based on stable age structure from Furness 2015). At the time of writing of Written Representations, this was the information presented on this approach by the Applicant. Therefore, it is clear that NRW (A) did not misinterpret the information presented by the Applicant at that time. We do note that in the updated apportionment technical report (see tracked changed version, REP2-023), the Applicant has now amended its approach to non-breeding season age-class apportioning (see paragraph 1.3.3.4 and Table 1.5 of REP2-023) to state that it has taken the same approach as per the breeding season for age-class apportionment in the non-breeding season (i.e. use site-specific digital aerial survey data for gannet, kittiwake and large gulls and assume all birds are adult for auks and Manx shearwater).

44. Whilst we acknowledge these amendments, we maintain our advice as given in our Written Representations [REP1-056] that there is no requirement to apportion to age classes in the non-breeding season as the non-breeding season BDMPS proportions in the tables in Appendix A of Furness (2015) already takes account of the number of adults likely to be present in the Biologically Defined Minimum Population Scales (BDMPS). See response to REP1-056.80 below at para 45.

45. **REP2-080; para REP1-056.80 to REP1-056.81:** As noted in response to the points REP1-56.77 - REP1-56.79 above, it is clear that NRW (A) did not misinterpret the information presented by the Applicant at the time of production of our Written

Representations. We do note that in the updated apportionment technical report (see tracked changed version, REP2-023), the Applicant has now amended its approach to non-breeding season age-class apportioning (see paragraph 1.3.3.4 and Table 1.5 of REP2-023) to state that it has taken the same approach as per the breeding season for age-class apportionment in the non-breeding season (i.e. use site-specific digital aerial survey data for gannet, kittiwake and large gulls and assume all birds are adult for auks and Manx shearwater).

46. We note there is likely to be more difficulty associated with ageing birds from digital aerial surveys during the non-breeding period than during the breeding season. Therefore, less confidence can be place in age-class proportions of site-specific data from digital aerial surveys in the non-breeding season. Therefore, we maintain our advice as given in our Written Representations [REP1-056] that we recommend that no apportionment of impacts to age classes in the non-breeding season is undertaken as the non-breeding season BDMPS proportions in the tables in Appendix A of Furness (2015) already takes account of the number of adults likely to be present in the BDMPS. We again recommend that the approach we have previously suggested of apportioning to colonies in the non-breeding season(s) is undertaken based on the proportion of the SPA adult birds across the BDMPS total of birds of all ages for each relevant non-breeding BDMPS season using the information in the tables in Appendix A of Furness (2015). We note that this is the standard approach that has been taken to non-breeding season apportionment by offshore wind farm projects located in the North Sea and has also been taken by the Morgan Generation Assets application.

47. However, we note that the Applicant's approach of calculating the proportion of adults at the colony as a proportion of the total adults in the BDMPS does mean that a higher apportionment value for a designated site is calculated (as shown in the table below), which can be considered precautionary:

Species, site & non-breeding season	**Apportionment rate – Applicant's approach**	**Apportionment rate – NRW (A) approach**
Gannet: Grassholm, spring	20.07%	11.87%
Gannet: Grassholm, autumn	24.71%	14.39%
Guillemot: SSSP, non-breeding season	4.47%	2.58%
Manx shearwater: SSSP, migration seasons	70.54%	44.28%
Great black-backed gull: Isles of Scilly, non-breeding season	28.85%	9.14%

48. Given the very small predicted impacts from the Mona project alone, we note that if the standard advised approach to age classes and apportioning to designated sites in the non-breeding season was used instead of the Applicant's approach it would not alter the conclusions regarding levels of significance of impact from the project alone in this instance. However, for other projects with larger predicted impacts, taking the Applicant's potentially overly precautionary approach may result in different conclusions. Therefore, we would not advise the Applicant's

approach is followed for other projects and maintain that our preferred approach is to follow the standard approach taken by other projects, such as Morgan Generation for apporting impacts in the non-breeding season.

49. **REP2-080; para REP1-056.82 to REP1-056.87:** As was noted in our Written Representations (see point REP1-056.83) the Applicant had confirmed in PDA-008 that sabbaticals had not been removed from adult numbers. We reiterate that we welcome that this is the case. However, the inclusion of Table 1.7 in the apportioning technical report [APP-095] and associated text regarding sabbaticals within paragraph 1.3.4.5 of APP-095 added confusion as to the approach that was taken. We welcome that in the updated apportioning technical report submitted at Deadline 2 [REP2-022 / REP2-023] the Applicant has removed Table 1.7 and has amended the information provided in paragraph 1.3.4.5 in light of our advice in our Written Representations. We are now content with the information provided.

50. **REP2-080; para REP1-056.88 to REP1-056.101:** We welcome the Applicant's acknowledgement and welcome of our evidence to support different displacement and mortality rate rates, specifically in relation to auks, Manx Shearwater and northern gannet provided in our Written Representations.

51. We also welcome that the Applicant intends to provide additional information in accordance with the advice provided by NRW (A) and JNCC in Relevant and Written Representations and that this will be submitted into the examination at Deadline 3. We welcome that this additional information will include presentation of displacement impacts apportioned to designated sites for the full range of displacement and mortality rates recommended by the SNCBs. We will provide further advice into the examination following full review of the information submitted at Deadline 3.

52. **REP2-080; para REP1-056.102 to REP1-056.104:** With regard to the advice for the Applicant to consider the apportioned impacts across the full range of SNCB advised % displacement and % mortality rates, please see our response to points REP1-056.88 to REP1-056.101 above at paras 50 and 51.

53. We again note that NRW (A)'s advice is provided in relation to Welsh designated sites only and we will not provide advice on designated sites outside of our remit and therefore cannot provide advice/agreement as to the suitability of the Applicant's approach or level of predicted impact significance to sites located outside of Wales.

54. **REP2-080; para REP1-056.105:** We understand that the Applicant intends to provide additional information in accordance with the advice provided by NRW (A) and JNCC in Relevant and Written Representations and that this will be submitted into the examination at Deadline 3. We welcome that this additional information will include presentation of displacement impacts apportioned to designated sites for the full range of displacement and mortality rates recommended by the SNCBs. We note that once these updated assessments covering the full range of advised rates have been undertaken and presented, then if any potential project alone impact (including at the upper end of the advised ranges) equates to more than 0.05% of baseline mortality then this site and species combination should be taken

through to a full in-combination assessment, which should take into account the issues with gaps in data for historic projects.

55. We will provide further comment/advice into the examination following full review of the information submitted by the Applicant at Deadline 3.

56. **REP2-080; para REP1-056.106 to REP1-056.107**: No further comments

57. **REP2-080; para REP1-056.108**: No further comments.

58. **REP2-080; para REP1-056.109 to REP1-056.110:** We note the Applicant's position with respect to the scope of the DCO deemed Marine Licence (dML) and the Transmission Asset Marine Licence (TA ML). Furthermore, we understand that there is a degree of separation between the works consented under the two. Whilst it may be the case that the seasonal timing restrictions on construction activity within the Liverpool Bay SPA is only relevant to the transmission marine licence (which the Applicant notes is outside the scope of the DCO dML), we consider that clarification is required from the Applicant as to whether the overlap between the TA ML and DCO dML for the Generation Assets areas - as shown in APP-013 and APP-014 – still exists. We note that the offshore substation platforms and interconnector cables have been considered in both the recent TA ML application and within the DCO application. Our comments with respect to securing the seasonal timing restrictions measures in both the DCO dML and the TA ML relate to the wording of the conditions. We note that the DCO consents all activities and works relevant to the project, therefore as the controlling consent for the project, it should ensure that required mitigation measures are secured by specifying what the requirement is. If this overlap has been misunderstood, NRW (A) would welcome further clarity from the Applicant. For the avoidance of doubt, NRW (A) support the necessity of a seasonal timing restriction and that the details of how these would be implemented is contained in Measures to Minimise Disturbance to Marine Mammals and Rafting Birds from Transiting Vessels [APP-203] and the Offshore Environmental Management Plan (oEMP).

59. **REP2-080; para REP1-056.111;** We acknowledge that the timing restriction for cable laying within the Liverpool Bay SPA is included in the Measures to Minimise Disturbance to Marine Mammals and Rafting Birds from Transiting Vessels [APP-203]. With regard to the Applicant's consideration that the timing restriction on construction activity within the Liverpool Bay SPA is only relevant to the transmission marine licence which is outside the scope of the DCO dML, please see our comments to REP1-056.109-110 above at para 58.

60. **REP2-080; para REP1-056.112:** We welcome the changes made by the Applicant to the updated Marine Licence Principles document (J3 F02) submitted at Deadline 2 [REP2-028 / REP2-029]. We have no further comments regarding this aspect.

61. **REP2-080; para REP1-056.113**: No further comment.

62. **REP2-080; para REP1-056.114**: No further comment.

63. **REP2-080; para REP1-056.115**: No further comment.

64. **REP2-080; para REP1-056.116:** No further comment and issue addressed.

1.2 Marine Mammals

65. **REP2-080; para REP1-056.5 to REP1-056.9:** Marine Mammals are protected by Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ('the Regulations') as amended. It is an offence under Regulation 43 of the Regulations to *inter alia* deliberately capture, injure, kill, or disturb such species or to damage or destroy their breeding site. We note the Applicant's response and welcome their intention to submit an application for a European Protected Species (EPS) licence, post-consent for any activities which have the potential to impact marine mammals.

66. **REP2-090: para REP1-056.118 to REP1-056.123:** These paragraphs refer to our representations about injury and disturbance to marine mammals from elevated underwater sound due to vessel use and other (non-piling) sound producing activities. NRW (A) confirm that we continue to agree on an overall conclusion of "*low magnitude*". We also note that this methodological discussion does not materially impact our agreement with the overall conclusions of no significant effect / adverse effect on marine mammal populations due to the mitigation methods that will be employed. Our opinion remains that presenting an estimate of numbers of animals disturbed based on a static radius (even if using a robust and conservative impact radius based on the literature) will lead to a significant underestimate compared to a methodology that in some way captures the movement of vessels. As currently presented, the estimated numbers disturbed are for a vessel at a fixed point in time only.

67. We welcome the review of the term "habituation" with a greater emphasis on tolerance, and also welcome the Applicant's statement that direct measures of associated energetic costs of exposure to vessel noise would be useful in future. We agree that any parameters for disturbance remain a work in progress in the scientific community and will not be available for the Mona project.

68. We note and welcome the correction and clarification made in the errata sheet. We discussed this with the Applicant and provided advice on the 10 September 2024 which further explained our position. For ease of reference, the advice provided is included here at paragraph 69.

69. "We fully understand and agree that no changes were made to the assessment method or approach. We also note that this methodological discussion does not materially impact our agreement with the overall conclusions that there will be no significant effect / adverse effect on marine mammal populations due to the mitigation methods that will be employed. Essentially, this is a divergence of opinion on how best to calculate the numbers of animals disturbed. By way of explanation our written representation / response to the errata sheet was mainly underpinned by three points:

- Firstly, we believe that presenting numbers of animals disturbed based on a static radius to be a significant underestimate compared to a methodology that in some way captures the movement of vessels (even if this is a simplified methodology) – this view is unchanged from the pre-application period. As mentioned in our written

representations and pre-application comments, we fully acknowledge that attempting to make a (maximalist) calculation that attempts to include everything (i.e. all variables) without any simplifying assumptions would be challenging for many reasons including for e.g.: (a) absence of existing guidance / standard methodologies that e.g. consider energetic costs of interrupted feeding, (b) the difficulties of considering issues like animal movement in and out of the area / repeated disturbance to the same individual, (c) all individual vessel trips and types which will differ. In other words, independently of whether a radius of 23 km or 4.08 km is used we still agree that attempting the above would be disproportionate in terms of the effort involved especially given the uncertainties noted. However, this is not equivalent to agreeing that therefore the use of a static radius is a suitable approach to estimate numbers disturbed.

- Secondly, in the assessment the main argument posed is that a maximalist calculation would be disproportionate and therefore this justifies taking a static approach presented in table 4.44. We disagree with the conclusion made here because a maximalist calculation and a static approach are not the only two options possible. It is quite possible to carry out some form of intermediate simplified methodology (e.g. as has been suggested in our written representations) and such an approach does not seem to have been considered in the assessment. We feel that the change from 23 km to 4.08 km, even if done to correct an error, weakens the argument for a static approach further since here you are in part arguing against a key result from the modelling (vs 23 km, which is what we had assumed to be an extreme edge case) in addition to some of the published evidence presented. This is what we meant by *"we can no longer fully agree with the rationale provided".*

- Finally, we note the argument that using a behavioural impact radius of 7 km is a worst-case scenario and more conservative than the modelled range of 4.08 km, or the range of 4 km at which responses were no longer noted in Benhemma Le Gall et al. 2020. We agree that this is valid in the context of an impact area calculated from a static radius, however as we posited in the first point, a static radius would be an underestimate compared to a simplified methodology which captures the movement of vessels. This is why we suggest that in an effort to make the latter method more realistic and avoid the potential over precaution from a blanket application of a 7 km radius which assumes 100 % disturbance, the applicant could for example either (a) apply the modelled impact range of 4.08 (noting that this would still be an overestimate if we were to assume 100% disturbance), or (b) use refinements based on the literature. As suggested in our written representations, one example of this could have been assuming e.g. 24% disturbance at 3 km, and 0% at 4 km (as per Benhemma le Gall et al).

