Partners in UK offshore wind

MONA OFFSHORE WIND PROJECT

Response to Ørsted IPs D3 Submission

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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.
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
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
CTVs	Crew Transfer Vessels
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Review
EMP	Environmental Management Plan
EWG	Expert Working Group
HRA	Habitat Regulations Assessment
ISAA	Information to support the Appropriate Assessment
JNCC	Joint Nature Conservation Committee
LSE	Likely Significant Effect
NRW	Natural Resources Wales
NRW(A)	Natural Resources Wales (Advisory)
SAC	Special Area of Conservation
SoCG	Statement of Common Ground

Units

Unit	Description
km	Kilometres
km^2	Kilometres squared

1 Response to Ørsted IPs D3 Submission

1.1 Introduction

1.1.1.1 The Applicant has responded to Ørsted IPs D3 Submission below.

2 Response to Ørsted IPs D3 Submission

Table 2.1: REP3-104 - Ørsted IPs

Planning Inspectorate Ref. No.	Ørsted IPs response	Applicant's response
REP3-104.1	2.1 The Ørsted IPs have raised concerns regarding the robustness of the Applicant's assessment of the effects of the Project on wildlife. In their written representation, the Ørsted IPs pointed to a number of specific concerns/discrepancies in the Applicant's assessment. 2.2 The Applicant has responded to these points in its Response to Written Representations (REP2-078), submitted at hearing deadline 2. The Ørsted IPs have responded to two specific points below and generally note that their concerns regarding the robustness of the Applicant's assessment remain, as does their interest in ensuring the Project's assessments accurately assesses the potential effects of the Project on wildlife and identifies appropriate mitigation.	The Applicant has responded to the Ørsted IPs two specific points raised in points 2.3 to 2.8 below.
REP3-104.2	REP1-072.3 2.3 In response to the Applicant's comments regarding HRA methodology at REP1-072.3, the Ørsted IPs reiterate their view that collision risk with vessels for marine mammals should not have been screened out. 2.4 It is well established that an effect should be considered 'likely', for the purposes of HRA screening, if the risk cannot be reasonably excluded on the basis of objective information.1 The Applicant's justification for screening out collision risk with marine mammals states the risk of such collision is considered 'low'. The Ørsted IPs consider the implication of this statement is that the risk cannot be excluded, and therefore meets the threshold for being considered 'likely'.	The Applicant maintains that the impacts screened into assessment at the HRA screening stage were discussed and agreed with consultees during the pre-application phase as part of the Steering Group and Expert Working Group (EWG) process (see consultation Table 1.2 in E1.4 HRA Stage 1 Screening Report (REP2-012)) and that HRAs should adopt a proportionate approach to focus only on those impacts where there is considered to be an LSE (Likely Significant Effect). The Applicant highlights the LSE methodology was circulated to NRW (A) (and other members of the Steering Group) in July 2022 and no concerns were raised with respect to the screening out of collision risk. Specifically with regards to collision risk, in the Section 42 responses received from NRW (A) (as detailed in the HRA Stage 1 Screening Report (REP2-012)), NRW (A) stated that they "tentatively agree to the conclusion of no LSE from vessel collision risk in Section 1.4.5.8 Assessment of LSE for Annex II marine mammals, however we advise that the increase in the number of vessels versus the baseline should be quantified". The Applicant presented the requested quantification of the increase in number of vessels alongside seasonal trends based upon information presented in Volume 6, Annex 7.1: Navigational Risk Assessment of the Environmental Statement (APP-098) in paragraphs 1.4.5.19 to 1.4.5.20 in the HRA Stage 1 Screening Report (REP2-012). This additional information was considered
REP3-104.3	2.5 Furthermore, recognising that embedded mitigation measures would reduce this risk further highlights the initial presence of this risk. The Ørsted IPs consider that collision risk of vessels with marine mammals should not be screened out at the HRA screening stage. It is noted that the Project will result in a circa 66.6% increase in vessel	

