

MONA OFFSHORE WIND PROJECT

Response to JNCC ExQ1 Responses

Deadline: 4

Application Reference: EN010137

Document Reference: S_D4_30

Document Number: MOCNS-J3303-RPS-10381

4 November 2024

F01



Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Submission at D4	RPS	Mona Offshore Wind Ltd	Mona Offshore Wind Ltd	4 Nov 2024

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MONA OFFSHORE WIND PROJECT

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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.
Bodelwyddan National Grid Substation	This is the Point of Interconnection (POI) selected by the National Grid for the Mona Offshore Wind Project.
Competent Authority	Regulation 6(1) defines competent authorities as "any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office".
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Evidence Plan Process	The Evidence Plan process is a mechanism to agree upfront what information the Applicant needs to supply to the Planning Inspectorate as part of the Development Consent Order (DCO) applications 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.
Inter-array cables	Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
Intertidal access areas	The area from Mean High Water Springs (MHWS) to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities.
Intertidal area	The area between MHWS and MLWS.
Landfall	The area in which the offshore export cables make contact with land and the transitional area where the offshore cabling connects to the onshore cabling.
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
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,

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	licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona 400kV Grid Connection Cable Corridor	The corridor from the Mona onshore substation to the National Grid substation at Bodelwyddan.
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 Array Scoping Boundary	The Preferred Bidding Area that the Applicant was awarded by The Crown Estate as part of Offshore Wind Leasing Round 4.
Mona Offshore Cable Corridor	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Cable Corridor and Access Areas	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located and in which the intertidal access areas are located.
Mona Offshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area encompassing and located between the Mona Potential Array Area and the landfall up to MHWS, in which the offshore export cables 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.
Mona Offshore Wind Project Boundary	The area containing all aspects of the Mona Offshore Wind Project, both offshore and onshore.
Mona Offshore Wind Project PEIR	The Mona Offshore Wind Project Preliminary Environmental Information Report (PEIR) that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Offshore Wind Project Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Onshore Cable Corridor	The corridor between MHWS at the landfall and the Mona onshore substation, in which the onshore export cables will be located.
Mona Onshore Development Area	The area in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid substation will be located
Mona Onshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area located between MHWS at the landfall and the onshore National Grid substation, in which the onshore export cables, onshore substation and other associated onshore transmission infrastructure will be located.
Mona PEIR Offshore Cable Corridor	The corridor presented at PEIR that was consulted on during statutory consultation and has subsequently been refined for the application for Development Consent. It is located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables and the offshore booster substation will be located.

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Term	Meaning
Mona PEIR Offshore Wind Project Boundary	The area presented at PEIR containing all aspects of the Mona Offshore Wind Project, both offshore and onshore. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Potential Array Area	The area that was presented in the Mona Scoping Report and in the PEIR as the area within which the wind turbines, foundations, meteorological mast, inter-array cables, interconnector cables, offshore export cables and OSPs forming part of the Mona Offshore Wind Project were likely to be located. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Proposed Onshore Development Area	The area presented at PEIR in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid infrastructure will be located. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Non-statutory consultee	Organisations that an applicant may choose to consult in relation to a project who are not designated in law but are likely to have an interest in the project.
Offshore Substation Platform (OSP)	The offshore substation platforms located within the Mona Array Area will transform the electricity generated by the wind turbines to a higher voltage allowing the power to be efficiently transmitted to shore.
Offshore Wind Leasing Round 4	The Crown Estate auction process which allocated developers preferred bidder status on areas of the seabed within Welsh and English waters and ends when the Agreements for Lease (AfLs) are signed.
Pre-construction site investigation surveys	Pre-construction geophysical and/or geotechnical surveys undertaken offshore and, or onshore to inform, amongst other things, the final design of the Mona Offshore Wind Project.
Point of Interconnection	The point of connection at which a project is connected to the grid. For the Mona Offshore Wind Project, this is the Bodelwyddan National Grid Substation.
Relevant Local Planning Authority	The Relevant Local Planning Authority is the Local Authority in respect of an area within which a project is situated, as set out in Section 173 of the Planning Act 2008. Relevant Local Planning Authorities may have responsibility for discharging requirements and some functions pursuant to the DCO, once made.
the Secretary of State for Business, Energy and Industrial Strategy	The decision maker with regards to the application for development consent for the Mona Offshore Wind Project.
Statutory consultee	Organisations that are required to be consulted by an applicant pursuant to the Planning Act 2008 in relation to an application for development consent. Not all consultees will be statutory consultees (see non-statutory consultee definition).

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Term	Meaning
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

Acronyms

Acronym	Description
AfL	Agreement for Lease
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity net gain
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EnBW	Energie Baden-Württemberg AG
EWG	Expert Working Group
HVAC	High Voltage Alternating Current
IEF	Important Ecological Feature
IEMA	Institute for Environmental Management and Assessment
ISAA	Information to support the Appropriate Assessment
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
NBB	Net Benefits for Biodiversity
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
OSP	Offshore Substation Platform
PDE	Project Design Envelope
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
POI	Point of Interconnection
SAC	Special Area of Conservation
SoCC	Statement of Community Consultation
SPA	Special Protection Area
TCE	The Crown Estate
WTW	Wildlife Trust Wales
TWT	The Wildlife Trusts

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Units

Unit	Description
GW	Gigawatt
km	Kilometres
km ²	Kilometres squared
kV	Kilovolt
MW	Megawatt
nm	Nautical miles