70. **REP2-080; para REP1-056.124 to REP1-056.132**: These paragraphs refer to our representations about injury from elevated underwater sound due to piling and the use of Acoustic Deterrent Devices (ADDs). We welcome the Applicant's response and we can confirm that this matter has been resolved.

71. **REP2-080; para REP1-056.133 to REP1-056.135:** These paragraphs refer to our representations about barrier effects. As noted in REP1-053.135, on balance, we considered that the information supplied by the Applicant is sufficient given the low probability that all offshore wind projects in the area would undergo construction at the same time. We therefore consider this matter closed.

72. **REP2-080; para REP1-056.136 to REP1-056.139:** These paragraphs refer to our representations about interrelated effects. We welcome the Applicant's position on this matter and can now confirm that no additional information is needed. As such, we consider the issue closed.

73. **REP2-080; para REP1-056.140 to REP1-056.-142:** These paragraphs refer to our representations about the Applicant's outline Underwater Sound Management Strategy (USWMS)**.** We acknowledge and welcome the response from the Applicant. We also welcome the clarification provided by the Applicant with regard to points (b) and (e) of paragraph 179 of our Written Representation [REP1-056]. We welcome the commitment of the Applicant to continue to engage with NRW (A) to develop the USWMS post-consent.

74. **REP2-080: para REP1-056.143 to REP1-056.144.** We note the reconfirmation of the commitment, as secured in the DCO, to monitoring the installation of the first four piled foundations of each piled foundation to be installed. We note that the Applicant acknowledges paragraph 180 of REP1-056 which states that *"…NRW (A) would also adopt a standard approach to this monitoring requirement (ISO 18407:2017)."* In response to this, para REP1-056.144 of REP2-080 states that "*The Applicant notes the standard approach to this monitoring requirement and the reference to ISO 18406:2017 which describes the methodologies, procedures, and measurement systems to be used for the measurement of the radiated underwater acoustic sound generated during pile driving using percussive blows with a hammer. This is in* ***addition*** (our emphasis) *to the mitigation which is secured through the MMMP and UWSMS (and as described in the rows above).* It is not clear from this response if the Applicant intends to adopt the ISO approach or not - it would be helpful if the Applicant can confirm their intention on this matter.

75. **REP2-080; para REP1-056.145:** We acknowledge the additional clarity provided regarding the Maximum Design Scenario (MDS) for the Offshore Substation Platforms (OSPs), and while we agree that there is no error, we believe that the report would benefit from additional clarity by including this explanation. This will help for future projects using the information from this project in their own project considerations.

76. **REP2-080; para REP1-056.147 to REP1-056.150:** This refers to comments made with respect to the effects of impulsive noise at range. We disagree that this issue has been wholly resolved.

77. While research on the range of transition and how this may impact the rate of Temporary Threshold Shift (TTS) / Permanent Threshold Shift (PTS) growth is an active area of research and scientific debate, to our knowledge no such research or debate has been conducted on whether changes in impulsivity with range may also affect behavioural responses and / or to what degree this may occur.

78. The Applicant draws attention to the statement included in APP-079: "*defining this transition range is an active area of research and scientific debate*". Here they have argued that this sufficiently justifies their statement that changes in impulsivity also impact behavioural responses, and its subsequent inclusion as one of the many factors that contributes to multiple layers of conservatism. We believe that such a statement could be misleading given that this is not currently an active area of research.

79. In our view this remains a hypothesis proposed by the Applicant and should be noted as such. While we agree that it is a plausible hypothesis on which research should be carried out, we would caution against phrasing it in more conclusive terms.

1.3 Fish and Shellfish

80. We note from review of the Mitigation and Monitoring Schedule [REP2-030] that the Underwater Sound Management Strategy (UWSMS) is not included as mitigation in relation to minimising impacts on fish and shellfish (REP2-030 only references the USWMS in relation to marine mammals). Given the importance of the UWSMS for reducing the impacts on fish species and the commitment by the Applicant to the strategy, we advise that this is corrected.

81. **REP2-080; para REP1-056.12:** We welcome the Applicant's intention to engage further with NRW (A) on the development of the UWSMS as the project progresses.

82. **REP2-080; para REP1-056.157:** This refers to our representations on the predicted impacts to cod in Annex C of REP1-056. Please see comments on REP1-056.159 to REP1-056.170 below at paras 83-96 respectively.

83. **REP2-080; para REP1-056.159:** This paragraph refers to our representations about the impacts of the project to cod high intensity spawning habitat from underwater noise. NRW (A) agrees with the Applicant's cumulative assessment presented in relation to cod, and the subsequent conclusion of a '*moderate adverse*' impact. We agree that the UWSMS is needed to manage the predicted significant cumulative effects of underwater noise to spawning cod as result of the Mona project with other plans and projects.

84. The points raised by NRW (A) in its Written Representation [REP1-056] in relation to the assessment of the impacts of the project alone included a variety of factors specific to cod, as opposed to a focus only on the substrate type present in the vicinity of the proposed development.

85. It is our view that as herring require specific substrate types on which to adhere their eggs, the Applicant's focus on substrate suitability is appropriate when assessing the impacts to herring. However, for cod, which do not have specific substrate preferences, we consider other aspects should be taken into account when assessing their specific risk, as outlined within Annex C of our Written Representation [REP1-056]. We consider that these aspects combined indicate that spawning cod are more vulnerable to piling noise impacts than herring from the development alone. These factors include the species reliance on sound and noise during spawning, the specific behavioural patterns that the species displays

during mate choice, courtship and subsequent spawning, the size and relative sedentary nature of the wider population in the Irish sea, and the amount of high intensity spawning ground impacted by the proposed development. As such, we maintain our position that we disagree that the impact to cod high intensity spawning habitat as a result of disturbance from underwater noise from the project acting 'alone', should be considered as *minor*. We continue to advise that by adopting the same approaches applied for herring, that the impact should be assessed as *moderate adverse* during the breeding season.

86. **REP2-080; para REP1-056.160:** We acknowledge that piling will be intermittent and temporally spaced throughout the proposed piling window. However, should piling occur within the spawning season, the impact has the potential to be detrimental– including subsequent impacts to future cohorts should reproduction be impeded.

87. NRW (A) reinstate our previous advice that ceasing piling within the key spawning months for cod (February and March) would provide the most robust mitigation for the species.

88. We wish to highlight that the Applicant has stated that 'whilst piling is predicted to be undertaken over a maximum of 114 days, across a two-year piling phase, it is considered highly unlikely that much of this activity will be undertaken during the cod spawning period of January to April, or the reported historic peak of February to March (Coull et al., 1998), given operational constraints during the winter period.'. Based on this, we consider that a formal mechanism to cease piling within these months is therefore unlikely to have a large impact on construction timescales but would have improved impacts on cod.

89. NRW (A) acknowledge and agree with the Applicant's assessment of cod sensitivity as 'high'. As previously highlighted, we disagree with the Applicant's assessment of 'low' for the magnitude of the impact from the project alone.

90. For comments relating to the UWSMS, see paras 83-85 above at REP1-056.159.

91. **REP2-080; para REP1-056.165**: NRW (A) acknowledges the references cited by the Applicant in determining appropriate noise thresholds for fish species, and in light of additional comments provided by the Applicant, recognises the limitations of the Mueller-Blenkle study in providing an argument for the use of a 140dB threshold. Whilst we consider that the study illustrates the increased sensitivity of cod, and their behavioural responses to sound levels from 140dB, we acknowledge that the Applicant considers that a 160dB threshold is appropriate and concede that the threshold was previously discussed within the environmental working groups with no objections raised.

92. Whilst piling activities may be intermittent and occurring over a fixed time period, if cod are adversely impacted by piling, the duration of the effect is not limited to the duration of the piling activities themselves, as outlined above at REP1-056.160 at para 86-90.

93. NRW (A) reiterates our position that a 21%+ overlap with cod high intensity spawning ground, using the 160dB threshold, does not constitute a '*low*' magnitude

of impact to the species for the project alone. Further reasoning is provided within REP1-056.159 at para 83-85 above.

94. NRW (A) welcome the inclusion of the UWSMS and agree that mitigation could have the potential to reduce the impacts on the species depending on the specifics of the mitigation proposed. However, measures proposed to limit the impact of in-combination effects may not be as effective or robust as measures focused on reducing the impact to the species from the Mona development alone. For example, an in-combination mitigation measure may be proposed so piling is not simultaneously occurring across multiple developments. Whilst this could reduce the impact to cod on an in-combination basis, this may still mean that piling within the Mona development occurs within the key spawning months for cod, which NRW (A) consider would be detrimental.

95. **REP2-080; para REP1-056.168 to REP1-056.169:** These paragraphs referred to the representations we made about sound exposure levels for assessing impacts. We welcome the additional clarification provided by the Applicant on this matter. We have no further comment to make and consider this matter now closed.

96. **REP2-080; para REP1-056.170**: NRW (A) acknowledge the additional detail provided by the Applicant with respect to the UWSMS. We reiterate our previous comments in relation to the '*alone*' assessment regarding cod and advise that mitigation is required to reduce the impacts of piling from the proposed project alone during the cod spawning period. NRW (A) consider that the most robust mitigation method to protect spawning cod would be a commitment to not pile during the key spawning period (February and March). Please see further comments in para 91-94 above relative to **REP1-056.165** and the UWSMS.

97. **REP2-080; para REP1-056.407 to REP1-056.418:** These paragraphs relate to our representations in Annex C: Fish and Shellfish Ecology of REP1-056 Annex C - Fish and shellfish ecology).

98. Whilst NRW (A) disagree with the Applicant's assessment of the magnitude of impact to cod and the subsequent assessment of 'minor adverse' from the project alone, we welcome the inclusion of mitigation measures for cod (arising from the assessment within the in-combination assessment of 'moderate adverse' for cod within the spawning season) within the UWSMS. NRW (A) will continue to work with the Applicant on the refinement of measures proposed.

99. Please see comments at REP1-056.160 in para 86-90 regarding limiting piling within key spawning months as the most robust form of mitigation for cod.

1.4 Physical Processes

100. **REP2-080; para REP1-056.13:** NRW (A) previously advised that no assessment had been carried out by the Applicant to determine how the potential placement of cable protection in the shallow nearshore environment would impact on coastal and physical processes. The Applicant notes at REP1-056.13 that the best form of cable protection is achieved through cable burial to the required depth and that it is not the Applicant's intention to place cable protection in shallow water but to avoid this where possible.

101. The Applicant has also reaffirmed its commitment to ensuring that no more than a 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 MCA [REP2-030], and that the height of the cable protection above the seabed may be altered in relation to the given water depth at any point along the export cable corridor in order to adhere to the commitment, ensuring that any cable protection is sufficiently low profile to cause minimal changes to wave, tide and sediment transport. The Applicant goes on to state that implicitly, the detailed design (either by location, installation methodology or type of cable protection) will ensure there are no significant impacts.

102. NRW (A) note and welcome the intention of the Applicant to try and avoid cable protection in shallow water. We advise that providing the proposed mitigation measure is strictly adhered to - i.e. no more than a 5% reduction in water depth at any point where cable protection is placed - we are satisfied that there should be no significant impacts to the physical processes in the shallow nearshore environment. We agree that this commitment should be captured in *both* the DCO dML and the TA ML via the offshore Construction Method Statement (oCMS) and the Cable Specification Installation Plan (CSIP). We advise that NRW (A) are consulted in writing on these documents. However, we note that in relation to the CSIP, REP2-028 states that "*The assessment should identify any cable protection that exceeds 5% of navigable depth referenced to chart datum"* and that "… *in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection*". We advise that should the 5% threshold be breached, then NRW (A) would require that the Applicant conduct a further physical processes assessment in the shallow nearshore environment just seawards of MLWS over the exit pits.

103. **REP2-080; para REP1-056.15:** In its Written Representations [REP1-056], NRW (A) noted that it was unable to advise on the need for monitoring provisions in respect of landfall cables due to beach profile change, erosion of the backshore and short-term beach draw-down during storms until further assessment is undertaken. The Applicant has responded by reconfirming its commitment to trenchless techniques in the intertidal area and noting that further detailed onshore and offshore geotechnical investigations will be conducted at the landfall, including establishing the depth of burial requirements to avoid the risk of exposure. This would be included within the final Landfall Construction Method Statement submitted to the relevant planning authority for approval in consultation with NRW as secured in Schedule 2, Requirement 9(2) of the draft DCO (C1 Draft Development Consent Order F04). We agree with this commitment regarding trenchless techniques.

104. We continue to advise that, if cables are not buried to a depth which is below the natural envelope of beach profile change, then the risk of exposure of landfall cables will be of concern for NRW (A). In order to determine the natural envelope of beach profile change over time, then NRW (A) advise that, if available, the Applicant reviews historical beach profiles. This would allow the Applicant to

determine the depth at which the cable should be buried in order to avoid exposure following a major storm event.

