

Our Reference: ORML2429T

9 September 2024

Dear Mr Carter,

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

Marine licence Application ORML2429T - works associated with the construction and maintenance of the transmission assets of the Mona Offshore Windfarm Project.

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, is in the process of determining your application, submitted on the 29 April 2024 for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.

In accordance with Part 4, Chapter 1, Regulation 67 (4) of the Marine and Coastal Access Act 2009, NRW require further information to continue with the determination of this application.

The consultation responses received during determination have been shared with you and you will note a number of concerns which should be addressed and/or clarified. It is strongly recommended that you review and look to respond accordingly to the points raised by the various consultees.

Specific attention is given to a number of clarification points, of which many will need to be addressed before the marine licence process progresses further. However, please note that this list is not exhaustive and reference should be made to all the consultee comments. A clear signposting document or matrix should be provided showing how requested information has been provided and each consultee comment has been considered and/or addressed.

It is strongly recommended that further engagement is sought with relevant consultees as you look to address comments made.

We are aware that further documentation has been submitted in support of the Development Consent Order application to the Planning Inspectorate. A number of these documents have been referred to within the representations made. Please ensure all documents applicable to the marine licence determination of the transmission asset are also submitted as part of your further information submission.

Further Information Required

Dredge and Disposal

The marine licence application form section 11 makes clear that dredging and disposal associated with the Offshore Substation Platforms are applied for as part of the transmission licence. However this does not appear to be reflected within section 1.1.1.5 of document J20 Mona Offshore Cable Corridor Site Characterisation Report.

Whilst the marine licence for the Mona Offshore Cable Corridor will also cover the transmission infrastructure within the Mona Array Area, the Mona Offshore Cable Corridor disposal licence will only cover disposal activities within the Mona Offshore Cable Corridor.

Please provide clarification surrounding this discrepancy.

Co-ordinates for the disposal site have currently been split into the two Mona disposal sites, the Mona array area disposal site and the Mona offshore cable corridor disposal site (document A5 Disposal sites co-ordinates). As recommended by Cefas, please provide a single set of co-ordinates to allow one area covering both the array area and offshore cable corridor to be designated. Please submit the coordinates in a spreadsheet as well as a shapefile.

Unexploded Ordnance (UXO)

Table 3.2 of the Environmental Statement Project Description (Reference F.1.3) details that the predicted number of UXO requiring clearance is 22. Please confirm whether this is the maximum number of UXO clearance which are being proposed and which have been assessed within the Environmental Statement. Any UXO clearance should be confined to parameters which have been appropriately assessed as part of the worst case scenario.

Please also clarify whether it is possible to separate the maximum number of UXO clearance applied for between the deemed Array Area Marine Licence being considered by the Planning Inspectorate, and the Transmission Asset Marine Licence which is subject to this application.

Navigation

The Marine and Coastguard Agency (MCA), Trinity House and UK Hydrographic Office have suggested a number of mitigations that should be included in any Marine Licence determined. Should you have any comment on the mitigation proposed, please provide this.

Royal Yacht Association has provided concerns surrounding the potential impacts close to shore of the cable route on recreational vessels. Concerns are raised should underkeel clearance be reduced inshore. Please provide a response to concerns raised by the RYA.

Archaeology

Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) have provided required amendments to the outline Written Scheme of Investigation (WSI). Please incorporate these recommendations into the WSI.

Fisheries

Welsh Government Fisheries Division have made a number of comments surrounding the assessment on Commercial Fisheries. We ask that you review the representation made and provide a response, this should include confirmation whether the whelk fishery area referred to within their representation has been considered.

Marine Ornithology

Further clarification is required to address comments identified by JNCC within their representation in relation to Document J17 'Measures to mitigate and avoid displacement by vessels, of red-throated diver and common scoter in the Liverpool Bay SPA'. This includes clarity on what works are proposed to take place and which are excluded from taking place between the 1st of November to 31st of March.

The RSPB have raised a number of concerns surrounding the assessment, we ask that you review the consultation response and provide a response or further information to address concerns raised. These concerns include but are not limited to:

- the need for consideration of the Highly Pathogenic Avian Influenza.
- Lack of confidence in the baseline data presented for Manx shearwater
- Concerns surrounding the cumulative and in-combination assessment.