1 Response to JNCC ExQ1 Responses

1.1 Introduction

1.1.1.1 The Applicant has responded to JNCC's ExQ1 responses below.

2 Response to Joint Nature Conservation Committee ExQ1 Responses

Table 2.1: REP3-084 - Joint Nature Conservation Committee (JNCC)

Planning Inspectorate Ref. No.	Question is addressed to	ExA Question	JNCC response	Applicant's response
REP3-084.1	The Applicant NRW (A) JNCC	Q1.10.2 Screening Can the Applicant provide further reasoning to its statement that 'the likelihood of the Mona Array Area resulting in barrier effects for qualifying features of SPAs are low' (paragraph 1.4.6.25 of [REP2-012]. Does NRW (A) and JNCC agree with the Applicant's statement and that barrier effects can be screened out?	JNCC agrees with the Applicant's statement that barrier effects can be screened out of the assessment. There is no widely accepted method of directly assessing barrier effects. Birds on the water and in flight are both included within the displacement assessment presented by the Applicant. Birds in flight could be at risk of barrier effects, therefore including birds in flight within a displacement assessment is the closest method available. The mechanism by which a barrier effect manifests an impact is through increased energetic cost flights, usually between breeding colonies and foraging areas, and/or increased time elapsed between provisioning of young. For the SPAs for which JNCC has responsibility, we do not consider that barrier effects are a significant consideration, for the following reasons: <ul style="list-style-type: none"> For the Irish Sea Front SPA, the proposal is not located in a direct path between it and any of the Manx shearwater breeding colony SPAs. For Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA, the proposal does not lie between the breeding colonies of qualifying features of that SPA and the foraging areas contained within the marine portion of the SPA. Additionally, while there are concerns over mortality of individuals breeding at Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA from displacement from within the array area, we do not consider that the proposal is likely to result in the barrier effects described above. Foraging by both breeding and non-breeding qualifying features of the Liverpool Bay/Bae Lerpwl SPA occur within the SPA and therefore barrier effects will not occur 	The Applicant acknowledges and welcomes the JNCC's agreement that barrier effects on SPAs can be screened out of assessment within the HRA.
REP3-084.2	The Applicant NRW (A) JNCC	Q1.10.3 Screening The ExA notes the Applicant's commitment to assessing in-combination effects where no LSE from the project alone has been concluded in section 1.4 of the HRA Stage 1 Screening Report [REP2-012]. Can the Applicant provide such an assessment, where this has not been done within the HRA and identify the projects or plans considered. Does NRW (A) and JNCC consider that there is the potential for an in-combination LSE for any site/feature where the Applicant has excluded a LSE from the project alone?	Ornithology response: We consider that there is potential for an in-combination LSE for Atlantic puffin, which has currently been excluded from an in-combination assessment and therefore the gap-filling exercise has not been applied to this species. See our comments on the Applicant's responses to our Written Representations submitted alongside these responses to Examining Authority's Questions for details. In conclusion, we do not agree with the rationale provided by the Applicant for exclusion of this species from in-combination assessment, and remain concerned that a gap-filling exercise could reveal significantly more mortalities for this species than anticipated. There is the potential for an in-combination LSE for other sites and features (See our WR REP1-061 paragraph 12 and 42 where we highlight that it is not currently possible for us to advise on in-combination impacts), however until revised assessments are submitted at Deadline 3 using the SNCB-advised approach to displacement, we are unable to provide further, more detailed advice. JNCC will provide an update at Deadline 4. Marine Mammal response: The Mona Array Area is 22.8km from the North Anglesey Marine (NAM) SAC. JNCC do not consider there to be a potential in-combination LSE for the impact pathways identified in the HRA for this site and for which a conclusion of no LSE alone was reached. This is because of the distance between the project and the SAC, and the fact impacts from these pathways (e.g. changes in water clarity; Electro-Magnetic Field, EMF) are localised in nature. As a result, they will not add additional pressure to the site when considered in-combination with impacts from other activities. The above advice also applies	Ornithology: The Applicant provided additional information with respect to Atlantic puffin within the Offshore Ornithology Supporting Information in line with SNCB Advice (REP3-059) note submitted at Deadline 3. This information considered Atlantic puffin in the breeding and non-breeding seasons, which accounts for the increase in birds during the non-breeding season and considered the full range of impact scenarios as advised by the JNCC. In light of stakeholder feedback since Deadline 3, the Applicant has submitted an update to the Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02) at Deadline 4, which included the gap-filled projects within the in-combination assessments. This also includes the full apportioning for Atlantic puffin. Within this apportioning exercise for Atlantic puffin, the largest impact (in terms of number of birds and apportioning size during the breeding period) is apportioned to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA (at 63.70% during the breeding season and 3.47% during the non-breeding season). Based on the highly precautionary displacement and mortality rates of 70% and 10%, apportioning to this SPA would result in impacts on 0.7 birds annually (0.7 birds in the breeding season and 0.1 birds in the non-breeding season however due to rounding to one decimal place the annual impact is still 0.7 birds), which is an increase in baseline mortality of 0.01% (when considering the baseline mortality rate of 0.094 and a population of 57,796 from 2020/21 resulting in an annual baseline mortality of 5,433). Following the Applicant's method and agreed by the SNCBs for the Mona Offshore Wind Project it would not

