Partners in UK offshore wind

MONA OFFSHORE WIND PROJECT

Response to JNCC D3 Submission - Applicants Response to Rule 17 Letter

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Image of an offshore wind farm

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Appropriate Assessment	A step-wise procedure undertaken in accordance with Article 6(3) of the Habitats Directive, to determine the implications of a plan or project on a European site in view of the site's conservation objectives, where the plan or project is not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in-combination with other plans or projects.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition, licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.

Acronyms

Acronym	Description
AA	Appropriate Assessment
AEoSI	Adverse Effect on Site Integrity
CEA	Cumulative Effects Assessment
CRM	Collision Risk Model
DAS	Digital Aerial Surveys
DCO	Development Consent Order
EIA	Environmental Impact Assessment
HRA	Habitat Regulations Assessment
ISAA	Information to support the Appropriate Assessment
JNCC	Joint Nature Conservation Committee
LSE	Likely Significant Effect
MERP	Marine Ecosystems Research Programme
MPA	Marine Protected Area
NRW	Natural Resource Wales
NRW(A)	Natural Resource Wales (Advisory)

Acronym	Description
PVA	Population Viability Analysis
SNCB	Statutory Nature Conservation Body
SPA	Special Protection Area

1 Response to JNCC D3 Submission – Applicant's Response to Rule 17 Letter

1.1 Introduction

1.1.1.1 The Applicant has responded to JNCC's submission at Deadline 3 "JNCC's response to the Applicant's Response to the Examining Authority's Rule 17 Letter" (REP3-082).

2 Response to JNCC D3 Submission – Applicant's Response to Rule 17 Letter

Table 2.1: REP3-082 - Joint Nature Conservation Committee (JNCC)