105. For the avoidance of doubt, the points that were raised by NRW (A) in REP1-056 were not linked to any potential impact to the intertidal beach profile caused by potential cable protection in the nearshore environment.

106. **REP2-080; para REP1-056.16:** Our Relevant Representations [RR-011] and Written Representations (para 54 and 222 of REP1-056) recommended that the Applicant considers future sandwave recovery monitoring. In addition to helping inform future strategic work, this, we argued, would support the statements that the Applicant has made that sandbanks will recover in the short-term.

107. We acknowledge the Applicant's position on this matter that given no significant effects on physical process receptors were predicted in the ES, then then no specific monitoring is required to test the predictions of the EIA. The Applicant has however noted that in line with the Offshore in-principle monitoring plan [APP-201], monitoring will be undertaken to observe the effect of sediment transport and sediment transport pathways on cable burial (to be secured under condition 18 in Schedule 14 of the draft DCO (C1 Draft Development Consent Order F04)).

108. Whilst we continue to acknowledge the Applicant's position on our request, we maintain that sandwave recovery monitoring will help to build on the strategic evidence required to understand the regional impacts to sediment transport processes and physical processes caused by the installation of large-scale wind farm developments into the future. We further reiterate (as noted at para 222 of REP1-056) that sandwave recovery monitoring, particularly on Constable Bank (where sediment will be removed off the bank), will 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 suggest that any agreed monitoring could be secured within the TA ML and dML where appropriate. NRW (A) would wish to be consulted in writing.

109. With respect to the Offshore In-Principle Monitoring plan; NRW (A) note the content of APP-201 and the content of the DCO dML [REP2-004] (see Schedule 14 condition 18 section (c)), but request clarity from the Applicant regarding the ability of this condition to actually "*observe the effect of sediment transport and sediment transport pathways on cable burial*…", given that sand wave mobility will directly affect the burial status of the cables. NRW (A) acknowledge that Schedule 14 condition 18 of REP2-004 is only applicable to the offshore Array (Generation Asset) and note that there is a commitment that the same condition as outlined in the Offshore In-Principle monitoring plan [APP-201] and REP2-028 / REP2-030 will be carried through as a condition in the stand alone marine licence for the transmission asset. We agree that the offshore In-Principle monitoring plan is secured by both the DCO dML and the TA ML, and request that NRW (A) are consulted in writing on the plans and the aspects noted above.

110. We also note the ExA questions on this matter (questions issued 13 September 2024). We will review the Applicant's responses to these questions once submitted into the examination at Deadline 3.

111. **REP2-080; para REP1-056.176 to REP1-056.177**: No further comments – matters are closed.

112. **REP2-080; para REP1-056.178:** We welcome the ongoing commitment by the Applicant to consult with NRW (including NRW (A) with regard the oCMS.

113. We acknowledge the Applicant's position with respect to the specific inclusion of NRW (A) as a named consultee in the DCO dML. Please see further advice on this matter from NRW MLT in section 3.

114. **REP2-080; para REP1-056.179:** No further comments – matters are closed.

115. **REP2-080; para REP1-056.180:** Please see comments in para 100-102 above (in relation to REP1-056.13).

116. **REP2-080; para REP1-056.181:** We note and acknowledge the explanation provided here by the Applicant with respect to why shallow water cable protection was not included in the numerical model. This, the Applicant asserts is because *"…this is both far less likely and changes in bed level to a maximum of 5% of water depth would be indistinguishable from the natural seabed variation within the context of model discretisation in these areas*". As noted in paras 100-102 REP1-056.13 above, we advise that provided that the proposed mitigation measure is strictly adhered to (i.e. no more than a 5% reduction in water depth at any point where cable protection is placed) and secured appropriately in the oCMS and CSIP, then we can be satisfied that there should be no significant impacts to the physical processes in the shallow nearshore environment. However, should the 5% threshold be breached, then NRW (A) would require that the Applicant conduct a further physical processes assessment in the shallow nearshore environment just seawards of MLWS over the exit pits.

117. **REP2-080; para REP1-056.182:** Please see our comments above at paras 100-102 and 116 in relation to REP1-056.13 and REP1-056.180-181 and the assessment of cable protection in the nearshore environment and at the exit pits.

118. **REP2-080; para REP1-056.183:** We note the Applicant's position. No have further comments to make and this matter can be considered closed.

119. **REP2-080; para REP1-056.184:** We welcome confirmation that the Applicant will continue to engage with NRW (A) on the CSIP. No further comments – this matter can be closed.

120. **REP2-080; para REP1-056.185:** Please see our comments at paras 106-110 above regarding sand-wave recovery monitoring.

121. **REP2-080; para REP1-056.186:** This section refers to our comments with respect to sediment removal for the purposes of ballast for gravity-based foundations. We have no further comments on this matter – this matter is now closed.

1.5 Benthic Subtidal and Intertidal Ecology

122. **REP2-080; para REP1-056.17:** NRW (A) notes the Applicant's commitment to avoid, where possible, laying any cable protection in shallow nearshore waters. We also note the Applicant's commitment to ensuring that where cable protection is adopted that there will be no more than a 5% reduction in water depth at any point where cable protection is placed and that this commitment will be secured through the oCMS and CSIP. As noted in paras 100-102 (relating to REP1-056.13) above, we advise that provided that this mitigation measure is strictly adhered to, and we are consulted in writing on the oCMS and CSIP, then we are satisfied that there should be no significant impacts to the benthic and intertidal ecology in the shallow nearshore environment. However, we agree with the advice at 100-102 above regarding the requirement for further assessments should cable protection greater than the 5% depth threshold be placed in the shallow nearshore environment just seawards of MLWS over the exit pits [REP1-056.13].

123. **REP2-080; para REP1-056.18**: NRW (A) notes the Applicant's response regarding the need for monitoring provisions in respect of cable exposure. We defer to the advice above at paras 103-105 regarding REP1-056.15. We have no further comments from a benthic and intertidal ecology perspective.

124. **REP2-080; REP1-056.19**: NRW (A) notes the Applicant's response regarding sandwave recovery monitoring. We defer to the advice above at paras 106-109 regarding REP1-056.16. We have no further comments from a benthic and intertidal ecology perspective.

125. **REP2-080; para REP1-056.20**: We note the Applicant's response on biosecurity measures to control the potential spread of invasive non-native species, including the highly invasive seasquirt *Didemnun vexillum*. As previously noted, we welcome the commitment to securing a standalone marine biosecurity plan within the DCO dML and agree that this should also be secured in the TA ML. The plan will need to be agreed in writing with NRW. We have no further comments and this matter can now be closed.

126. **REP2-080; para REP1-056.189:** NRW (A) notes the Applicant's response with respect to the revision of Table 1.220 and impacts from Electromagnetic Fields (EMF) in APP-032. We welcome the clarification and amendments made within the errata document [REP2-090]. We have no further comment on this matter and this matter can now be closed.

127. **REP2-080; para REP1-056.190:** Please see our advice at REP1-056.17 para and REP1-056.13 paras 122 and 102 above.

128. **REP2-080; para REP1-056.191:** NRW (A) notes the Applicant's response with respect to consultation with NRW (A) on the oCMS and the Landfall Construction Method Statement (LCMS). We have no further comments.

129. **REP2-080; para REP1-056.192:** NRW (A) notes the Applicant's response and welcome the commitment to continue to engage with us on the LCMS. We have no further comments on this matter.

130. **REP2-080; para REP1-056.193:** NRW (A) notes the Applicant's response and has no further comments from a benthic and intertidal perspective. We defer to the advice above in the physical processes section regarding REP1-056.15 (see para 103-104) and also refer to our response to REP1-056.190 at para 127.

131. **REP2-080; para REP1-056.194:** NRW (A) notes the Applicant's response with respect to sandwave recovery monitoring and has no further comments from a benthic and intertidal perspective. We defer to the advice in the physical processes section above regarding REP1-056.16 and REP1-056.185 at paras 106-109 and 120 respectively.

132. **REP2-080; para REP1-056.196:** NRW (A) notes the Applicant's response and has no further comments. Please also see our comments at para 125 above with respect to INNS and the biosecurity plan.

1.6 Marine Water and Sediment Quality (MW&SQ)

133. **REP2-080; para REP1-056.22:** Please refer to our comments to REP1-056.199 at para 139 in the Water Framework Directive section (section 1.7) below regarding assessment at the nearshore environment.

134. **REP2-080; para REP1-056.23:** Please refer to our response to REP1-056.206 at paras 151-155 in section 1.7 below with respect to further assessment for the biological quality and supporting elements.

135. **REP2-080; para REP1-056.24 to REP1-056.25**: We now consider these issues to be closed.

136. **REP2-080; para REP1-056.26:** Please refer to our response at paras 143-144 and 145-147 in section 1.7 with respect to the Applicants position on to REP1-056.202 and REP1-056.203.

137. **REP2-080; para REP1-056.198:** Please note that NRW (A) maintain functional separation from NRW's permitting services. We reiterate our request to be consulted, in writing, on the suitability of the OEMP and the Marine Pollution Contingency Plan (MPCP) prior to commencement of activities.

138. Please also see comments at para 160 (REP1-056.218) below and from NRW MLT in section 3.

139. **REP2-080; para REP1-056.199:** We note the Applicant's commitment to the development of CMS and CSIP. We note the Applicant's intention to avoid cable protection if possible and their assertion that if protection is used, measures will be put in place to "*ensure that sediment transport continues unhindered and the wave climate is not notably altered*".

140. We maintain our position that should cable protection be required, the changes in water quality resulting from disturbance to the sediment are assessed alongside other environmental parameters / receptors.

141. Please also see comments above regarding cable protection in the nearshore environment.

1.7 WFD: Coastal and Transitional Water Bodies – Offshore works

142. **REP2-080; para REP1-056.200 to REP1-056.201:** We now consider these issues to be closed.

143. **REP2-080; para REP1-056.202:** This response refers to NRW (A)'s representation about the assessment of chemical contaminants. We note the Applicant's response at REP1-056.202. We advise that whilst there is no requirement for the Applicant to ascertain the status of waterbodies out to 12 nm (this is the role of the competent authority), there is a requirement for the Applicant to assess activities (linked to their proposal) for their impact on the chemical elements of water quality out to 12 nm (or in to 12 nm for activities beyond this boundary). The chemical status of WFD waterbodies will be classified through assessment out to 12 nm and so any activity proposed by the Applicant that has the potential to impact this status must be assessed.

144. We welcome the Applicant's commitment to engage with NRW in preparation of a Statement of Common Ground (SoCG).

145. **REP2-080; para REP1-056.203:** We are unclear on the reasons why the Zone of Influence (ZoI) use for WFD Compliance Assessment (CA) would be different to the ZoI deemed appropriate for other legislative regimes. We request clarity is provided and included in the ES documentation.

146. We refer the Applicant to their acknowledgment of advice from NRW (A) [APP-088; para 1.3.2.6]: *"… the assessment of deterioration should be extended further than 1 nm where an effect pathway may be present for any WFD element in any water body*."

147. We welcome the Applicant's commitment to engage with NRW in preparation of a SoCG. We also welcome the recent email engagement from the Applicant on 18 September 2024 in attempt to resolve this matter. NRW (A) provided further advice to the Applicant on 20 September 2024 and understand that that advice was being considered for Deadline 3. We will review any further information submitted into the examination as appropriate.

148. **REP2-080; para REP1-056.204:** We welcome the changes made, and the information provided, in the errata document [REP2-090], specifically with respect to the typographical errors and ZoIs. We consider this issue to now be closed.

149. **REP2-080; para REP1-056.205:** We acknowledge the Applicant's statement that the spatial extent assessed for WFD compliance does not coincide with the entire benthic subtidal and intertidal ecology study area.

150. We note the Applicant's statement that no sediment samples collected within the North Wales waterbody returned results showing exceedance of contaminants above CEFAS Action Level 1. We refer the Applicant to their assessment of sediment contamination (APP-087 figure 1.12 and para 1.7.3.27) showing

exceedance of arsenic in two sediment samples collected within the cable corridor (and within 12 nm of the MHWS mark). This area (out to 12 nm) is subject to assessment of chemical contaminants for WFD classification purposes. The results of the sediment contamination sampling out to 12 nm must be used to determine the impact of the proposed activities on the water quality of the waterbodies scoped in for assessment. We advise that all available data should be used in WFD compliance assessment, and not only those data from sampling stations that show contaminants to be below threshold levels. We recommend the Applicant to include (through reference) the full assessment of the data presented in document APP-087 in their WFD compliance assessment; to acknowledge the exceedance above CEFAS AL1 of arsenic at two sampling stations; to note that the concentration of this contaminant is below the Canadian PEL; to note the [as modelled] temporary resuspension of this contaminant; and to conclude that the proposed activity is unlikely to impact the water quality status of the assessed WFD waterbodies.

151. **REP2-080; para REP1-056.206:** NRW (A) advise that the ES information is updated to remove what appears to be a statement made in error by the Applicant. The statement serves only to obscure the justification for the assessment that has been correctly undertaken by the Applicant.