Planning Inspectorate Ref. No.	Question is addressed to	ExA Question	JNCC response	Applicant's response
			<p>to harbour porpoise SACs at greater distance from the development, for example, the North Channel SAC.</p>	<p>require in-combination assessment to be undertaken, as set out in Figure 1.1 of HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010).</p> <p>The Applicant maintains that it was not proportionate to screen in this feature or any associated SPAs at the LSE stage as there was not a plausible risk of LSE from the Mona Offshore Wind Project alone. However, the Applicant hopes this response and the updated apportioning assessment in the Offshore Ornithology Supporting Information in line with SNCB Advice (S_D3_19 F02) provides the necessary clarification to demonstrate that there is no risk of LSE on any SPA designated for Atlantic puffin (alone or in-combination).</p> <p><u>Marine mammals:</u> The Applicant welcomes the agreement from the JNCC with respect to in-combination LSE for Annex II marine mammals.</p>
<p>REP3-084.3</p>	<p>The Applicant</p>	<p>Q1.10.12 Stage 2 assessment The Applicant's Stage 2 SAC Report [APP-032] and Stage 2 SPA Report [REP2-010] rely upon measures in an Offshore Environmental Management Plan (EMP) to avoid adverse effects on marine mammal and offshore ornithological qualifying features. Can the Applicant provide an outline Offshore EMP to provide assurance that all measures relied upon to avoid AEol are secured?</p>	<p>JNCC have previously commented (paragraph 21, REP1-066) on the need for the securing of mitigation measures relied upon to avoid adverse effects, particularly in relation to red-throated diver and common scoter features of the Liverpool Bay SPA. We advised that the DCO should be amended to secure the seasonal restriction on installation and/or protection of the cables within the Liverpool Bay/Bae Lerpwl SPA during the most sensitive time period, which is required to conclude no adverse effect on the integrity of the designated site.</p> <p>We are also of the opinion that if an outline Offshore Environmental Management Plan (EMP) is submitted into the examination, as suggested by the ExA, which includes the same seasonal restriction, and the Secretary of State can be more confident that the measure would be secured, and that this potential adverse effect on the integrity of the SPA would be avoided. To further guarantee this mitigation, if an outline EMP is submitted to the Examination, we suggest a revision to the wording of the DCO is made to reflect that a finalised Offshore EMP would need to be agreed by the Licencing Authorities, in consultation with the SNCBs. JNCC requests that, even if the outline EMP is submitted containing the requested restriction, the revised wording of the DCO still explicitly retains a requirement for the finalised EMP to also include this restriction – revised wording is suggested as follows:</p> <p>18.— (1) No part of the authorised scheme may commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by NRW-Licensing, in consultation with the relevant statutory nature conservation bodies (NRW Advisory and JNCC), Trinity House and the MCA as appropriate—</p> <p>(e) a final offshore environmental management plan, derived from the submitted outline offshore environmental management plan, covering the period of construction and operation to include —</p> <p>(vi) details of measures to minimise disturbance from transiting vessels to marine mammals, and rafting birds;</p> <p>(vii) a restriction that works associated with the installation and/or protection of the cables will not be carried out within the Liverpool Bay/Bae Lerpwl SPA during the most sensitive time period of 1st November to the 31st March inclusive;</p> <p>(viii) measures to minimise the potential spread of invasive non-native species;</p> <p>Clarity is required on the specifics of when a seasonal restriction within the Liverpool Bay/Bae Lerpwl SPA would apply. There is currently ambiguity</p>	<p>The Applicant does not consider it necessary to provide an outline Offshore Environmental Management Plan (EMP) to provide assurance that all measures relied upon to avoid an adverse effect on integrity on marine mammal and offshore ornithological qualifying features are secured. This is because the key measures, relevant to marine mammals and offshore ornithology, to be included within the Offshore EMP secured under dML condition 18(1)(e) are fully detailed in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J17 F02) document (REP3-020).</p> <p>The Applicant can confirm that the seasonal restriction outlined in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (REP3-020) only covers export cable installation. This measure was suggested by NRW/JNCC/Natural England during the 4th Offshore Ornithology Expert Working Group (EWG) meeting and no other activities were identified that would require a seasonal restriction (see section D.5 of Technical Engagement Plan Appendices Part 1 (A to E) (APP-042)). All pre-construction works (as defined in Schedule 14 Part 1 of the draft DCO (C1 F05) i.e. non- intrusive pre-construction surveys, unexploded ordnance surveys and clearance of unexploded ordnance) within the Liverpool Bay/Bae Lerpwl SPA would therefore not be subject to the same seasonal restriction. Although it should be noted that activities during this season of the year are unlikely due to more challenging weather conditions the Applicant requires the flexibility to undertake pre-construction works at any time of year, as a seasonal restriction on such works could potentially and unnecessarily severely affect the project delivery programme.</p> <p>With regards to the exclusions described in section 1.4.1.1 of the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J17 F02) document (REP3-020), the Applicant confirms that the exclusion relating to 'Vessels actively laying cable in areas that coincide with known areas of bird aggregations' applies in the following scenarios: 1) when construction works are occurring within the SPA but outwith the seasonal timing restriction; and 2) at all times in areas outwith the SPA boundary.</p> <p>The Marine Licence Principles Document (J9 F04) highlights that, based on the Applicant's understanding of NRW MLT's previously granted marine licences, any project environmental management plan</p>