Marine Mammals

The JNCC have raised a number of concerns including;

- The assessment of UXO clearance
- The use of scare charges
- Consideration of noise abatement
- Marine mammal collision risk
- Conclusion regarding the North Anglesey Marine SAC

Please provide a response to JNCC's representation with further information or clarification as required.

JNCC have raised a number of concerns surrounding the assessment of UXO clearance. It is unclear whether the worst case scenario has been assessed within the Environmental Statement. Please respond to concerns raised by JNCC providing clarity on the parameters used for the worst case scenario for the assessment in relation to UXO. It should also be clear that any UXO clearance should be confined to parameters which have been appropriately assessed as part of the worst case scenario.

Concerns have been raised by JNCC whether the noise assessment to determine the impact on the North Anglesey Marine SAC has assessed the transmission asset area or if this was completed for the array area only.

Both NRW A and JNCC have provided representation surrounding the adequacy of the outline Underwater Sound Management Strategy (UWSMS) and Marine Mammal Mitigation Protocol (MMMP), these comments must be addressed and an updated outline UWSMS and MMMP provided.

Fish and Shellfish

NRW A advise that the piling noise from the proposed development has the potential to impact significant proportion of spawning cod.

NRW A have raised a number of concerns surrounding the methodology used to assess impact on cod, these include;

- Assessment of the impact of underwater noise to cod (NRW A consider re-assessment necessary in line with the methods applied for herring)
- NRW disagree with the noise threshold that has been used as part of noise modelling relating to cod.
- Clarification is required surrounding the calculations of sound exposure levels when assessing impacts from underwater noise.

We ask that a response and further information where applicable is provided to address the points above.

NRW A have advised that restricting piling activities to outside the peak spawning activity period (February and March) is necessary in order to mitigate the impact of the proposed development on cod species and suggest this can be included within UWSMS. Please provide comment on this proposed mitigation.

Physical Processes

Clarity is required surrounding the intention for cable protection in shallow water including at the exit pit. NRW A have raised concerns whether this element has been properly assessed, noting that modelling conducted is in relation to impacts in deep water. Please review representation provided by NRW A in this regard and provide comment/ updated assessment where required.

NRW A have advised for sandwave recovery monitoring to take place. Please provide comment on NRW A requested monitoring.

Benthic Subtidal and Intertidal Ecology

JNCC have identified a number of areas where they consider there may be errors in the calculations. Please ensure that these are reviewed and responded to accordingly.

Additionally, JNCC do not agree to the significance attributed to a number of impact pathways within the assessment. Please review and respond to JNCC's representation.

As detailed in relation to physical processes, clarity is required to the intention for cable protection in the nearshore zone close to MLWS including at the exit pits. NRW A have raised the concern that if cable protection is proposed in the nearshore that its impact on benthic ecology has not been assessed.

Clarity is required whether additional rock protection has been included within both the assessment and project parameters. JNCC question whether additional rock protection including at cable cut ends, or as stabilisation for jack up vessels have been fully considered.

Water Framework Directive (WFD)

NRW A have raised a number of concerns surrounding the WFD assessment, we ask that you review the consultation response and provide a response or further information to address concerns raised, including ensuring that assessment of chemical contaminants is extended to 12nm from MHWS for compliance with the WFD regulations.

Public Health

Please provide a response to the representation made by Public Health Wales, signposting where the relevant proposed mitigation or assessments have been conducted within the ES.

The following comments have been provided and are shared for your information:

Crown Estate

We bring to your attention representation made by the Crown Estate detailing other consents that may be required prior to commencement of activities.

European Protected Species Licence

We bring to your attention advice from the JNCC and NRW A that a European Protected Species Licence application may be required for the proposal.

Once you have had the opportunity to review the above we will look to discuss and agree with you a realistic deadline for the provision of information.

If we do not receive it by the deadline, then in accordance with Part 4, Chapter 1, Regulation 67 (6) of the Marine and Coastal Access Act 2009, the application may be refused. If this happens you will still be sent an invoice for work carried out by NRW Marine Licensing Team.

If you have any concerns about being able to provide this information on time please let me know.

If you have any questions about this notice please do not hesitate to contact me.

Yours sincerely

Peter Morrison
Marine Licensing Team
Natural Resources Wales