152. We recommend that the statement "*no further assessment is required for biological quality elements and supporting elements due to the proximity to the supporting habitats*" is removed from the ES and the references provided here in the response to REP2-080 are used to update the ES.

153. In concord with the Applicant, we conclude that assessment is required. The Applicant has completed the assessment in compliance with the WFD regulations, and we advise the wording they use in their compliance assessment should reflect this as it currently does not.

154. Our advice is given here to aid the Applicant in ensuring the information they have provided is consistent throughout their ES and their justification for providing their information is clear.

155. We emphasise further that there is no disagreement between parties for the need for assessment. We maintain our position that there was a need for further assessment and that the statements made in the Applicant's WFD compliance assessment should simply reflect the assessments that they have undertaken.

1.8 Biodiversity Benefit

156. **REP2-080; para REP1-056.207 – REP1-056.211**: We welcome the Applicant's ongoing commitment to engage with NRW (A) on these matters via dialogue and the SoCG.

157. **REP2-080; para REP1-056.210.** We welcome the detail provided by the Applicant in PDA-019 which outlines the proposed onshore ecology mitigation and biodiversity enhancements for the project. We will continue to work with the Applicant to understand and develop these proposals.

1.9 Decommissioning – Offshore

158. **REP2-080; para REP1-056.213 to REP1-056.214:** We note and welcome the Applicant's response on this matter. We have no further comments to make.

1.10 Mitigation and Monitoring Schedule; Marine Licence Principles and the Development Consent Order

159. **REP2-080; para REP1-056.215 to REP1-056.217:** NRW (A) welcome the Applicant's response. We welcome the provision of an updated Mitigation and Monitoring Schedule [REP2-030] and Marine Licence Principles document [REP2-028]. From an initial review of these revised documents, we consider that the documents are now better aligned. Nonetheless, we encourage the Applicant to continue to check the documents for consistency.

160. **REP2-080; para REP1-056.218:** In our Written Representations [REP1-056], we noted that NRW (A) are not included as an ANCB in the requirements / conditions of the DCO and dML. The Applicant has responded that the JNCC is the statutory nature conservation body for the purposes of the deemed marine licence (and is, therefore, the body listed as a consultee for the purposes of the Conditions in Schedule 14 of the draft development consent order (C1 F04)), and NRW (A) do not therefore need to be listed, and no further changes are proposed. The Applicant further notes that NRW MLT is not restricted to only consulting with listed bodies, nor is it restricted from consulting with NRW (A). Please note the response of NRW MLT in section 3 below.

161. **REP2-080; para REP1-056.219:** We note the response made by the Applicant with respect to the interchangeability of the terminology relating to MLW/MHW cf. MLWS/ MHWS respectively. Please see comments from NRW MLT in section 3.

2 ONSHORE

2.1 Designated Landscapes

162. The Applicant's comments provided in REP2-080 unfortunately do not change our previous advice. We have sought not to repeat the advice contained in our written representations [**REP1-056**] and have only commented on matters where we consider additional context or clarifications will be useful to the Inspectors.

163. **REP2-080; para REP1-056.225:** We welcome confirmation that the Applicant will submit additional cumulative wirelines showing both the Mona Array Area and the Awel-y-Môr Array together, at Deadline 3.

164. **REP2-080; para REP1-056.226:** The Applicant's response focuses on the impacts of Awel-y-Môr (if constructed) and considers the Mona Array would be a '*subsidiary and not clearly perceivable distant feature in comparison with the dominating Awel-y-Môr development*'. We advise that at certain locations, such as at Viewpoint (VP) 2: Llanlleiana Head, turbines within the Mona Array would be closer to the viewer, than turbines within the Awel-y-Môr Array i.e. the latter would not be more dominant than the Mona Array at all locations. Further, the Mona Array

would result in adverse impacts of its own, introducing large scale wind turbine development into an area of sea unaffected by development, at locations where views out to sea contribute to qualities sought to be protected by e.g. the Isle of Anglesey (IoA) National Landscape (NL) designation. Although the Zones of Theoretical Visibility (ZTV) mapping presented within the Seascape, Landscape and Visual Impact Assessment (SLVIA) is too small to be clearly legible, it appears the Mona Array would be visible at locations where the Awel-y-Môr would not (Figure A.10). Clarity on this matter is restricted by the Applicant's decision not to provide cumulative visualisations from all SLVIA viewpoints and to present the results of the ZTV at a small scale within the SLVIA report.

165. Whilst we are not clear on what the Applicant means by '*clearly perceivable'*, we advise people at the viewpoints referred to in our previous advice (e.g. VP 2: Llanlleiana Head, VP 3: Mynydd Eilian, VP 24: Bull Bay, Amlwch, VP 25: Moelfre Headland, VP 28: Penmon Point, VP 55: Trwyn Eilian, will be able to see the Mona Array and will be aware of its impact on their views. Visibility is addressed in more detail in response to other comments below.

166. Regarding views from the Wales Coast Path, the Applicant implies that views would be unaffected if the viewpoint is located beyond 30km from the Array. We disagree, and advise it does not correspond with the statement made throughout the SLVIA that '*At an approximate distance of 35-40 km the offshore elements of the Mona Offshore Wind Project would be visible, near the coast, in favourable conditions (i.e. very good visibility 20 to 40 km approx. 70% of the year).*'[1]. Offshore wind turbines with a maximum blade tip height of 364m would be visible and recognisable at viewpoints located at distances of 30km and beyond. Additionally, it is reasonable to assume that more people would be visiting the Anglesey coast and walking on the Wales Coast Path during periods of settled weather when visibility is likely to be at its best.

167. **REP2-080; para REP1-056.228:** We advise the low visibility areas referred to by the Applicant relate to visibility of the **surface of the sea**, not of structures above the surface of the sea. The proposed wind turbines would have a maximum blade tip height of 364m above the surface of the sea at lowest astronomical tide.

168. We disagree the Mona Array Area would occupy only a limited field of view at all viewpoints within the IoA NL and Eryri National Park (ENP). For example, at Viewpoint (VP) 55 Trwyn Eilian (Point Lynas) the SLVIA reports the Array would occupy a horizontal field of view (HFoV) of 35° which we do not consider to be 'limited'. It would occupy over 30° within the HFoV at other viewpoints within the IoA NL including, for example, at VP2 Llanlleiana Head, VP3 Mynydd Eilian, VP24 Bull Bay, VP25 Moelfre Headland, and VP26 Yr Arwydd Tri Point.

169. In relation to the Applicant's comments on aspects of the landscape which attract attention, we advise the rotation of turbine blades and the location of a large scale wind turbine development visible on the horizon in an area of sea which is or would otherwise be empty, will also attract attention and draw the eye.

[1] ES Volume 2, Chapter 8: Seascape and visual resources Paragraph 8.8.3.23 (**APP-060**).

170. **REP2-080; para REP1-056.230:** It is not clear why the Applicant considers that, in the case of the Mona Array, there is 'no appropriate and reliable visualisation technique available to illustrate accurately the proposed development alongside the existing and consented cumulative context'. We advise cumulative wireframes do this, and relevant guidance on visualisation techniques is provided in the NatureScot guidance on the Visual Representation of Wind Farms[2].

171. The Applicant's reference to the NatureScot guidance (regarding the distance of 20km) omits the qualification contained in that guidance that this distance only relates to '*turbines up to 150 metres high to blade tip*'[3]. The proposed turbines are more than twice this height and therefore the point made in the guidance regarding 20km is not applicable to the Mona Array. The guidance states that '*For turbines larger than 150m the distances should be discussed with SNH*'[4].

172. The Applicant states that '*NatureScot admits that wirelines may be relatively unhelpful in flat landscapes*'. We advise the paragraph and text the Applicant is referring to is irrelevant to the Mona Array because it relates to '*Smaller scale wind farm proposals (up to 3 turbines) and single turbine applications*'[5]. Furthermore, the relevant section of that guidance titled '*Wirelines for offshore wind farms*' states '***The use of wirelines is especially useful in offshore visualisation*** *where producing photomontages may be very difficult, and these will replace photomontages in some instances*'[6] (our emphasis). In relation to our written submission comment (REP1-056.230), we advise that as set out in the NatureScot guidance, 'Practitioners should aim to prepare visualisations representing the specific time of day and season when there is **optimum visibility and clarity**'[7] (our emphasis). This is not the case with the Applicant's photomontages from, for example, VP 55 Trwyn Eilian (Point Lynas), where the images are adversely affected by mist. As also set out in that guidance, '**A key factor is achieving sufficient contrast between the sky and the sea so that the horizon is clear**'[8]. This is not the case with a number of the Applicant's photomontages, including VP 55. Therefore, a number of photomontages submitted by the Applicant downplay the effects of the development compared to optimum conditions.

173. We do not agree with the Applicant's statement that there is no visualisation guidance for offshore developments at considerable distance from the coast. The NatureScot guidance on the Visual Representation of Wind Farms is applicable to this development proposal. It contains a chapter specifically on offshore wind farms (Chapter 5) and separately recognises that 'Wind turbines can be visible at considerably greater distances than 30km'[9].

[2] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2
[3] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 160
[4] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Footnote 7.
[5] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 7
[6] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 216
[7] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 206
[8] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 215 Third Bullet
[9] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 50

174. **REP2-080; para REP1-056.231:** The Applicant's comment does not correspond with their comments under REP1-056.225, where they state they will be providing further cumulative visualisations which show the Mona Array and Awel-y-Môr Array.

175. **REP2-080; para REP1-056.232:** It is not clear what the Applicant means by 'association' but we advise the development would be seen in the same views as the coastline and coastal features, including from locations within the IoA NL e.g. VP 1. Furthermore, a seascape is not experienced through static or fixed views, but rather from a combination of views over time. For example at VP 2 Llanlleiana Head, dramatic cliffs are viewed in the wider context of distant views out to sea. Both aspects contribute to the experience of the seascape, and the outstanding scenic and perceptual qualities at this location within the IoA NL.

176. It is not clear from the Applicant's submission what they consider to be the 'limit of negligible effects'. It would be helpful if this could be confirmed.

177. **REP2-080; para REP1-056.233:** The Applicant states the Mona Array Area 'adheres to following good design principles which are set out in the Stage 2 report of Seascape and visual sensitivity to offshore wind farms in Wales (White Consultants, 2019)' and they list the headline principle of it being 'located far away from the coastline/ landscape designations'. This is a fundamental principal for the mitigation of offshore wind turbines.

178. We advise the Mona Array does not adhere to the third principle outlined in the Stage 2 Guidance on Siting Offshore Windfarms [10] which states '*Locate development particularly away from coastal landscape designations*' and that development should be located '*beyond the limit of negligible visual effects, particularly for the highest sensitivity National Parks/AONBs overlaid with Heritage Coasts*'. The north coast of the IoA NL is one such high sensitivity receptor, being a National Landscape overlaid with Heritage Coast. With regard to the Stage 1 Guidance on Siting Offshore Windfarms, we advise the buffer distances for a low magnitude of effect for turbines between 300-350m tall (the tallest considered in the study) is 44km[11]. The Mona Array is located closer to the IoA NL than 44km, and at its closest is 29km. It therefore fails to adhere to the third principle aforementioned. The Guidance explains that '*Low magnitude buffer distances are an indication that there is a likelihood that there are no significant effects on a high sensitivity receptor for the size of wind turbine at, or beyond, the distance stated.*' [12] i.e. beyond 44km.

[10] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 2- Guidance on siting offshore windfarms Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 330, Page 11

[11] Noting this suggested distance was updated to 40km for turbines between 351-400m in height in the Review and Update of Seascape and Visual Buffer study for Offshore Wind farms, White Consultants, 2020, Table 13.4, Page 116.

[12] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 1- Ready reckoner of visual effects related to turbine size Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 315, Page 15

179. **REP2-080; para REP1-056.234:** For the reasons states in our written representations, we disagree with the Applicant's position that the Mona Array would not affect special qualities of designated landscapes or visual amenity.

180. In relation to designated landscapes, the Applicant states the effects would be '*indirect and only perceptual*'. The receptors being assessed are a National Landscape with Heritage Coast and National Park, where perceptual qualities relate to the reason for these landscapes being protected, i.e. their outstanding natural beauty and the importance nationally of this being conserved. Effects on perceptual qualities are no less important than effects on other valued aspects of a designated landscape, and should not be dismissed.

181. **REP2-080; para REP1-056.322:** The Applicant quotes from the Offshore Energy SEA 4: Environmental Report[13] (shortened to OESEA4), listing factors which may limit visual perception from the coast including atmospheric / meteorological conditions (haze, precipitation, fog). However, the quotation is incomplete and omits the critical text which states these factors should be taken '*as context only*' and that '***Project level assessments are required to take a precautionary approach, and therefore base conclusions on the maximum possibly visibility***'[14] (Our emphasis). Elsewhere, the Offshore Energy SEA 4: Environmental Report states that '*impact assessments relating to visibility* ***must assume conditions free from meteorological factors that could limit visibility, even if these are on the majority of days per year, to reflect a worst case impact***'[15] (Our emphasis). It appears from the Applicant's comments that the SLVIA has not done this because they state the '*magnitude of impact from the Mona Array on the IoA NL took account of the following factors*' inter alia 'atmospheric conditions' including '*air clarity, air humidity, the background cloud cover, haze*' which vary over time and can reduce visibility compared with a maximum visibility scenario.