Planning Inspectorate Ref. No.	Question is addressed to	ExA Question	JNCC response	Applicant's response
			<p>between the Marine Licence Principles Document (APP-195) and the Measures To Minimise Disturbance To Marine Mammals And Rafting Birds From Transiting Vessels (APP-203). The former refers to 'works', while the latter refers to cable installation activities. This latter potentially allows for other activities set out in the definition of 'commence' in Part 1 of the DCO (pre-construction surveys and monitoring, and unexploded ordnance surveys and clearance of unexploded ordnance) to occur within the sensitive period for the SPA.</p> <p>There is an apparent discrepancy in the timings required of the NRW Marine Licence and the DCO deemed Marine Licence (dML). Marine Licence Principles Document Table 1 page 19 (APP-195) states that the NRW Marine Licence would require the Applicant to submit a Project Environmental Management Plan (PEMP) to NRW at least six weeks prior to commencement of the Licenced Activities, but states 'dML condition 18((1)(e) requires submission of an offshore environmental management plan 4 months prior to commencement of the authorised scheme'. This could leave a situation where an Offshore EMP is agreed by MMO, but NRW do not agree with a proposed PEMP. We therefore suggest that the timescales for submission of these documents are aligned, and ideally achieved in consultation with both Licencing Authorities together.</p> <p>In addition, in the Measures To Minimise Disturbance To Marine Mammals And Rafting Birds From Transiting Vessels document (APP-203), it is stated that:</p> <p>"1.4.1.1 Except where specifically described, the measures detailed in this document will not apply to the following activities:</p> <ul style="list-style-type: none"> • Vessels actively laying cable in areas that coincide with known areas of bird aggregations..." <p>This has caused JNCC some confusion as currently set out, and on the face of it appears contradictory to the aims of the mitigation measures. We suggest that the document is amended to clarify which measures are and are not applicable to which activity.</p>	<p>would be submitted at least 6 weeks prior to works. The period which is included in the final standalone marine licence is within NRW MLT's discretion. The Applicant also notes that the drafting is expected to be 'at least' 6 weeks which does not prevent a submission of an Offshore Environmental Management Plan under the deemed and standalone marine licences at the same time.</p>
REP3-084.4	NRW (A) JNCC	<p>Q1.10.14</p> <p>Stage 2 in-combination assessment</p> <p>Is NRW (A)/JNCC content with the projects included in the in-combination assessments as detailed in:</p> <ul style="list-style-type: none"> • Annex I habitats – Table 1.21 and Figure 1.9 of [REP2-012] • Annex II diadromous fish species – Table 1.58 and Figure 1.9 of [REP2-012] • Annex II marine mammals – Table 1.154 and Figure 1.13 of [REP2-012] <p>Offshore ornithological features – Table 1.57 and Figure 1.21 of [REP2-010]</p>	<p>Annex I habitats</p> <ul style="list-style-type: none"> – We assume that the ExA are referencing Table 1.13 and Figure 1.3 of (REP2-012), not Table 1.21 which relates to 'LSE matrix for Annex II diadromous fish species of the Solway Firth SAC' or Figure 1.9 which relates to 'Location of European Sites designated for Annex II marine mammal species to be taken forward for the determination of LSE'. – The Annex I habitats of Table 1.13 and Figure 1.3 of (REP2-012) relate to inshore waters which is outside of JNCC's remit (waters extending out from the territorial limit of 12nm). JNCC therefore defer to NRW (A) on this matter. <p>Annex II diadromous fish species</p> <ul style="list-style-type: none"> – JNCC's remit does not include diadromous fish species. <p>Annex II marine mammals</p> <ul style="list-style-type: none"> – JNCC are content with the projects included at this stage. However, we highlight that seasonal noise disturbance thresholds for the North Anglesey Marine SAC will require consideration of all planned noisy activities within a particular season. The list of relevant projects will continue to evolve between now and the relevant season, and during that season. Regulators will be required to review in-combination impacts whenever new activities are proposed. While this does not affect this assessment, those operating within or near the site in a particular season may be required to coordinate their activities to 	<p><u>Annex I habitats:</u> The Applicant notes that the JNCC defer to NRW (A) on this matter and the Applicant also notes that NRW (A) are in agreement with respect to the projects included in the in-combination assessments for Annex I habitats (REP3-093).</p> <p><u>Annex II diadromous fish:</u> The Applicant notes that JNCC's remit does not include diadromous fish species.</p> <p><u>Marine mammals:</u> The Applicant welcomes the agreement from the JNCC with respect to the projects included in the in-combination assessments for Annex II marine mammals. The Applicant acknowledges the request to coordinate activities in respect of the North Anglesey Marine SAC and will consider the management of piling activities post-consent. This will form part of the final Underwater Sound Management Strategy (APP-202) which commits to reducing any residual significant effects to a non-significant level and therefore would be the mechanism to manage this approach if required. Further details on the piling schedule will become available for the Mona Offshore Wind Project and other wind farm projects within the cumulative study area post consent.</p> <p><u>Offshore ornithology features:</u> The Applicant welcomes the agreement from the JNCC with respect to the projects included in the in-combination assessments for offshore ornithology.</p>

