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By email: monaoffshorewindproject@planninginspectorate.gov.uk

Dyddiad/Date: 01 November 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**

**RE: NATURAL RESOURCES WALES MARINE LICENSING TEAM DEADLINE 4 ISSUE
SPECIFIC HEARING 5: POST HEARING SUBMISSIONS**

This document summarises the oral submission by Natural Resources Wales Marine Licensing Team (NRW MLT) at Issue Specific Hearing 5 (ISH5) on the drafting of the Development Consent Order.

Please note our oral submission should be considered alongside our detailed comments as provided at Deadline 1 (REP1-056) and Deadline 3 (REP3-090). A number of comments raised in Deadline 3 submission (REP-090) on the drafting of the deemed Marine Licence were reiterated in oral submissions and we will continue to provide advice to the applicant on the drafting of the DCO and deemed Marine Licence. Key comments discussed are set out below.

Part 1 of DCO Interpretation

1. NRW MLT as detailed in REP3-090 maintain that the correct reference should be Mean High Water Springs (MHWS) not Mean High Water (MHW). This is consistent with other recent Development Consent Orders including Awel y Mor, and Hornsea 4.

Transfer Provision of the deemed Marine Licence (Article 7 of the DCO and also Schedule 14 paragraph 7)

2. As is set out in REP1-056 NRW MLT maintain our concerns surrounding the lawfulness for such a provision.
3. Secondly NRW MLT have concerns that inclusion of such provision deviates from established practice. The inclusion of such a provision would result in differing arrangements for the transfer for the generation/transmission licences for this project. As well as differing arrangement to all other marine licences in Wales including those for other offshore wind projects (e.g Awel y Mor windfarm). In our view the established and correct approach would be for the transfer of the deemed Marine Licence to be considered under section 72 of the MACAA 2009 by the Licensing Authority.

Schedule 14 para 12, Para 18 (4) Para 19 (2), Para 20 (3) and Para 21 (3) – Time Limits for Approval of Plans

4. NRW MLT maintain our position set out in REP1-056. NRW MLT do not consider there are provisions under the MACAA 2009 for such time limits.
5. NRW MLT consider that the deemed Marine Licence should not set provision/requirements that deviate from what you could expect to see in other Marine Licences in Wales. NRW MLT have concerns that inclusion of such provision deviates from established practice which does not seek to constrain its determination to a defined period. The inclusion of such provision would provide for regulatory divergence with all other Marine Licences in Wales including other offshore wind projects (e.g. Awel y Mor windfarm). Important to note that NRW MLT will not be including such provision in respect of the Transmission Marine Licence required for this project.
6. NRW MLT maintain that clarity has not been provided surrounding the enforceability/ consequence should NRW MLT fail to determine within the given period.

Compliance Report

7. We welcome the update from the applicant that a requirement for a Compliance Report will be included in the upcoming draft DCO.

Comment on oral submission post

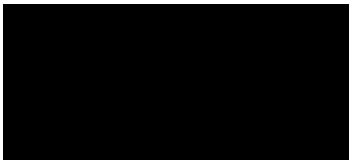
8. During the oral submission the Examining Authority suggested to the applicant it would be useful to share Marine Management Organisation (MMO) position with NRW MLT on the Transfer Provision which has previously been placed in deemed Marine Licences in English Waters.
9. NRW MLT have since reviewed the MMO Deadline 2 Written Submission ([REP2-029](#) of the Morgan Examination Library, also attached) for the Morgan Offshore Wind Project which is currently in examination. It is significant to note that on the matter of Transfer Provision relating to the deemed Marine Licence, the MMO (as the Licensing Authority in English Waters) object to similar provision proposed within the Morgan draft DCO and deemed Marine Licence. The MMO is objecting on the lawfulness, necessity and practical consequence of such Transfer Provisions (see page 68-74 of [REP2-029](#) in the Morgan Examination Library).

10. Likewise, the MMO strongly consider it inappropriate to put timeframes on complex technical decision in relation to Time Limits for Approval of Plans as presented within MMO Deadline 2 Written Submission ([REP2-029](#) of the Morgan Examination Library). The MMO also raise concerns regarding the lack of clarity surrounding the consequence if the proposed deadline is not met and how that would impact on MMO regulatory functions (see page 20 of [REP2-029](#) of the Morgan Examination).

11. NRW MLT consider that the concerns raised by MMO in relation to similar provision proposed within the Morgan deemed Marine Licence align with concerns raised by NRW MLT on the drafting of the Mona DCO and deemed Marine Licence.

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).

Yn gywir / Yours sincerely,



Nicholas Bettinson
Permitting Service Manager
Natural Resources Wales