182. The Applicant states 'Seascapes are hugely altered by weather conditions, to a far greater extent than any terrestrial, rural or urban environment'. It is not clear what the Applicant means, but we assume they mean that, 'light quality and weather conditions change more rapidly and are more variable than onshore'[16], as explained in the NatureScot guidance on Visual Representation of Wind Farms. We also advise that the NatureScot guidance states that 'In general terms, given good meteorological conditions, **visibility is higher on the coast than inland**'[17] (Our emphasis).

[13] UK Offshore Energy Strategic Environmental Assessment Future Leasing/Licensing for Offshore Renewable Energy, Offshore Oil & Gas and Gas Storage and Associated Infrastructure OESEA4 Environmental Report, Department for Business, Energy & Industrial Strategy, March 2022.

[14] UK Offshore Energy Strategic Environmental Assessment Future Leasing/Licensing for Offshore Renewable Energy, Offshore Oil & Gas and Gas Storage and Associated Infrastructure OESEA4 Environmental Report, Department for Business, Energy & Industrial Strategy, March 2022, Paragraph 5.8.2

[15] UK Offshore Energy Strategic Environmental Assessment Future Leasing/Licensing for Offshore Renewable Energy, Offshore Oil & Gas and Gas Storage and Associated Infrastructure OESEA4 Environmental Report, Department for Business, Energy & Industrial Strategy, March 2022, Paragraph 5.8.5 First Bullet.

[16] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 206

[17] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 206

183. In relation to the specific bullet points made by the Applicant referring to OESEA4, we advise:

- The visibility referred to relates to the surface of the sea, not of objects above the surface of the sea.
- The study specifically recommends that Met Office data is used. Further, the Stage 1 Guidance on Siting Offshore Windfarms, states that the Husar and Husar, 1998 Study '*appears to be countered by published Meteorological Office data below which indicate that visibility can exceed 35 km, albeit on limited days of the year*'.[18] On our own site visit we were able to see and distinguish 150m tall wind turbines within the Gwynt y Môr Array from Penmon Point at a distance of approximately 29km, and therefore we do not accept that 26km is the 'maximum visual range'. Furthermore, the Husar and Husar study noted the number and form of objects inter alia will vary the distance quoted. See further evidence on this matter below under our comments in relation to the research carried out by Sullivan et al.
- As highlighted by the Applicant, based on the meteorological data collected at Rhyl (for the period between 2008-2017) referred to in the Offshore Energy SEA 4: Environmental Report, turbines are expected to be visible from viewpoints along the north coast of the IoA NL for a significant number of days each year with the distance of visibility being '*26 to 30 km for 47.9% of days, and at 35 km for 27.9% of days*'. Further, we note the more recent meteorological data collected at Rhyl for the period between Jan 2012 to Dec 2021 (appended to the Applicant's SLVIA[19]) shows visibility at Rhyl was greater than 26km almost 60% of the time and greater than 35km approximately 40% of the time.

184. We also advise that other guidance prepared by NatureScot, namely 'Siting and Designing Wind Farms in the Landscape', explains that '*Wind turbines of between 100 – 150m can be visible at distances of up to 40 or 50km in some conditions*'[20]. NatureScot guidance on the Visual Representation of Wind Farms also states that '*Wind turbines can be visible at considerably greater distances than 30km*'[21].

185. The Applicant's comment regarding 'very good visibility 20km to 40km' occurring on approximately 40% of the year does not correspond with the SLVIA, which repeatedly states in relation to visibility of the Mona Array from the coast, that it would be visible during very good visibility of between 20km to 40km, and that this would occur 70% of the year[22].

186. The '*Review and Update of Seascape and Visual Buffer study for Offshore Wind farms*' prepared by White Consultants, 2020, refers to independent research

[18] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 1- Ready reckoner of visual effects related to turbine size Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 315, Page 30

[19] ES Volume 6, Annex 8.4: Seascape, landscape and Visual Resources Impact Assessment Methodology (**APP-104**).

[20] Siting and Designing Wind Farms in the Landscape, NatureScot, Version 3A, Paragraph 3.22

[21] Scottish Natural Heritage Visual Representation of Wind Farms Guidance Version 2.2 Paragraph 50

[22] ES Volume 2, Chapter 8: Seascape and visual resources Paragraph 8.8.3.23 (**APP-060**).

undertaken by Argonne National Laboratory and the University of Arkansas titled: '*Offshore Wind Turbine Visibility and Visual Impact Threshold Distance*s'[23]. This research was undertaken because '*Past assessments of offshore wind turbine visibility were based on smaller turbines and facilities in use at the time and underestimate visibility for current projects, which use more and larger turbines'*. It was based on a review of existing offshore wind farms in the United Kingdom, with assessments undertaken through naked-eye observations of turbines in the field. It concluded that:

187. 'Results showed that small to moderately sized facilities **were visible to the unaided eye at distances greater than 42 km** [26 miles (mi)], with **turbine blade movement visible up to 39 km** (24 mi). At night, aerial hazard navigation lighting was visible at distances greater than 39 km (24 mi). The observed wind facilities were judged **to be a major focus of visual attention at distances up to 16 km (10 mi), were noticeable to casual observers at distances of almost 29 km** (18 mi), and were visible with extended or concentrated viewing at distances beyond 40 km (25 mi)'.

188. It is crucial to note the above distances related to the review of existing offshore wind farms in the United Kingdom, all with significantly smaller turbines - all less than half the height - of those proposed as part of the Mona Array[24], and therefore the distance at which turbines within the Mona Array would remain a focus of visual attention or be noticeable to the casual observer would be greater. Also, only 2 of the 29 assessment viewpoints used in the research were within a coastal designation (NP or AONB) where interest and attention on seascape is typically heightened.

189. Furthermore, in the commentary on the aforementioned research, White Consultants, states that '.. the term 'noticeable' at distances up to 29km is an indicator of moderate magnitude which is likely to have a significant effect on sensitive receptors.'[25] Again, this related to the examination of the impacts of significantly smaller wind turbines than proposed in the Mona Array.

190. The Applicant characterises the turbines as '*slim vertical structures*'. Wind turbines are not only slim vertical structures. They have rotating blades, and in the case of the proposed turbines, these would have a maximum diameter of 320m. Whilst evidently different in form and character, we advise the diameter of the proposed blades is longer than the Shard building is tall (310m).

191. **REP2-080; para REP1-056.323:** We understand from the Applicant's comments that judgements reached in the SLVIA are influenced by factors such as atmospheric conditions which would impact visibility at certain times, and therefore they have taken a different approach to that required by the Offshore

[23] Offshore Wind Turbine Visibility and Visual Impact Threshold Distances Robert G. Sullivan, Leslie B. Kirchler, Jackson Cothren, Snow L. Winters Article in Environmental Practice, March 2013.

[24] See Table 1 in Offshore Wind Turbine Visibility and Visual Impact Threshold Distances Robert G. Sullivan, Leslie B. Kirchler, Jackson Cothren, Snow L. Winters Article in Environmental Practice, March 2013.

[25] Review and Update of Seascape and Visual Buffer study for Offshore Wind farms, White Consultants, 2020, Paragraph 9.28

Energy SEA 4: Environmental Report i.e. which requires assessments to take a precautionary approach and base conclusions on the maximum possibly visibility.

192. The Applicant states 'Based on the field survey the Applicant notes that at a distance of 30 km it would be difficult to discern the blade movement of turbines'. During our site visit we were easily able to discern wind turbines within Gwynt y Môr from Penmon Point at a distance of approximately 29km. Turbines within Gwynt y Môr are significantly smaller (at 150m tip height) to those proposed as part of the Mona Array (364m tip height), and it is expected the rotation of 320m diameter blades – across multiple turbines of the Mona Array - would easily be discernible from viewpoints at 30km distance. Furthermore, research by Sullivan et al[26], aforementioned, found that when existing offshore wind farms around the United Kingdom were examined with the naked eye (all of which contained substantially smaller turbines than those proposed within the Mona Array), that:

193. 'Turbine blade movement was visible at distances as great as 42km (26 mi) in 42 of the 49 daytime observations … and was observed routinely at distances of 34 km (21 mi) or less. Contrary to expectations, lighting conditions, sun angle, and apparent contrast between the turbines and the sky backdrop did not substantially affect the likelihood of observing blade motion; blade motion was visible at distances beyond 30 km (19 mi) regardless of sun angle, lighting conditions, or contrast levels. Again, these distances are greater than those reported in previous studies'[27].

194. We disagree the Mona Array would appear as a '*barely discernible distant feature*', particularly during very good to excellent visibility when turbines along the southernmost part of the Array would be clearly visible, and would be an obvious detractor within views of the sea, particularly from the northern coastline of the IoA NL.

195. **REP2-080; para REP1-056.324:** We note the Applicant's comments regarding the need to consider the relationship of the proposal to the coastline and coastal features. Also relevant is the need to consider that views out to sea are highly valued within a coastal National Landscape / AONB (also overlain by Heritage Coast), and that views out to sea provide the setting to valued coastal features. The Stage 2 Guidance on Siting Offshore Windfarms states in relation to AONBs and Heritage Coast that '*Visual receptors within these areas, such as users of the Coast Path, are likely to be particularly sensitive to views out to sea'*[28]*.* Further, it is not one view or an isolated series of views out to sea that will be affected, but views along a significant portion of the north coast of the IoA NL where the scheme would (notwithstanding other variables) become a constant feature – compounding

[26] Offshore Wind Turbine Visibility and Visual Impact Threshold Distances Robert G. Sullivan, Leslie B. Kirchler, Jackson Cothren, Snow L. Winters Article in Environmental Practice, March 2013.

[27] Offshore Wind Turbine Visibility and Visual Impact Threshold Distances Robert G. Sullivan, Leslie B. Kirchler, Jackson Cothren, Snow L. Winters Article in Environmental Practice, March 2013.

[28] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 2-Guidance on siting offshore windfarms Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 330, Sections 3.3 and 3.4

the overall awareness and impact of the scheme, including on the perception of the character of the seascape setting to the IoA NL.

196. **REP1-056.330:** We note the Applicant's response is intended to explain how the three 'White Reports'[29] (commissioned by NRW) were taken into account as part of the Mona SLVIA. However, the explanatory text repeatedly refers back to the Offshore Energy SEA 4: Environmental Report, and whilst it acknowledges the buffer distances identified in the 'White Reports' (44km for turbines between 301-350m) it does not acknowledge that the Mona Array breaches those distances (at its closest it is 29km from IoA NL). Those distances are derived from an evidence based approach and inform an understanding of the likely magnitude of change that different sizes of offshore wind turbines would have. The specific purpose of which is to understand how to avoid significant adverse effects on 'high sensitivity coastal visual receptors' within National Parks and National Landscapes / AONBs.

197. The distances used in the White Reports are intended as a guide. We note the Applicant does not agree with the findings of the Guidance on Siting Offshore Windfarms, preferring text within the Offshore Energy SEA 4: Environmental Report. We note the latter refers to the relevance of the distances included in the 'White Reports' for Welsh Waters, in which Mona Array is located, where it states:

198. 'White Consultants (2020a) considered the thresholds of average low magnitude of effect detailed above to indicators for minimum thresholds as it is considered that effects could still be significant at around these distances for high sensitivity receptors. It is noted that the difference in these thresholds of effect compared to the similar exercise undertaken for Wales (NRW 2019) are due to fewer wind farms being considered and a slightly different basis for the assessment. **For the purposes of OESEA4, it is considered that those values in NRW (2019) are relevant to Welsh waters** and that those presented in White Consultants (2020a) are relevant to English waters. While the analysis in White Consultants (2020a) included wind farms in Scottish waters, this area is not covered by the draft plan/programme'[30] (Our emphasis).

199. We note the reference to the sensitivity of seascape character areas identified in the 'Seascape and visual sensitivity assessment for offshore wind farms' study[31] and specifically Zone 2 in which the Mona Array would be located, which is identified in the study as having medium/low sensitivity to wind farm developments[32]. We advise the analysis and evaluation of Zone 2 omitted consideration of the IoA NL (Refer to specific analysis which begins at page 40). It is based entirely on the relationship of Zone 2 to the seascape and land directly

[29] Stage 1- Ready reckoner of visual effects related to turbine size, Stage 2- Guidance on siting offshore windfarms, and Stage 3- Seascape and visual sensitivity assessment for offshore wind farms.