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			<p>ensure daily thresholds are not breached. Such a requirement could be requested of this project.</p> <p>Offshore ornithological features</p> <ul style="list-style-type: none"> We assume that the ExA are referencing Table 1.63 of REP2-010 (equivalent to Table 1.57 of APP-033, the original submission of this document) "List of other projects and plans with potential for in-combination effects on offshore ornithology" and Figure 1.12 "Location of other projects and plans considered for in-combination effects on SPAs and Ramsar sites with offshore ornithological features" not Figure 1.21 which does not exist. <p>We are content with the projects included in the in-combination assessments, as detailed in Table 1.63 of REP2-010 (equivalent to Table 1.57 of APP-033) List of other projects and plans with potential for in-combination effects on offshore ornithology" and Figure 1.12 of REP2-010 "Location of other projects and plans considered for in-combination effects on SPAs and Ramsar sites with offshore ornithological features".</p>	
REP3-084.5	NRW (A) JNCC NWWT	<p>Q1.17.2</p> <p>Significance of effects</p> <p>Table 2.36 in ES Chapter 2 (Vol 1) Benthic subtidal and intertidal ecology [APP-054] presents a summary of the potential impacts, the associated important ecological features, and significance of effects.</p> <p>i. If you disagree with any listed aspect including Applicant's significance of effects, can you identify and provide evidence to justify your opinion.</p> <p>If you consider any effect to be significant in terms of EIA, can you identify and advise on any possible and realistic mitigation measures to enable residual effects to be not significant in terms of EIA.</p>	<p>As per our Written Representation (WR; REP2-081), reference: REP1-066.140, and our response to the Applicant's comments on our WR (submitted at this deadline, Deadline 3), JNCC do not agree with the values attributed within the assessment of significant effects, covered in Sections 2.9, page 92, and 2.11, page 235, of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054). The magnitude of impact has been assessed as too low, incorrect assumptions of feature sensitivity have been applied to the sea-pen and burrowing megafauna communities Important Ecological Features (IEF), and the subsequent adverse significance has been under-represented.</p> <p>The magnitude of impact was assessed based on the 'benthic subtidal and intertidal ecology study area' which was defined as a 50km buffer around the 'Mona Array Area' (see Figure 2.1 and Section 2.4.3.1 of APP-054) with over two million square meters (Section 2.9.5.7) of seabed expected to be permanently impacted/changed by the development. The impact area is then compared with the 'Mona benthic subtidal and intertidal ecology study area' as a percentage of that 50km buffer area that includes the 'Mona Array Area'. This is not helpful as the 'Mona benthic subtidal and intertidal ecology study area' includes large portions that will not be directly impacted by the operations. The Environmental Impact Assessment Methodology (APP-052), Section 5.3.6.8 and Table 5.4, defines the spatial extent of an impact as the "Geographical area over which the impact may occur (CIEEM, 2016)". Using the spatial extent of the feature impacted to calculate the impact percentage provides a more meaningful representation of the magnitude of impact. This may be 100% but would increase the magnitude to Medium, possibly even High. There would also be scope to assess the magnitude of impact based on the 'Mona Array Area', although there will be large portions of that which will not be directly impacted by the development, but would be more appropriate than using the 'Mona benthic subtidal and intertidal ecology study area'.</p> <p>Combining the areas associated with the 'Long-term habitat loss' and 'Temporary habitat loss' impact pathways would, however, give a more meaningful impact percentage and subsequent meaningful magnitude (probably Medium). JNCC recommends that the Applicant revises the assessment to evaluate the magnitude of the impacts in this way, which could potentially lead to a revised assessment of the significance of the effects.</p> <p>Sensitivities of the sea-pen and burrowing megafauna communities are assessed through the Marine Evidence based Sensitivity Assessment (MarESA) within the Marine Life Information Network (MarLIN). MarESA assessments are based on collated feature-specific scientific literature providing a robust assessment of the feature to different pressures. The</p>	<p><u>Mona Benthic Subtidal and Intertidal Ecology Study Area</u></p> <p>Regarding JNCC's statements on magnitude in the second paragraph of REP3-084.5, the Applicant highlights that it has responded in full to comment REP2-097.67 from the JNCC in the Applicant's Deadline 3 Response to JNCC D2 Submission (REP3-036), relating to the presentation of the percentage of seabed affected as a percentage of the Mona benthic subtidal and intertidal ecology study area. Additional clarifications are presented below.</p> <p>The Applicant considers that the assessments of magnitude are correct and aligned with the definitions relevant to the assessment of magnitude for benthic subtidal and intertidal ecology as outlined in Table 2.14 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054). The Applicant would also clarify that the magnitude of the long term habitat loss predicted as a result of the Mona Offshore Wind Project has been presented as a proportion of the Mona benthic subtidal and intertidal ecology study area which, as defined in section 2.4.3 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054), is the area encompassed by the Mona Array Area and Offshore Cable Corridor together with the zone of influence (Zol) around the Mona Array Area (i.e. one tidal excursion) and not a 50 km buffer as suggested by the JNCC. The 50 km buffer applies only to the area used to screen projects for inclusion in the cumulative effects assessment for benthic subtidal and intertidal ecology. The Applicant agrees with the JNCC that it would not be appropriate to present habitat loss as a proportion of a 50 km buffer. Therefore, the context within which the maximum design scenario of long term habitat loss is presented in section 2.9.5 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) of 2,192,412 m² (i.e. 0.17% of the Mona benthic subtidal and intertidal ecology study area) is the project area and the Zol around the Mona Array Area.</p> <p>In order to provide greater clarity to the JNCC regarding their concern that the percentages applied in Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) were not calculated using the spatial extent of the features impacts, the Applicant has presented figures for illustrative purposes of what a different approach to identifying the degree of impact would result in.</p> <p>On this basis, if the Zol is <i>excluded</i> from the Mona benthic subtidal and intertidal ecology study area, the maximum design scenario for long term habitat loss predicted within section 2.9.5 of Volume 2, Chapter 2:</p>