Planning Inspectorate Ref. No.	JNCC Submission	Applicant's response
REP3-082.1	1.1.1.14 For clarity, whilst we agree that apportioned impacts within the Habitat Regulations Assessment (HRA) using a range-based approach to displacement needs to be presented, it also needs to be used in subsequent stages of the assessment, and used within both the Environmental Impact Assessment (EIA) and HRA. The range-based displacement approach needs to be used: • To determine Likely Significant Effect (LSE) and whether features are screened into the Appropriate Assessment (AA) • To determine whether cumulative and/or in-combination assessments are required • In the cumulative and in-combination assessments • To compare to baseline mortality to determine whether a Population Viability Analysis (PVA) is required We are of the view that the mean predicted mortalities from the stochastic Collision Risk Model can be used: • To determine LSE and whether features are screened into the AA • To determine whether cumulative and/or in-combination assessments are required • In the cumulative and in-combination assessments • To compare to baseline mortality to determine whether a PVA is required However, we expect that the full range of predicted collision mortalities is presented within the EIA and the HRA (apportioned to Special Protected Areas (SPAs) i.e. that the upper and lower 95% confidence intervals are presented alongside the mean. This information would be particularly important in determining any compensation requirement, should Adverse Effect on Site Integrity (AEoSI) not be ruled out and a Derogation case required. JNCC provided the above advice to the Applicant on 10/09/2024 following a Mona Offshore Wind Project & JNCC Monthly Meeting on 04/09/2024.	The Applicant acknowledges and welcomes the JNCC's engagement and advice on the scope of the Offshore Ornithology Supporting Information Technical Note (REP3-059) submitted at Deadline 3. The Applicant can confirm that the range of collision and displacement impacts has been presented (and assessed) within the Offshore Ornithology Supporting Information in line with SNCB Advice (REP3-059) submitted at Deadline 3, which is in line with guidance provided to the Applicant by the SNCBs. Whilst there is a focus on presenting the range-based approach to displacement and collision assessments for the HRA in Section 1.5, the range-based approach to collisions used within the EIA is also presented in Section 1.4. Following further engagement with the JNCC since Deadline 3 (with meetings held on the 14 and 29 October and written feedback received from the JNCC on the 24 October), the Applicant has submitted a revised version of the Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02) at Deadline 4. This now includes consideration of the gap-filled historical projects and additional information to provide clarity with respect to the Applicant's approach to the in-combination assessment. The additional assessment information presented in Offshore Ornithology Supporting Information Technical Note (S_D3_19 F02) submitted at Deadline 4 does not alter the conclusions of the HRA Stage 2 Information to Support an Appropriate Assessment (ISAA) Part Three: Special Protection Areas (SPAs) and Ramsar Sites Assessments (REP2-010). Therefore, there is considered to be no adverse effect on integrity from the Mona Offshore Wind Project alone or in-combination with other plans and projects.
REP3-082.2	**1.1.1.15** Although the approach taken by the Applicant (use of a single value based approach) may have been accepted by the Secretary of State for other recent offshore wind farm Development Consent Order (DCO) applications, relevant Statutory Nature Conservation Body (SNCB) advice has consistently been to not use a single value based approach in relation to the displacement assessment. For example, this has been advised by NRW(A) for Project Erebus (NRW Advisory Response to Further Information), and by Natural England for Rampion 2 (REP5-137) and Hornsea Four (REP2-085). The full range of displacement impacts should be both presented and used within the assessments, as agreed during pre-application consultation (as stated in the Morgan Mona Displacement technical paper supplied to JNCC on 27/05/2022, and taking into account our written comments on the displacement technical paper supplied to the Applicant on 24/06/2022 and comments during and following Expert Working Group 02 meeting on 13/07/2022) as outlined in the agreement log, and as is stated in the Joint SNCB Interim Displacement Advice Note (2022) (see Appendix A and Appendix B at the end of this document for the main joint SNCB displacement advice and red-throated diver joint SNCB displacement advice, respectively).	
REP3-082.3	**1.1.1.20** We have engaged with the Applicant on the results of the gap-filling exercise for the Mona Offshore Wind Project, and provided the following response to the Applicant on 6th September 2024 (see Appendix C at the end of this document). *"JNCC, NE, & NRW (A) feedback* *We are, on the whole, content with the general approach to gap-filling historical projects for cumulative and in-combination assessments and welcome the progress made to date.*	The Applicant welcomes JNCC's engagement on the gap-filling exercise and the Applicant can confirm that the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (REP3-044) submitted at Deadline 3 has taken on board the JNCC's (as well as NRW (A) and Natural England's advice). Specifically in response to the JNCC's advice, the Applicant provided in the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (REP3-044) at Deadline 3, the following: - A cumulative assessment for Atlantic puffin;