[30] UK Offshore Energy Strategic Environmental Assessment Future Leasing/Licensing for Offshore Renewable Energy, Offshore Oil & Gas and Gas Storage and Associated Infrastructure OESEA4 Environmental Report, Department for Business, Energy & Industrial Strategy, March 2022, Section 5.8.2.4

[31] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 3- Seascape and visual sensitivity assessment for offshore wind farms Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 331

[32] The analysis considered a development between '20 and 300 turbines' in the following turbine height to blade tip bands:107-145m, 146-175m, 176-225m, 226-300m, 301-350m.

south of Zone 2, and the existing detractors within this area. In contrast, the evaluation of Zones 3 and 4 did consider the sensitivity of the IoA NL and as a consequence, found these areas have a higher sensitivity to offshore wind turbine developments (High and Medium sensitivity respectively). Moreover, receptors which are cited as being particularly sensitive within Zones 3 and 4, are the same receptors that will be impacted by the Mona Array in Zone 2 (e.g. '***Particularly sensitive receptors on Anglesey include users of Penmon Point, Red Wharf Bay*** *and Holyhead Mountain* ***and the coast has some tranquillity and remoteness especially towards the north***'[33]). In the case of Penmon Point and Red Wharf Bay, Zone 2 is the same distance from these receptors as Zone 4.

200. Crucially, the study considered how turbines within specific height bands may alter the level of visual susceptibility of each Zone, and in relation to Zone 2, the study notes that '*Turbines 300-350m would be likely to exceed low magnitude of effect*'[34] and therefore it is implied that Zone 2 has a greater level of sensitivity to turbines in this height range than turbines in the other height ranges considered in the study (i.e. 107-145m, 146-175m, 176-225m, 226-300m, 301-350m). Noting the maximum blade tip height of turbines proposed within the Monay Array (364m) exceeds this height band.

201. **REP2-080; para REP1-056.332:** The 35 km 'theoretical limit to visibility' used in the National Seascape Assessment for Wales (2015) was defined in relation to visibility of the sea surface and horizon at different elevations, and the additional computer processing required if this distance was increased above 35km. It is not intended to imply that 35km is the limit of visibility of offshore wind farms.

202. **REP2-080; para REP1-056.354 to REP1-056.360:** We welcome the clarification that – in relation to the SLVIA - the Applicant considers that moderate effects could either be significant or not significant. This appears to be a change from the statement in the SLVIA methodology that only 'substantial or major' effects or 'an accumulation of moderate effects' would be deemed significant in EIA terms for the purpose of the SLVIA[35]. We also assume therefore the Applicant agrees that Major/moderate adverse effects are expected to be significant.

203. The Applicant states 'In most cases an effect of moderate is most likely not to be significant, in accordance with GLVIA3 (Landscape Institute, 2013), DTI (2005) and White Consultants (2020)'. We are not aware of a statement in the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLIVA3) which supports the Applicant's comments. The 'Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance' study prepared by White Consultants states that 'Research and guidance indicate that a moderate

[33] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 3- Seascape and visual sensitivity assessment for offshore wind farms Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 331 Pages 44 and 49

[34] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 3- Seascape and visual sensitivity assessment for offshore wind farms Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 331 Page 42

[35] ES Volume 6, Annex 8.4: Seascape, landscape and Visual Resources Impact Assessment Methodology, Paragraph 1.10.1.2 (**APP-104**).

effect can potentially be significant'[36]. This is repeated in the 'Review and Update of Seascape and Visual Buffer study for Offshore Wind farms' prepared by White Consultants, 2020.

204. **REP2-080; para REP1-056.366 to REP1-056.367:** We note confirmation that local landscape character areas have not been considered in relation to the assessment of the Mona Array Area, and we consider this to be an omission. Problems arising from omitting an assessment against local baseline studies include:

- Key characteristics and qualities within those areas and the impact on these are unreported.
- Judgements on the geographical extent of impacts distort conclusions because they are based on the geographical extent of a national character area, which covers a substantial area drawn at a national scale.

2.2 WFD Compliance Assessment: Onshore Works

205. **REP2-080; para REP1-056.240**: We note and welcome the inclusion of Kinmel Bay, Rhyl and Rhyl East Bathing Waters in the assessment. We also note the potential impacts outlined and are satisfied with the mitigation measures presented and outlined in the Outline Code of Construction Practice (APP-212). We have no further comments.

206. **REP2-080; para REP1-056.245:** - We note that geomorphology still has not been assessed within this application in detail as per the other WFD elements. Elements of the proposed infrastructure may yet need to be significantly repositioned to alternative (more acceptable) locations within the catchment following receipt of adequate geomorphological field survey.

207. **REP2-080; para REP1-056.246**: We note the confirmation that 7 of the 9 crossings will be undertaken by trenchless techniques. The remaining 2 crossings "*have been assessed as low sensitivity, heavily modified and incapable of supporting fish or macroinvertebrates*". The details of the trenchless crossings and x2 remaining watercourse crossings will still need to be detailed at the post-consent stage.

208. **REP2-080; para REP1-056.247:** There appears to be no further details on haul road bridges. The project should apply the flow chart process outlined in Appendix 1 NRW's evidence report (attached) and details should be submitted at post-consent stage.

209. **REP2-080; para REP1-056.249 and REP1-056.250:** We note the Applicant states "The design of the watercourse crossings will ensure the depth of cover to the cable ducts is sufficient to avoid exposure of the cable over the long term. The watercourses traversed are of low sensitivity and are indicative of depositing rather

[36] Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 1- Ready reckoner of visual effects related to turbine size Simon White, Simon Michaels and Helen King, White Consultants NRW Report No 315, Page 13

than eroding channels where the risk of exposure in the long term is low". The details of where this assessment have been derived from have not been provided along with a definition of "long-term". It is noted that the project has now addressed decommissioning of the offshore elements of the project (REP1-056.213). It is unclear as to why onshore elements are being considered differently.

210. Notwithstanding the above we reiterate our comments in REP1-056.251, we acknowledge that the Applicant will still need to prepare the information advised above to inform the final CoCP which is secured by Requirement 9 of the draft DCO. We note from the Applicant's Responses to our Relevant Representations [PDA-008] "A commitment to undertake these surveys will be included in an update of the Outline Onshore Construction Method Statement (APP-227) which will be submitted to the Examination. The Outline Onshore Construction Method Statement forms part of the Code of Construction Practice (CoCP). However, in deferring this information to the post-consent stage, the Applicant should be aware that some of the crossing methods proposed may not be appropriate, or acceptable, at certain locations if the information demonstrates there may be potential impacts on WFD waterbodies.

2.3 Air Quality

211. **REP2-080; para REP1-056.252 to REP1-056. 254:** We note the Applicant's comments, we have no further comments.

2.4 Ecology (Terrestrial)

212. **REP2-080; para REP1-056.258:** We note and welcome the identified updates to the to the Outline LEMP.

213. **REP2-080; para REP1-056.259**: We note and welcome the commitment to transfer the occupancy of ecology areas to a body that accords with the definition of a responsible body under Part 7 of the Environment Act 2021. We note monitoring proposals during the operational phase have not been updated. We advise that monitoring is undertaken annually.

214. We note the outline habitat management prescriptions. However, no detail is given in respect of species-specific prescriptions, e.g. if fish or invasive non-native species are recorded.

215. Site liaison, wardening, incident reporting and response arrangements appears to have not been considered in the updated outline LEMP.

216. Provision for periodic review mechanism for the long-term management plan appears to have not been considered in detail. We suggest every five years or timescales to be agreed by the LPA and NRW.

217. Contingency measures – the updated OLEMP does not appear to have considered this component requirement in any detail.

218. We welcome confirmation of the updated tenure proposals for the ecology areas. We advise tenure changes of the ecology areas (i.e. to a body that accords

with the definition of a responsible body under Part 7 of the Environment Act 2021) is completed prior to the commencement of the operational phase of the proposals.

219. No details are provided in respect of skills, competencies and licences for (a) surveillance and (b) management works.

220. Limited detail is provided in respect of reporting of management and surveillance. We advise that surveillance results are uploaded annually into the Wales GCN Monitoring Scheme. We welcome proposals to report on management and surveillance to the St Asaph GCN Working Group.

221. Further advice is provided below in Annex B in regard to the updated Outline Landscape and Ecology Management Plan (REP2-035) and updated Outline Biosecurity Protocol (REP2-061).

2.5 Water Quality (Surface and Groundwater)

222. **REP2-080; para REP1-056.263 to REP1-056.269:** We note the Applicant's comments, we reiterate our comments and 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 note that NRW (A) are listed as a consultee for the discharge of condition 9. We have no further comments.

2.6 Flood Risk

223. **REP2-080; para REP1-056.270 to REP1-056.279:** We note the Applicant's comments, we have no further comments.

2.7 Materials and Waste

224. **REP2-080; para REP1-056.280:** We note the Applicant's comments, we have no further comments.

3 MARINE LICENSING

225. Further to a request by the Examining Authority in the Hearing Action Points from Issue Specific Hearing 1 on The Scope of the Proposed Development, NRW MLT have prepared a list of Deemed Marine Licence drafting matters not yet agreed at Deadline 3. This is based the applicants Deadline 2 submission which included the Applicants response to NRW Written Representation (REP2-080) and an updated Draft Development Consent Order (REP2-004).

226. The ExA has requested a red/amber/green traffic light system to indicate the importance of each of the outstanding items. NRW MLT's position is that all of its concerns should be accommodated. The Applicant and NRW MLT have been in discussion and have made progress in narrowing and wherever possible reaching agreement on these issues. Accordingly, further to the ExA's request NRW MLT has identified below those outstanding issues. Those issues marked as yellow are ongoing points of discussion, while those marked as red are matters where both the applicant and NRW MLT remain in positions of disagreement.

Colour	Status
	Ongoing point of discussion
	Not agreed

	Reference from draft DCO Document (REP2-004)	Position	Status
1	Part 1 of DCO – Interpretation Reference to Mean High Water Springs (MHWS) has been amended to Mean High Water (MHW). Work 3 and 8	As detailed within our Written Representation (REP1-056 Annex D row 2) we maintain that the correct reference is MHWS, consistent with terminology in the MACAA 2009 (see section 66(4) and s42 for the definition of Marine Licensable area). Within the Marine Licence Principles Document (REP2-028) it is proposed that the transmission asset marine licence which is currently being determined by NRW MLT consists of marine licensable activities associated with work number 2 and 3. However as currently drafted within the DCO, Mean High Water is used to define Work Number 3 and 8. This could lead to a	

		potential discrepancy between the boundaries of works within the transmission marine licence and the DCO. Specifically, this may lead to elements of work number 8 identified in the DCO, which is located between MHW and MHWS, needing to be included in the transmission marine licence. Accordingly, we maintain that the correct reference should be MHWS not MHW. This is consistent with other recent Development Consent Orders including Awel y Mor, and Hornsea 4.	
2	Article 7 of DCO – Benefits of the Order And also Schedule 14, para 7.	<u>Transfer Provision</u> NRW MLT note that the Applicant has sought to update the drafting of Article 7 of the draft DCO (REP2-004) however neither the Applicant's response to relevant representation (PDA-008 row RR-011.154-156) or the revised drafting address our concerns surrounding the lawfulness and need for such a provision, as was detailed within our Written Representation (REP1-056, section 4.3).	
3	Table 1 of DCO	Co-ordinate point 8 and 9 are duplicates and one should therefore be removed.	
4	Schedule 14, interpretation	We note the Applicant has made amendments to the definition of 'commence' to address comments made within our Written Representation (REP1-056, section 4.5) and has removed intrusive ground investigation. NRW MLT seek clarity if intrusive ground investigation has been removed from pre-commencement surveys what marine licensable activities remain as part of pre-commencement surveys. NRW MLT seek clarity whether intrusive ground investigation is still proposed to take place under the existing consent.	
5	Schedule 14, para 3	Amendments have been made in Part 1 of the DCO to activities that can be carried out in connection with Work No 1 and 2 (page 50 of the draft DCO).	

		However corresponding amendment have not been carried to the activities carried out in connection with Work No 1 in schedule 14 para 3. This should be rectified. It would also be useful to understand why these amendments have been made.	
6	Schedule 14, Table 3	Co-ordinate point 8 and 9 are duplicates and one therefore should be removed.	
7	Schedule 14, para 12 Para 18 (4) Para 19 (s), Para 20 (3) and Para 21 (3)	<u>Time Limits for Approval of Plans</u> The applicant provided a response to Relevant Representations (PDA-008) row RR-011.162 considering the condition necessary to assist in maintaining the project delivery programme. As detailed within our Written Representation (REP1-056, section 4.7) NRW MLT maintain our position and do not consider the condition reasonable or necessary. NRW MLT remain unclear surrounding the enforceability of the proposed condition.	
8	Schedule 14, para 17 (2)	We welcome changes made to para 17 (1), however additional wording is required at the end of para 17(2) to provide that dropped objects must be recovered unless otherwise approved by the licensing authority.	
9	Para 18 (1)	The Applicant's response to NRW Written Representation REP2-080 row REP1-056.432 provides its rational for current drafting. As detailed within our Written Representation (REP1-056, Annex D Row 14) we maintain that we do not consider it necessary to list the consultation bodies within this condition and that reference to specific consultation bodies should be removed. As drafted, certain bodies that would be consulted on Plans have not been included, for example other relevant statutory nature conservation bodies including NRW Advisory. It is unclear why the Applicant has	

		included reference to some consultees but not others. If reference to consultees is retained we would suggest that 18 (1) is amended so that rather than reference to JNCC reference is given wider to relevant Appropriate Nature Conservation Bodies.	
10	Para 21 (5) and Para 26 (5)	As detailed within our Written Representation (REP1-056). We note that reference to Statutory Nature Conservation Bodies within this condition has been amended in the most recent drafting to JNCC. We consider that the close out report and monitoring reports may be relevant to other appropriate nature conservation bodies including NRW A and NE.	
11	Para 21	The definition given for “commence” within the deemed marine licence, excludes unexploded ordnance surveys and clearance of unexploded ordnance. However, the term ‘commence’ is used in para 21 in reference to unexploded ordnance clearance. This drafting should be amended to avoid any conflict between the provisions and/or ambiguity.	
12		As detailed within our Written Representation (REP1-056) section 4.6 we maintain that we consider a Compliance Report necessary. The Applicant within their response to NRW Written Representation REP2-080 row REP1-056.432 noted they are further considering this comment and will provide an update at deadline 3.	