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			<p>Applicant has used MarESA for this purpose but the Applicant has adjusted the feature's sensitivity due to a lack of sea-pens being recorded during surveys.</p> <p>At a meeting of the OSPAR Contracting Parties in Bergen in November 2011 (OSPAR Workshop on the improvement of the definitions of habitats on the OSPAR list, 20 to 21 October 2011), a key recommendation was that the presence of burrowing megafauna is the essential defining characteristic of the feature; the presence or absence of sea-pens does not in itself define the feature. Sea-pens may form a prominent feature of the seabed surface, but do not have to be present to define the OSPAR Threatened and Declining habitat. JNCC believe that this is the most up-to-date position on the composition of this habitat. Therefore, it is not appropriate for the Applicant to alter the sensitivities listed by MarESA based on a lack of sea-pens being recorded during surveys in this identified habitat.</p> <p>The Applicant should revise the assessment using the sensitivities listed by MarESA. Once that has taken place, JNCC will be in a position to comment on whether or not the effects on the sea-pen and burrowing megafauna communities IEF in the marine offshore environment would be significant.</p>	<p>Benthic subtidal and intertidal ecology (APP-054) of 2,192,412 m² would equate to 1.72% of the area encompassed by the Mona Array Area and Mona Offshore Cable Corridor alone (i.e. only the areas potentially directly impacted). This illustrative figure demonstrates that even with the ZoI excluded from the study area the total area to be impacted would still be consistent with the definition of low magnitude as outlined in Table 2.14 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) and does not consider that the magnitude of impacts should be re-assessed.</p> <p>Additionally in response to JNCCs comment that changing the method of calculating the percentage of the benthic subtidal and intertidal ecology study could lead to an increase of impact of an affected feature, the Applicant would highlight that there would be no scenario in which 100% of any of the IEFs would be affected by any impact pathway. The Applicant would also highlight that it is not currently possible to determine where the infrastructure associated with the Mona Offshore Wind Project will be placed on the seabed, which explains why it was not possible to apportion the impacts on a habitat-by-habitat (i.e. feature-by-feature) basis in Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054). However, to provide greater clarity to the JNCC on this point, and to use the Seapens and burrowing megafauna communities important ecological feature (IEF) as an example, section 1.7.7 of Volume 6 Annex 2.1: Benthic subtidal and intertidal ecology technical report (APP-087) outlines that the seapens and burrowing megafauna IEF has been mapped on an assumed basis that the IEF would extend across the whole Mona Array Area (~300 km²). As outlined in Table 2.18 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) there may be up to 1,388,412 m² of long term habitat loss in the Mona Array Area. This equates to 0.46% of the Mona Array Area and by implication 0.46% of the seapens and burrowing megafauna communities IEF. The Applicant maintains that the assessments of magnitude for all impacts are consistent with the definitions in Table 2.14 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) and do not need to be re-assessed.</p> <p><u>Combining Long-Term Habitat Loss and Temporary Habitat Loss/Disturbance</u></p> <p>With respect to JNCCs comment in paragraph three of their response regarding combining areas associated with long-term habitat loss and temporary habitat loss/disturbance, the Applicant notes that the JNCC did not raise this in their Section 42 consultation response or during the Expert Working Group process. The Applicant does not consider that this would be appropriate given the differing nature of the impacts and that full recovery of the seabed and communities is predicted in the years following temporary habitat loss/disturbance but that recovery is not relevant during the lifetime of the Mona Offshore Wind Project for long term loss.</p> <p>The Applicant notes, however, that the numbers are clearly outlined in Table 2.18 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) and that if the JNCC wishes to sum the total predicted temporary habitat loss/disturbance (i.e. 60.51 km²) and long term habitat loss (i.e. 2.19 km²) this would equate to 62.7 km² and 13.89% of the area encompassed by the Mona Array Area and Mona Offshore Cable Corridor alone (i.e. only the areas potentially directly impacted). The Applicant considers that this is consistent with the definition of low magnitude, as outlined in Table 2.14 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054) (i.e. some</p>

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				<p>measurable change in attributes, quality or vulnerability, minor loss or, or alteration to, one (maybe more) key characteristics, features or elements (Adverse)). The Applicant does not therefore consider that summing the values changes the magnitude of low assigned to both temporary habitat loss/disturbance and long term habitat loss.</p> <p><u>Sensitivity of the seapens and burrowing megafauna communities IEF</u></p> <p>Regarding JNCCs concerns regarding the sensitivity and definition of the seapens and burrowing megafauna habitat in paragraphs four to six of their response, the Applicant has outlined its position with regard to the sensitivity applied to the seapens and burrowing megafauna communities IEF in its Deadline 3 Response to JNCC D2 Submission (see row REP2-097.66 in REP3-036) and presents additional clarifications below.</p> <p>The Applicant maintains that the assessment of the temporary habitat disturbance/loss impact pathway in Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054), and the tailoring of the sensitivity of the seapens and burrowing megafauna communities IEF from high (as per the MarESA) to medium is appropriate for the communities identified in the benthic ecology site-specific survey. If, as the JNCC suggests, a sensitivity of high were to be applied to the seapens and burrowing megafauna communities IEF this, combined with the assigned magnitude of low associated with the impact of temporary habitat loss/disturbance would, according to the matrix in Table 2.17 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054), result in a range of significance of minor to moderate adverse.</p> <p>In accordance with the methodology outlined in section 5.3.6 of Volume 1, Chapter 5: Environmental Impact Assessment methodology (APP-052), where a range is suggested for the significance of effect, the final significance is based upon the topic expert's professional judgement, with an explanation as to why this is the case. In this instance the Applicant would conclude that, on the basis of the intermittent nature of the impact over the four year construction phase, together with the absence of seapens (as above, none were identified through surveys) and the predicted resilience (i.e. recovery) of the key part of the community recorded in the Mona Array Area (i.e. the burrowing megafauna component of the habitat) which the MarESA states is medium, the significance would remain as minor adverse and so not significant in EIA terms.</p>
REP3-084.6	NRW (A) JNCC NWWT	<p>Q1.17.3</p> <p>Cumulative effects</p> <p>Table 2.37 in ES Chapter 2 (Vol 1) Benthic subtidal and intertidal ecology [APP-054] presents a summary of the potential cumulative effects, the associated important ecological features, and significance of effects.</p> <p>I. If you disagree with any listed aspect including Applicant's significance of effects, can you identify and provide evidence to justify your opinion.</p>	<p>Please see our response to Q1.17.2 above. Until the Applicant has correctly assessed the magnitude of effects and the sensitivity of all receptors, it is not possible for JNCC to properly advise on the significance of the predicted effects.</p>	<p>Please refer to the Applicant's response to REP3-084.5 above.</p>