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	traffic throughout the construction phase, although in the Applicant's view, there is a low vessel collision risk with marine mammals due to the distance of the proposed works from any designated sites with protected marine mammal features. However, given the highly mobile nature of marine mammal features, they are commonly present outside the boundary of the designated SAC boundary, including within the Project area. Therefore, they may be exposed to vessel collision risk.	iteratively and did not alter the Applicant's decision to screen out collision risk as an LSE. Full justification for why collision risk is screened out in detailed in paragraph 1.4.5.19 to 1.4.5.23 in the HRA Stage 1 Screening Report (REP2-012). The closest SAC to the Mona Offshore Wind Project, with marine mammal designated features is the North Anglesey Marine SAC which is located 23.67 km from the Mona Offshore Wind Project and is designated for harbour porpoise. Harbour porpoise have known sensitivity to vessel noise (as discussed in detail in paragraphs 4.9.5.32 in Volume 2, Chapter 4: Marine mammals (APP-056)) but are small and highly agile and likely to move away from any vessels at close proximity. Given the distance from this SAC, the likelihood of collisions occurring between vessels and marine mammals is considered to be low. In addition, fast moving vessels (e.g. Crew Transfer Vessels (CTVs)) which pose the greater collision risk will be limited in number, with a maximum of 12 CTVs potentially being present within the Mona Array Area at any one time during the construction phase and up to a maximum of six CTVs may be present on site at any one time during the operations and maintenance phase. Furthermore, the advice on operations for the North Anglesey Marine SAC (JNCC and NRW and DAERA, 2019a) does not currently identify the pressure of death/injury by collision as a 'high' or significant risk to the harbour porpoise feature of the SAC. In addition, as highlighted in Section 1.2.3 of Applicant's Response to Relevant Representation from Natural Resources Wales (NRW): Interrelated Effects (PDA-010), to some extent, the sound from the vessels themselves would act antagonistically with risk of collision, by deterring animals away from vessels and thereby further reducing the risk of injury due to collision. Therefore, the Applicant considers that the risk to designated harbour porpoise at the closest SAC is very low, and following the iterative approach no LSEs are anticipated to occur to Annex II marine mammal features of any European site. The Applicant confirms, as per paragraph 1.4.5.48 in the HRA Stage 1 Screening Report (REP2-012), that the "*assessments have been made in the absence of mitigation measures*". Therefore, mitigation measures (i.e. an Offshore EMP which includes Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (REP3-020)) have not been relied upon in the HRA when considering LSE effects on identified SAC features. It is noted, however, that the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (REP3-020) would help to ensure there would be no risk of collision from the Mona Offshore Wind Project. The Applicant highlights that the
REP3-104.4	The Ørsted IPs consider this justification for screening out vessel collision with marine mammals does not align with the approaches established by case law. The Ørsted IPs consider that the risk for vessel collision with marine mammals should be taken forward into Appropriate Assessment stage (where proposed mitigation measures can be considered).	