Designation of Disposal Site

227. Although not a matter of disagreement with the applicant NRW MLT have previously provided comment surrounding the process for the designation of a Disposal Site, Written Representation (REP1-056) Section 4.9.

228. As the sampling presented was also relevant to the determination of the transmission marine licence, we have sought independent external advice on the sufficiency of sediment sampling and whether the material is suitable for disposal at sea in line with OSPAR guidelines. This advice has now been received from CEFAS and is provided alongside our Deadline 3 submission.

229. As detailed within REP1-056, NRW MLT sought clarity from the ExA as to 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 the DCO and deemed Marine Licence.

230. As the disposal site is also relevant to the Transmission Marine Licence, NRW MLT would be satisfied on this occasion to request a unique disposal site code for the disposal site from Cefas following the determination of the DCO by the Secretary of State.

231. Although our established practice would usually include the disposal site code within the licence, NRW MLT are content on this occasion that as currently drafted the disposal of dredged material would be restricted to within the array area as detailed in para 3 of Schedule 14, therefore reference to the disposal site code within the licence is not needed.

4 ANNEX A

NRW (A) comments on updated offshore ornithology related assessment documents submitted by the Applicant at Deadline 2

Documents reviewed:

- Deadline 2 Submission - E1.3 HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments F02 [REP2-010/REP2-011]
- Deadline 2 Submission - E1.4 HRA Stage 1 Screening Report F02 [REP2-012/REP2-013]
- Deadline 2 Submission - E1.5 HRA Integrity Matrices F02 [REP2-014/REP2-015]
- Deadline 2 Submission - F2.5 Environmental Statement Volume 2, Chapter 5: Offshore ornithology F02 [REP2-016/REP2-017]
- Deadline 2 Submission - F6.5.2 Environmental Statement Volume 6, Annex 5.2: Offshore Ornithology Displacement Technical Report F02 [REP2-018/REP2-019]
- Deadline 2 Submission - F6.5.3 Environmental Statement Volume 6, Annex 5.3: Offshore ornithology collision risk modelling technical report F02 [REP2-020/REP2-021]
- Deadline 2 Submission - F6.5.5 Environmental Statement Volume 6, Annex 5.5: Offshore ornithology apportioning technical report F02 [REP2-022/REP2-023]
- Deadline 2 Submission - F6.5.6 Environmental Statement Volume 6, Annex 5.6: Offshore ornithology population viability analysis technical report F02 [REP2-024/REP2-025]

1. **Comments on Mona Deadline 2 updated offshore ornithology assessment related documents**

NRW (A) has reviewed the updated submission documents submitted by the Applicant at Deadline 2 [REP2-010 to REP2-025]. We welcome that the Applicant has corrected the many errors and discrepancies identified by interested parties, and the Applicant themselves, in these documents and has followed these corrections through to the assessments within the ES Offshore Ornithology Chapter [REP2-016/REP2-017] and HRA related documents (screening, REP2-012/REP2-013 and ISAA Part 3, REP2-010/REP2-011).

However, we note there remain a couple of minor errors/discrepancies:

<u>EIA Related</u>

- We are unsure as to why the Applicant has updated the Manx shearwater spring migration mean peak abundance figure from 3 to 6, as based on the information presented in APP-091, we understand the figure of 3 was correct. Based on the Applicant's principle of using MRSea (model-based) estimates where available, and design-based if not, and a spring definition of March, the peak spring migration abundance in the site + 2km buffer should be 6 for year 1 (design-based estimate as MRSea estimate not available) and 0 for year 2 (design-based as MRSea estimate not available), resulting in a mean peak estimate of 3 and not 6 (see Table 1.46 of Offshore Ornithology Baseline Characterisation Technical Report, APP-091).

- In the updated offshore ornithology ES Chapter [REP2-016/REP2-017], the largest BDMPS used for the annual assessment of collision risk (Tables 5.42 and 5.43) and collision risk + displacement (Table 5.48) for gannet is currently still based on the Applicant's less precautionary breeding season reference population of 682,989 birds, if the SNCB advised more precautionary EIA scale breeding season figure is used (as was agreed would be used for gannet during the EWG), then the largest BDMPS is the pre-breeding/spring migration BDMPS of 661,888 (Furness 2015).
- In the updated offshore ornithology ES Chapter [REP2-016/REP2-017], the largest BDMPS used for the annual assessment of collision risk (Tables 5.45) for Manx shearwater is currently still based on the Applicant's less precautionary breeding season reference population of 2,372,485 birds, if the SNCB advised more precautionary EIA scale breeding season figure is used (as was agreed would be used for gannet during the EWG), then the largest BDMPS is the NRW/NE calculated breeding season BDMPS of 1,821,518 as listed in the joint NRW/NE interim advice regarding demographic rates, EIA scale mortality rates and reference populations sent to the Applicant by NE on 26 March 2024.

However, we note that these errors/discrepancies do not alter the assessment conclusions for project alone impacts at EIA scale. Therefore, following the updates made by the Applicant in their Deadline 2 submission, we are now in a position to confirm that the EIA scale impacts from the Mona project alone are predicted to be small and hence not significant at EIA scale (i.e. no greater than minor adverse significance). Further detail on the justification conclusions regarding collision and displacement impacts from the project alone is provided in Appendix 1 below.

<u>HRA Related</u>

- Part b of paragraph 1.4.6.49 of the updated HRA Stage 1 Screening Report [REP2-012/REP2-013] states that: *'Apportioning was not done for Atlantic puffin as the mean annual mortality from disturbance and displacement before apportioning was 0.10 birds.'* This is based on the Applicant's preferred 50% displacement and 1% mortality. We note that if the SNCB advised range of displacement (30-70%) and mortality (1-10%) are considered, then the mean annual mortality from disturbance and displacement before apportioning is 3 birds.
- We note that all the apportioned figures presented for displacement impacts within the HRA Stage 1 Screening Report [REP2-012/REP2-013] and conclusions of whether likely significant effect (LSE) can or cannot be ruled out are based solely on the Applicant's preferred % displacement and % mortality rates and do not consider the full range of apportioned impacts based on the range of rates advised by NRW (A). However, we note that the Applicant intends to submit assessments following SNCB advice into the examination at Deadline 3, which we understand will include presentation of displacement impacts apportioned to designated sites for the full range of displacement and mortality rates recommended by the SNCBs. Therefore, we will provide updated advice following full review of these assessments once available.
- We suggest the Applicant checks the apportioned razorbill displacement impact figures presented in the HRA Stage 1 Screening Report [REP2-012/REP2-013] and the HRA Stage 2 ISAA Part 3 (SPAs and Ramsars) report [REP2-010/REP2-011] for Skomer, Skokholm and seas off Pembrokeshire SPA - as part b of

paragraph 1.4.6.49 of the Screening Report gives the apportioned impact to the site as 0.4 razorbill from displacement, whilst Table 1.19 of the ISAA Part 3 (SPAs and Ramsars) gives the annual displacement mortality for razorbill from the site as 2.41 birds.

- We suggest the Applicant checks the text in part c of paragraph 1.4.6.49 of the HRA Stage 1 Screening Report [REP2-012/REP2-013] regarding collision risk for lesser black-backed gull and kittiwake for Skomer, Skokholm and seas off Pembrokeshire SPA as it currently is unclear/doesn't make sense. Lesser black-backed gull is only assessed for collision risk, so it is not clear why the text in this paragraph appears to suggest the 0.1 to 0.2 birds mortality for this species is for the combined impact of collision plus displacement. Additionally, we assume the 0.1-0.2 mortalities are the apportioned collision impacts for the species-specific avoidance rates (so 0.1 mortalities) and SNCB advised species-group avoidance rate (so 0.2 mortalities), but clarification is required that this is the case. Additionally, part c of this paragraph also appears to state that the collision plus displacement combined impact to kittiwake from the project alone is 0 birds annually. However, we note the text in part b of paragraph 1.4.6.49 states this impact is 0.1 kittiwake, so consistency in the text is required.

We understand that the Applicant intends to provide additional information in accordance with the advice provided by NRW (A) and JNCC in Relevant and Written Representations and that this will be submitted into the examination at Deadline 3. We welcome that this additional information will include presentation of displacement impacts apportioned to designated sites for the full range of displacement and mortality rates recommended by the SNCBs. Until this information is made available, we are unable to provide further advice on whether adverse effect on integrity can be ruled out for Welsh designated sites from the project alone. We will provide further comment/advice into the examination following full review of the information submitted at Deadline 3.

<u>Cumulative and in-combination</u>

We are aware that the Applicant is progressing work to gap-fill historical projects. NRW (A) is currently engaging with the Applicant regarding their proposed approach and results to the gap-filling exercise in cumulative (and in-combination) assessments, and a useful meeting was held with the Applicant, NRW (A), JNCC and NE to discuss this on 29th August 2024. Joint SNCB written comments (NRW (A), NE and JNCC) have been provided to the Applicant following this meeting (sent via email from JNCC 6th September 2024). We welcome the Applicant's intention to submit this information into the examination at Deadline 3. NRW (A) will provide further advice into the examination following review of the submitted document.

With regard to in-combination assessments, we note that once the updated assessments covering the full range of advised rates that the Applicant has committed to undertaking/presenting have been completed, then if any potential project alone impact (including at the upper end of the advised ranges) equates to more than 0.05% of baseline mortality then this site and species combination should be taken through to a full in-combination assessment, which should take into account the issues with gaps in data for historic projects.

Appendix 1: NRW (A) detailed comments/conclusions on Mona project alone EIA scale impacts following Applicant's updated assessments submitted at Deadline 2

This document is a technical document submitted into the Mona project Examination to provide scientific justification for NRW (A)'s advice provided on the significance of the potential impacts at the Environmental Impact Assessment (EIA) scale from the project alone, as summarised within each section. Our advice is based on best available evidence at the time of writing and is subject to change in the future should further evidence be presented.

1.1 EIA impacts from operational collision risk from Mona alone

As shown in Table 1 below, based on the updated figures presented in the updated Offshore Ornithology ES Chapter [REP2-016/REP2-017] and the updated collision risk technical report [REP2-020/REP2-021], we agree with the Applicant that all the annual central sCRM predictions for the project alone equate to less than 1% baseline mortality of both the NRW (A) recommended and the Applicant's largest Biologically Defined Minimum Population Scale (BDMPS) for all species assessed for collision impacts.

Whilst the Applicant has not assessed the range of collision predictions resulting from the sCRM in the assessment of impacts from the project alone in REP2-016/REP2-017, the upper and lower confidence limits (CLs) of monthly collision predictions are presented in REP2-020/REP2-021 and so the monthly figures can be calculated. We note that based on our calculations the annual collision predictions for the upper CLs of collision predictions from the sCRM also all equate to less than 1% of baseline mortality of both the NRW (A) recommended and the Applicant's largest Biologically Defined Minimum Population Scale (BDMPS) for all species assessed for collision impacts.

Therefore, based on these figures we agree with the Applicant's conclusions in REP2-016/REP2017 that the collision risk from the Mona project alone would have no significant adverse impact at the EIA scale for all species.

Table 1 Percentage of baseline mortality for annual predicted impact levels for Mona project operational collision risk alone for EIA for NRW advised largest seasonal BDMPS and for the largest seasonal BDMPS used by the Applicant in REP2-016/REP2-017, using average across all age class mortality rates, as used by the Applicant.