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		<p>If you consider any effect to be significant in terms of EIA, can you identify and advise on any possible and realistic mitigation measures to enable residual effects to be not significant in terms of EIA.</p>		
REP3-084.7	JNCC	<p>Q1.17.4 Marine Benthic Impact Assessment If you disagree with the Applicant's marine benthic impact assessment, can you summarise your position. Can you also provide information and reference to any legislation including relevant projects to justify the need to distinguishing between the inshore (within 12nm) and offshore (beyond 12nm) to assess marine benthic impacts. (JNCC RR-033.3 response to relevant representation [REP2-097]).</p>	<p>JNCC has two main concerns relating to the Marine Benthic Impact Assessment, namely: the under-representation of the subsequent adverse significance of sea-pen and burrowing megafauna communities IEF within the Array Area (see response to Q1.17.2 and Q1.17.3, above); and sandwave clearance within the Export Cable Corridor. The latter spans the inshore and offshore marine environments, as defined by the Marine and Coastal Access Act 2009 Section 322(1). If the impacts of sandwave clearance are not defined by the inshore and offshore marine environments, JNCC would have to take a worst-case approach and assume that all the sandwave clearance impact will be carried out in the Welsh offshore region. This will significantly overestimate the impact which the development will have on the benthic offshore environment.</p> <p>The legal basis for the Joint Nature Conservation Committee's (JNCC's) offshore remit is summarised here: https://jncc.gov.uk/about-jncc/how-we-work/legal-basis-of-our-work/.</p> <p>JNCC's specific responsibilities for offshore marine nature conservation are set out in the Conservation of Offshore Marine Habitats and Species Regulations 2017 S.I 2017/1013 ('the Offshore Marine Regulations'), the Marine and Coastal Access Act 2009 ('MC Act 2009') and various Regulations that relate to the activities of the offshore petroleum industry. In general, the legislation makes a distinction between 'inshore' areas which mean the territorial sea up to 12nm from the shore; and 'offshore' areas which are beyond that 12nm limit. The 12nm limit for the territorial sea was established in Article 3 of the United Nations Convention on the Law of the Sea, 1982.</p> <p>Regulation 28(4) in the Offshore Marine Regulations sets out that Joint Committee must be consulted by competent authorities in relation to their appropriate assessments of relevant plans or projects which are likely to have a significant effect on a European Offshore marine site.</p> <p>Similarly, Section 147 of MCA Act 2009 states that the 'appropriate statutory conservation body' for the purposes of that Act means:</p> <ul style="list-style-type: none"> - '(c) in respect of an area outside the seaward limits of the territorial sea, the Joint Nature Conservation Committee.' <p>In turn, this means that public authorities must engage with JNCC in carrying out any of their functions which are capable of significantly affecting offshore Marine Conservation Zones (sections 125 and 126 of the MC Act 2009).</p> <p>In relation to impacts on European sites or MCZs which are within inshore areas around the UK, JNCC is not the statutory body which must be consulted, and others will provide that advice - in the case of the Mona Windfarm Project, National Resources Wales (NRW) performs that role.</p> <p>There is no specific legal requirement for developers to distinguish in their assessments between effects occurring in the inshore area (within 12nm), and those occurring within the offshore area (beyond 12nm). Nevertheless, JNCC considers that it is a matter of good practice for developers to put their assessments of the effects of projects in the legislative context of the 12nm limit for inshore waters; and JNCC usually requests this. This distinction enables the nature, extent, magnitude, and significance of impacts that would be experienced in different parts of the marine area to be easily identified. In turn, this assists consultees (including JNCC and other statutory bodies such as NRW) to fulfil their statutory duties by advising competent/public authorities</p>	<p>Please refer to the Applicant's response to REP3.084.5 above with respect to the JNCC's points on the seapens and burrowing megafauna communities assessment.</p> <p>The Applicant has responded in full to the comments from the JNCC (REP2-097.65) relating to the division of assessments by stakeholder remit or geography in its Deadline 3 Response to JNCC D2 Submission (see row REP2-097.65 in REP3-036) and summarises the additional clarifications provided therein below.</p> <p>To facilitate the JNCC's understanding of the potential maximum design scenario associated with the sandwave clearance element of the Mona Offshore Wind Project, the Applicant has provided some indicative numbers for the temporary habitat disturbance associated with sandwave clearance within inshore and offshore waters of the Mona Offshore Cable Corridor. The Applicant would caveat that the figures provided below are indicative and should be viewed as estimates as they are based on proportions of offshore export cables found within inshore and offshore waters and not detailed pre-construction survey or design information.</p> <p>Approximately 39.3 km of the Mona Offshore Cable Corridor is within inshore waters (i.e. within 12 nm) (i.e. 44% of the total 90 km length per export cable). Based on this percentage, the Applicant estimates that of the overall maximum design scenario of 8,640,000 m² of temporary habitat disturbance predicted to arise from export cable installation, including sandwave clearance, approximately 3,801,600 m² of disturbance may occur within inshore waters as a result of this activity and the remainder (approximately 4,838,400 m² of temporary disturbance) may occur within offshore waters (i.e. beyond 12 nm). These numbers are, however, only indicative to assist the JNCC in understanding the potential impact in offshore waters and the Applicant maintains that the maximum design scenario presented in Table 2.18 of Volume 2, Chapter 2: Benthic, subtidal and intertidal ecology (APP-054) is the most accurate representation of the impacts associated with the Mona Offshore Wind Project. Furthermore, the Applicant is confident that the impacts from sandwave clearance, both within offshore and inshore waters, are not significant in EIA terms.</p>