Planning Inspectorate Ref. No.	JNCC Submission	Applicant's response
	We note that the results of the gap-filling exercise will be updated following the Mona project examination Deadline 2 and the meeting with SNCBs on 29 August 2024 to reflect the updated application material and SNCB feedback where appropriate, with the intention of submitting a revised version of this technical note into the examination at Mona Deadline 3. We have also provided feedback within Relevant Representations and Written Representations on providing the impact assessment using SNCB-preferred parameters, and this was echoed by the Mona Rule 17 Letter from the Examining Authority. We therefore query whether the submission of a revised version of the gap-filling note at Mona Deadline 3 will also include results taking account of SNCB-advised parameterisation? For example (but not limited to) using the range of SNCB-advised displacement and mortality rates and assigning of age classes based on DAS data and not stable age structures. Any changes to the assessment should be taken through to the next stage of the assessment, compared to baseline mortality, and if needed, taken through to Population Viability Analyses (the need for which should be considered based on SNCB advised parameters as well as the Applicant's preferred parameters). To reiterate our previous advice, the SNCBs are unlikely to be able to change our position on the implication for UK Network Marine Protected Areas (MPAs) either alone or in-combination until we have reviewed final revised assessments with errors corrected, and the results of assessments conducted with SNCB advised approaches and parameters as well as the Applicant's preferred approaches and parameters. *We have the following recommendations and requests for the gap-filling exercise:* • *The need for a cumulative assessment of Atlantic puffin is revisited in light of Relevant Representations and Written Representations comments regarding errors in Mean Seasonal Peak calculations, and the knock-on effect on the number of annual mortalities.* • *Justification is provided regarding the use of a deterministic Collision Risk Model (CRM), as opposed to a stochastic CRM, within the revised gap-filling note to be submitted at Deadline 3 of the Mona examination.* • *All information needed to run the CRMs are provided for clarity and reproducibility, (e.g. wind farm width, wind farm latitude, tidal offset, air gap, wind availability, downtime).* • *It has been assumed that the percentage of birds flying at Mona, Morgan, and Morecambe offshore wind farms will be the same as the percentage of birds flying at the gap-filled wind farms, which are generally located closer to the coast than the Round 4 projects. In reality this may not be the case due to differences in behaviour close to the coast and further offshore. We recommend that other wind farms with data available e.g. Awel Y Mor and Walney Extension that are closer inshore than the Round 4 projects are checked to compare the proportions of birds in flight of birds at these with the Round 4 data. If proportions of birds in flight are significantly different to those at Mona, Morgan, and Morecambe, we recommend using the values from wind farms closer to shore are checked to compare the proportions of birds in flight of birds at these with the Round 4 data. If proportions of birds in flight are significantly different to those at Mona, Morgan, and Morecambe, we recommend using the values from wind farms closer to shore.* • *Annual proportions of birds in flight have been used, but there may be differences in behaviour across the year. Given that the CRM uses monthly densities and produces monthly collision estimates, we recommend that a monthly proportion of birds flying correction factor is used, or if not possible then seasonal values are used.* • *flying correction factor is used, or if not possible then seasonal values are used.* • *The predicted collision impacts from Burbo Bank Offshore Wind Farm based on as-built windfarm parameters are higher compared to collision impacts based on consented windfarm parameters (Appendix A.2). This appears to be due to the smaller air gap when built compared to that consented (as indicated by Table 1-8), but we would welcome clarification.* • *We note that the Marine Licence application for Llyr Offshore Wind Farm has been submitted to NRW Licensing and is available on the public register.* *We look forward to continuing discussions on the gap-filling exercise and commenting on the resultant in-combination and cumulative assessments in due course*."	- Justification regarding the use of a deterministic Collision Risk Model (CRM); - Presentation of parameters requested to run CRMs. - Consideration of flying bird data from other wind farms to calculate correction factors; - Clarification on the Burbo Bank Offshore Wind Farm as-built windfarm parameters. A review of annual proportions of flying birds versus monthly and seasonal proportions and the implications for the CRMs output have been presented in Appendix F of the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (S_D3_12 F02) submitted at Deadline 4. This appendix has been shared with the SNCBs ahead on the Deadline 4 so it can be considered in parrallel to the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (REP3-044) sumitted at Deadline 3. A number of additional updates to the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (S_D3_12 F02) have been made at Deadline 4 in light of feedback recieved from the JNCC since Deadline 3 (during meetings held on the 14 and 29 October and written feedback received from the JNCC on the 24 October). These include: - Updates to the bioseasons for northern gannet, black-legged kittiwake and great black-backed gull from the migration-free breeding to the full migration period at the request of the SNCBs. - Consideration of gap-filled historical projects in the in-combination assessment which has been moved to the Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02) note submitted at Deadline 4. The Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (S_D3_12 F02) submitted at Deadline 4 is based on the range-based approach advised by SNCBs for displacement. Because the variablity around the density of birds was not available from the MERP (Marine Ecosystems Research Programme) data (used for gap-filling projects), a single point estimate was presented for collisions in the Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (S_D3_12 F02). The age-class apportioning undertaken on the gap-filled project abundance estimates and collision estimates presented in the in-combination assessment of historical projects (Section 1.5.3 of Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02)) is based on the stable-age structure (using Furness (2015)) due to the lack of site-specific data available for each of the plans or projects. The Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note (S_D3_12 F02) and Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02) submitted at Deadline 4 concluds that with the addition of indicative numbers for historical offshore wind projects there is no potential for significant effects or for adverse effects on site integrity from the Mona Offshore Wind Project in-combination with other projects and plans. Acknowledgment of the Llyr Offshore Wind Farm together with other recent projects has been considered in the Review of Offshore ornithology CEA and In-Combination Assessment (S_D4_9) submitted at Deadline 4.