	Annual CRM prediction, Mona alone *	**Largest BDMPS individuals, as advised by NRW (A)****	**% baseline mortality NRW (A) largest BDMPS**	**Largest BDMPS individuals, as used by Applicant**	**% baseline mortality Applicant largest BDMPS**
Gannet (no reduction for macro AR)	6 (1-16)	661,886	0.004 (0.001-0.012)	682,989***	0.004 (0.001-0.012)
Gannet (reduction for macro AR)	2 (<1-5)	661,886	0.001 (<0.001-0.004)	682,989***	0.001 (<0.001-0.004)

Kittiwake	33 (12-67)	911,586	0.02 (0.01-0.05)	911,586	0.02 (0.01-0.05)
LBBG	2 (1-4)	240,750	0.01 (0.002-0.02)	163,304	0.01 (0.003-0.02)
Herring gull	2 (1-3)	217,167	0.004 (0.001-0.009)	173,299	0.005 (0.002-0.011)
GBBG	5 (2-10)	17,742	0.29 (0.10-0.60)	17,742	0.29 (0.10-0.60)
Fulmar	<1 (0-2)	828,194	<0.001 (0.000 – 0.001)	828,194	<0.001 (0.000 – 0.001)
Manx shearwater	0 (0-0)	1,821,518	0.00 (0.00-0.00)	2,372,485***	0.00 (0.00-0.00)

* Annual collision predictions using species-group avoidance rates (ARs) as advised by SNCBs to Applicant during EWG. Range in brackets based on lower and upper confidence limit results from stochastic collision risk model (sCRM). Collision predictions rounded to whole birds

** As per joint NRW/NE interim advice regarding demographic rates, EIA scale mortality rates and reference populations sent to Applicant by NE on 26th March 2024

*** As noted above, the Applicant is basing their calculations on their less precautionary breeding season reference population. However, this does not alter the overall conclusions for this species at project alone EIA scale impacts.

1.2 EIA impacts from displacement impacts from Mona alone

We welcome that the Applicant has considered in the updated offshore ornithology ES Chapter [REP2-016/REP2-017] the range of predicted displacement impacts based on the range of displacement and mortality rates. The ranges considered covers those recommended by NRW (A) (i.e. 30-70% displacement and 1-10% mortality for auks, 60-80% displacement and 1-10% mortality for gannet). We again note that NRW (A) does not recommend that displacement is assessed for kittiwake as we currently consider the evidence base to be insufficient (as advised to the Applicant at Preliminary Environmental Information Report (PEIR) stage and in our Relevant and Written Representations). Hence, we have not provided advice/comment on the displacement aspect of the kittiwake assessment.

We also welcome that the Applicant has considered the impact from construction phase displacement to be 50% of operational displacement as advised by NRW (A).

Table 2 Percentage of baseline mortality for predicted impact levels for construction displacement for the Mona array area for the project alone at EIA scale, using average across all age class mortality rates, as used by the Applicant.

	Annual total bird abundance in site plus relevant buffer	**Displacement prediction, Mona alone (from Tables in REP2-016/017)***	**Largest BDMPS individuals, as advised by NRW (A)****	**% baseline mortality NRW (A) largest BDMPS**	**Largest BDMPS individuals, as used by Applicant**	**% baseline mortality Applicant largest BDMPS**
CONSTRUCTION						
Guillemot	7,976	12-279	1,145,528	0.01-0.18	1,139,220	0.01-0.18
Razorbill	2,519	4-88	606,915	0.004-0.08	606,915	0.004-0.08

Puffin	37	0-1	1,482,791	0.00-0.0005	304,557	0.00-0.002
Gannet	336	1-13	661,888	0.001-0.01	661,888	0.001-0.01
Manx shearwater	1,268***	2-44	1,821,518	0.001-0.02	1,821,544	0.001-0.02
OPERATION & MAINTENANCE						
Guillemot	7,976	24-558	1,145,528	0.02-0.37	1,139,220	0.02-0.37
Razorbill	2,519	8-176	606,915	0.01-0.17	606,915	0.01-0.17
Puffin	37	0-3	1,482,791	0.00-0.001	304,557	0.00-0.005
Gannet	336	2-27	661,888	0.002-0.02	661,888	0.002-0.02
Manx shearwater	1,268***	4-89	1,821,518	0.002-0.04	1,821,544	0.002-0.04

*Displacement predictions based on ranges for construction of 15-30% for auks and Manx shearwater and 30-40% for gannet and for operation of 30-70% for auks and Manx shearwater and 60-80% for gannet. All based on 1-10% mortality for all species. Lower figure relates to the lower displacement and mortality rates, upper figure relates to the upper displacement and mortality rates.
** As per joint NRW/NE interim advice regarding demographic rates, EIA scale mortality rates and reference populations sent to Applicant by NE on 26th March 2024
*** Total has included the mean peak spring estimate of 3 birds rather than the 6 used by the Applicant. Note – does not alter the conclusions.

From Table 2 above, the range of predicted displacement impacts across the full range of advised displacement and mortality rates do not exceed 1% of baseline mortality of the largest BDMPS (as advised by NRW or used by the Applicant) for any of the species considered. Based on these figures, we would agree with the Applicant's conclusions in REP2-035 **that construction and operational displacement from the Mona array alone would have no significant adverse impact at the EIA scale for guillemot, razorbill, puffin gannet or Manx shearwater.**

1.3 EIA Impacts from operational collision risk + displacement for gannet from Mona alone

The Applicant has presented gannet collision predictions based on not accounting for macro avoidance and for a reduction in density of birds in flight to account for macro avoidance.

<u>No account of macro avoidance in collision risk</u>

The combined impact of operational collision plus displacement to gannet from Mona alone equals:

6 (range: 1-16) mortalities per annum from collisions plus up to 27 (range: 2-27) mortalities per annum from operational displacement = up to 33 (range: 3-43) mortalities. This combined impact alone equates to:

- Using NRW (A)'s recommended largest BDMPS of 661,886: 0.03% (range: 0.002-0.03%) of baseline mortality of the largest BDMPS
- Using the Applicant's less precautionary largest BDMPS of 682,989: 0.03% (range: 0.002-0.03%) of baseline mortality of the largest BDMPS

Accounting for macro avoidance in collision risk

The combined impact of collision plus displacement to gannet from Mona alone equals: 2 (range: 0.4-5) mortalities per annum from collisions plus up to 27 (range: 2-47) mortalities per annum from displacement = up to 29 (range: 2.4-32) mortalities. This combined impact alone equates to:

- Using NRW (A)'s recommended largest BDMPS of 661,886: 0.02% (range: 0.002-0.02%) of baseline mortality of the largest BDMPS
- Using the Applicant's less precautionary largest BDMPS of 682,989: 0.02% (range: 0.002-0.02%) of baseline mortality of the largest BDMPS

Therefore, based on these figures we agree with the Applicant's conclusion in REP2-016/REP2-017 that the predicted impacts of operational collision combined with displacement from the Mona project alone would have no significant adverse impact at the EIA scale for gannet.

5 ANNEX B

NRW (A) comments on the updated Outline Landscape and Ecology Management Plan (REP2-035) and updated Outline Biosecurity Protocol (REP2-061) submitted by the Applicant at Deadline 2.

Outline Biosecurity Protocol F01_F02 (Tracked)	1. 1.4.1.4 We advise that Externally appointed Ecological Compliance Auditors assess contractor /sub-contractor compliance with biosecurity protocols. 2. 1.7 We advise Ecological Compliance Audits are also referenced in monitoring. 3. Reference to GB INNS website is advocated.
Outline Landscape and Ecology Management Plan F01_F02 (tracked)	
i. habitat management prescriptions for aquatic and terrestrial habitats;	1. This has been considered in the OLEMP. However no detailed provisions concern fish or invasive plant species issues.
ii. site liaison, wardening, incident reporting and response arrangements	1. Site liaison, wardening, incident reporting and response arrangements appears to have not been considered in the updated outline LEMP.
iii. provision for periodic review mechanism for the long-term management plan;	1. Provision for periodic review mechanism for the long-term management plan appears to have not been considered in detail. We suggest every five years or timescales to be agreed by the LPA and NRW.
iv. contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement management or surveillance prescriptions including any required actions arising from unforeseen situations;	1. Contingency measures – the updated OLEMP does not appear to have considered this component requirement in any detail.
v. current and proposed changes to tenure of the ecology area to be approved by the discharging authority in	1. Section 1.6.1.13, we welcome and are pleased to note reference to the responsible body.

consultation with NRW to ensure appropriate control	
Paragraph 1.7.3.2 Final LEMP.	1. We look forward to receipt of the final LEMP.
1.5/1.8. Outline habitat maintenance and management	1. We advise that a component provision of this plan identifies: (a) ecological features (species and habitats) (b) Target for each defined ecological feature.
1.8.1 Pond targets	1. We advise the inclusion of GCN targets. We suggest monitoring Key Performance Indicator is set at torch counts of 50 individuals in 5 or more ponds.
1.8.3.13 Pond management	1. We advise that EPS licensing requirements are identified for pond management. Management of terrestrial habitat may also require EPS licences.
1.9.2 Woodland	1. We advise woodland prescriptions include fallen deadwood. Studies have shown the size of GCN populations is directly proportional to the quantity of fallen deadwood.
1.9.6 Ponds	1. Note potential EPS licensing requirement (This also applies to terrestrial habitat management). 2. We advise a strategically focused rotational approach to "pondscape" management. This approach aims to ensure a diversity of seral conditions within the pond network (or pondscape) at this site. 3. No reference to INNS or fish management
Table 1.1	1. Pre-Construction Surveys are noted. (NB this is a future management plan). Advise that this should be included in the CEMP.
Bats: - Onshore Site Preparation and Construction 1.10.2.17 – 1.10.2.39	1. Compensation for the loss of the noctule and soprano bat roosts will be required. 2. We agree proposed works will require an EPS licence. 3. Component provisions of this section should also be included in the CEMP. 4. Management and monitoring prescriptions for replacement (compensation) bat roosts will be required.
Bats – Species Monitoring and Management 1.11.4.1 – 1.11.4.4	1. We agree with the annual post construction monitoring for bats for the initial five years. 2. We advise that periodic monitoring and bat box maintenance is carried out throughout the operation phase of the scheme where boxes are placed on land in the occupancy of the applicant or ecology body. 3. Owing to the current conservation status of noctule, we advise that monitoring of the compensation roost is carried out throughout the operational phase of the proposals

Hazel dormouse: - Onshore Site Preparation and Construction 1.10.2.41 – 1.10.53	1. Component provisions of this section should also be included in the CEMP. 2. We agree that proposed works are subject to EPS licence. 3. Management and monitoring prescriptions for dormouse compensation habitats will be required.
Hazel Dormouse: Species Monitoring and Management 1.11.5 – 1.11.5.4	1. We note the monitoring and management prescriptions in respect of dormouse. 2. We welcome the inclusion of the statement confirming long term monitoring of hedgerows. We advise that this prescription includes long term dormouse surveillance.
GCN: - Onshore Site Preparation and Construction 1.10.2.54 – 1.10.2.56	1. Component provisions of this section should also be included in the CEMP. 2. We agree with the requirement for an EPS licence. 3. We note that further detail in respect of GCN is included in Appendix D of the LEMP.
GCN Species Monitoring and Management 1.11.6 – 1.11.5.2	1. We note more details concerning GCN Monitoring are listed in Appendix D. 2. Paragraph 1.11.6.2 states duration of post development monitoring. Annual monitoring using the methodology of the Wales GCN Monitoring Scheme will be required throughout the operational phase of the proposals
Otter: - Onshore Site Preparation and Construction 1.10.2.64-1.10.2.68	1. We note submissions in respect of otter.
Water Vole: - Onshore Site Preparation and Construction 1.10.2.69 – 1.10.2.71	1. We note proposals in respect of water vole. 2. Note, if disturbance is predicted when occupying a place of shelter (burrows) consideration must be given to potential licensing requirements
Appendix B	1. We advise reference to The Amphibian Conservation Handbook and the Great Crested Newt Conservation Handbook
Appendix C	1. We advise consideration of biosecurity issues informs proposed planting schemes
Appendix D – Outline Great Crested Newt Mitigation Strategy	1. We agree with the stated baseline summary in Section 1.2.7.1 2. We note the component assessment of impacts. I agree with the conclusions in respect of 1.3.2 aquatic and 1.3.3 re terrestrial habitats 3. We note the observations concerning distances in 1.3.3.5. Please note that we consider dispersal ranges to be much

	larger. We therefore advise that this section is amended to include references to dispersal distances (1.6kms) cited in Section 6.2.3 of the Guidelines for the Selection of Biological SSSIs. Part 2: Chapter 18 Reptiles and Amphibians. 4. We note the fencing specification cites the depth of the furrow trench as 200mm. We advise the minimum depth of the trench to be 300-350 mm. 5. We note and welcome proposed habitat creation and enhancement proposals in Section 1.5. We welcome the inclusion of habitat loses and gains tables. 6. Biosecurity – We advise the inclusion of an additional provision concerning reviewing the need for aquatic planting schemes. This approach helps to minimize risks of invasive non-native plant species colonizing the site. 7. Monitoring during the Operational phase. We require annual surveillance throughout the operational phase of the proposals. Methodology to accord with and results reported through the Wales GCN Monitoring Scheme. 8. We welcome and support the proposal to transfer the occupancy of the GCN compensation area a body that accords with the definition of a “responsible” body under part 7 of the Environment Act 2021. We advise the proposed transfer be completed prior to the commencement of the operational phased of the proposals. 9. No consideration appears to have been given to the issues and impacts caused by the installation of surface water gully pots and amphibians. 10. We advise that subsequent revisions to the GCN Conservation strategy include (a) amphibian friendly surface water management systems, and (b) long term GCN surveillance proposals include any proposed SUDS ponds . 11. Losses and gains will need to demonstrate cumulative implications on the impacts of the development together with the Bodelwyddan (Gwynt y Mor) GCN mitigation area.