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		commitment to the measures outlined in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (REP3-020) is standard good practice in the offshore wind industry. It is expected that other projects would adopt similar commitments and reduce their own contribution to any cumulative/combination effect. The Applicant notes that the Statement of Common Ground (SoCG) between Mona Offshore Wind Project and NRW (A) submitted at Deadline 1 (Initial SOCG between Mona and NRW(A) - Offshore (REP1-025)) and the initial SoCG between Mona Offshore Wind Project and the Joint Nature Conservation Committee (JNCC) submitted at Deadline 1 (REP1-028), confirm that NRW (A) and JNCC are in agreement with the screening of LSE on European sites for marine mammals (see row NRW.HRA.22, NRW.HRA.23, JNCC.MM.21, JNCC.MM.23, JNCC.MM.24). Furthermore, as detailed in the SoCG between Mona Offshore Wind Project and NRW (A) (REP1-025) in row NRW.HRA.26 NRW (A) have confirmed agreement that the approach used for determining LSE on European sites with Annex II marine mammals as features is appropriate, and all the relevant sites have been identified. NRW (A) agreed with the list of projects screened into the in-combination assessment (row NRW.HRA.24). NRW (A) also confirmed in row NRW.HRA.28 and NRW.HRA.29 (in the Statement of Common Ground - Natural Resources Wales (Advisory) Offshore (REP1-025)) that there will be no adverse effects on integrity for SACs designated for marine mammal features for any impact for the Mona Offshore Wind Project alone or in combination with other projects and plans.
REP3-104.5	REP-1-072.6 2.7 In response to the Applicant's comments at REP-1-072.6, regarding the Applicant's baseline assessment of impacts on marine mammals, the Ørsted IPs acknowledge the Applicant's comment that the approach presented was discussed and agreed with SNCBs (namely Natural Resources Wales and the Joint Nature Conservation Committee). 2.8 However, the Ørsted IPs consider the Applicant's response does not fully address the query raised with regards to the baseline assessment approach. The Ørsted IPs recognise that the baseline information utilised in the EIAR covers a wide range of sources, however, query why only the Welsh Marine Mammal Atlas was considered within the HRA baseline. Site-specific sources are	The Applicant maintains that the approach to baseline for both the EIAR and HRA was agreed via consultation through the Expert Working Group (EWG) process (see E4.1 Technical Engagement Plan Appendices - Part 1 (A to E) (APP-042)) and that the quantitative assessment was robust and precautionary, including the adoption of the densities provided for the Welsh Marine Mammal Atlas. In developing the baseline, the Applicant evaluated a range of species-specific densities, including site-specific data, and acknowledges that different data sources are valuable for providing a more holistic view of marine mammal ecology in the study area. Thus, the Applicant presented a comprehensive review of all data sources in Volume 6, Annex 4.1: Marine mammal technical report (APP-090). For Volume 2, Chapter 4: Marine mammals (APP-056), it was agreed with consultees (including the Marine Management Organisation, the JNCC, NRW (A)) and Natural England) (via the Section 42 consultation and EWG process) that the Welsh Marine Mammal Atlas represented the most precautionary approach for harbour porpoise and bottlenose

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	invaluable in assessing impacts in a HRA context and it is unclear why or whether the HRA baseline is only based on the Atlas information. The Ørsted IPs consider that the HRA baseline should be characterised with the same information sources as adopted in the EIAR. The technical information does not necessarily need repeated in the HRA documentation, though it should present a clear and consistent approach to baseline characterisation and reference sources where necessary.	dolphin as the densities were higher compared to the site-specific estimates. These densities were carried through to the Information to Support an Appropriate Assessment (ISAA) Part Two: Special Areas of Conservation (SACs) assessments (APP-032) to ensure a consistent approach was adopted (as detailed in Table 1.1 of the ISAA Part 2 (APP-032), and relevant species-specific sections). For example, as detailed in 1.7.3.118 of the ISAA Part 2 (APP-032), for harbour porpoise, the density of 0.2773 animals per km^2 from the Welsh Marine Mammal Atlas was used, whilst for bottlenose dolphin, the density of 0.0017 animals per km^2 was used. To note, grey seal and harbour seal densities were derived from Carter *et al*. (2022) as that was the most appropriate and precautionary estimate for the two pinniped species, as agreed via the EWG (see Table 4.5 in Volume 2, Chapter 4: Marine mammals (APP-056)). The Applicant highlights that the SoCG between Mona Offshore Wind Project and NRW (A) submitted at Deadline 1 (Initial SOCG between Mona and NRW(A) - Offshore (REP1-025)) confirms that NRW (A) are in agreement with the data collected through surveys and literature including the data sources used to characterise the baseline, as well as the management unit approach adopted (see NRW.HRA.25). Furthermore, that NRW (A) are in agreement with the assessment methodology used in the ISAA Part Two: SACs assessments (APP-032) and, furthermore, that NRW (A) are in agreement with the outcomes of the ISAA (i.e. that there will be no adverse effects on integrity for SACs designated for marine mammal features for any impacts for the Mona Offshore Wind Project alone or in-combination with other projects and plans) (see NRW.HRA.28 and NRW.HRA.29 in REP1-025).