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			<p>on the nature conservation implications of the proposals in hand when making decisions whether or not to grant consent.</p> <p>The Secretary of State should take into account all relevant marine benthic impacts of the Mona Windfarm Project, whether occurring inshore and offshore, when carrying out his duties in respect of the DCO decision. In JNCC's view this decision would be assisted by the Applicant making the distinction set out above - ensuring for instance that there is no 'double counting' of effects inside or outside the 12nm limit in the advice provided to the Secretary of State by different consultees.</p> <p>In addition to the statutory consultee aspect, it should be recognised that different regulatory bodies have different roles and responsibilities depending on which side of the 12nm limit a development would take place. It may also be helpful to those regulators have distinguished where the Project's effects will be felt in relation to the 12nm limit. For instance, the Marine Management Organisation may find it useful, when dealing with a future offshore licence application, to understand the nature etc of the Mona Windfarm effects in this regard, so that in-combination effects can be properly taken into account.</p>	
REP3-084.8	The Applicant JNCC NRW(A)	<p>Q1.17.9 If scenario 1 involved excluding UXO clearance from the DCO and Deemed Marine Licence, and scenario 2 involved UXO clearance restricted to only low-order clearance charges; can parties advise if it would be supportive or not to either approach with reasoning.</p>	<p>JNCC's preferred option throughout pre-application engagement has been for Scenario 1, that all unexploded ordinance (UXO) clearance is excluded from the DCO/deemed Marine License. However, we would be supportive of Scenario 2, if in addition to the DCO/deemed Marine License specifying all UXO clearance is restricted low-noise methods only, that it also clearly stated should high order clearance be required, it will be subject to a separate marine licence application.</p> <p>In line with the joint position statement on UXO clearance, our primary position is that high order clearance of UXO clearance is avoided.</p>	<p>The Applicant notes the JNCC response. The Applicant has submitted a position paper on UXO clearance at Deadline 4 (S_D4_56).</p>
REP3-084.9	JNCC, NRW(A)	<p>Q1.17.13 Are you satisfied that the site specific digital aerial survey (DAS) reflects Manx shearwater baseline characterisation. If not, can you provide evidence to justify your position?</p>	<p>JNCC are satisfied that the site specific digital aerial survey (DAS) reflects Manx shearwater baseline characterisation. There are known limitations of DAS in relation to crepuscular and nocturnal species such as Manx shearwater given that DAS, out of necessity, needs to be conducted during daylight hours. It is therefore likely that some activity of this species will have been missed. However, the significance of this is likely to be most acute in proximity to colonies, where Manx shearwater will often gather in larger numbers at dusk to avoid predation as adults return to the colony at night. Given the distance of the Mona OWF array to colonies, we don't anticipate that these gatherings are likely, and that the distribution identified in the DAS surveys is likely to be representative of the use of the area.</p>	<p>The Applicant acknowledges the JNCC's conclusion and agreement that the DAS sufficiently captures the usage of the Offshore Ornithology Survey Area (the area surveyed by the site-specific DAS) for Manx shearwater.</p>
REP3-084.10	JNCC, NRW(A)	<p>Q1.17.14 Are you are satisfied with the collision risk assessment for Manx Shearwater and its conclusion. If not, can you provide evidence to justify your position?</p>	<p>JNCC are satisfied with the collision risk assessment for Manx Shearwater and its conclusion. We are satisfied that the population densities derived from DAS are likely to be representative of actual density (subject to the caveats noted in response to Q1.17.13 above) and therefore that the collision risk assessment can be relied upon.</p> <p>We note the comments of the RSPB in their Statement of Common Ground (REP2-088) that they have concerns that attraction to lighting would invalidate the collision risk modelling undertaken. Manx shearwaters are known to be attracted to light and can also be disoriented, for example due to the lighting at the top of a wind turbine. The current method of assessing collisions does not account for this addition collision risk, however there is not currently any evidence available to quantify that risk. Therefore, given the limitations of the existing evidence base, we are satisfied that the collision risk model is as robust as it currently can be.</p>	<p>The Applicant welcomes the JNCC's agreement that the collision risk models are as robust as they can be in predicting impacts to Manx shearwater and that the conclusions of the assessment can be relied upon. The JNCC's comment that there is a lack of evidence to quantify the potential for Manx shearwater attraction to navigation lighting of offshore wind farms is acknowledged.</p>