Partners in UK offshore wind

MONA OFFSHORE WIND PROJECT

Comments on the report on the implications for European sites

Deadline: 5

Application Reference: EN010137

Document Reference: S_D5_33

Document Number: MOCNS-J3303-RPS-10459

3 December 2024

F01

Image of an offshore wind farm

www.morganandmona.com/en

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Submission at D5	RPS	Mona Offshore Wind Ltd	Mona Offshore Wind Ltd	3 Dec 2024

Prepared by:

RPS

Prepared for:

Mona Offshore Wind Ltd.

Contents

Tables

Appendix

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.
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).
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.
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).
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 Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.

Acronyms

Acronym	Description
AEoI	Adverse Effect on Integrity
CMS	Offshore Construction Method statement
CSIP	Cable Specification and Installation Plan
cUXO	Confirmed UXO
DCO	Development Consent Order
dML	Deemed Marine Licence
EDR	Effective Deterrent Range
EIA	Environmental Impact Assessment
EPS	European Protected Species
ExA	Examining Authority
HRA	Habitat Regulations Assessment

Acronym	Description
IPs	Interested Parties
IEMA	Institute for Environmental Management and Assessment
ISAA	Information to support the Appropriate Assessment
JNCC	Joint Nature Conservation Committee
LSE	Likely Significant Effects
MDS	Maximum Design Scenario
MMMP	Marine Mammal Mitigation Protocol
ML	Marine Licence
MU	Management Units
NAS	Noise Abatement Systems
NRW(A)	Natural Resources Wales (Advisory)
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
pUXO	Potential UXO
PVA	Population Viability Analysis
RIES	Report on the Implications for European Sites
ROV	Remotely Operated Vehicle
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance

Units

Unit	Description
km	Kilometres
%	Percentage

1 COMMENTS ON THE REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES

1.1 Introduction

1.1.1.1 The Applicant has responded to comments on the Report on the Implications for European Sites below.

1.2 Comments on the report on the implications on European Sites (RIES)

Table 1.1: Questions in the Report on the Implications on European Sites (RIES).

Reference	RIES Question	Applicant's response
Table 2.4: Offshore ornithology - issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's screening of LSEs (alone and in-combination)		
Q2.4.4a	Can the Applicant confirm the five breeding sites and nine nonbreeding sites relevant to Atlantic puffin?	The Applicant confirms there are **four** breeding sites for Atlantic puffin within foraging distance of the Mona Offshore Wind Project. The four sites are presented in Table 1.9 in the HRA Stage 1 Screening Report (REP2-012): • Lambay Island SPA • Rathlin Island SPA • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA • Saltee Islands SPA The nine non-breeding sites for Atlantic puffin considered are presented in Table 1.10 in HRA Stage 1 Screening Report (REP2-012): • Hermaness, Saxa Vord and Valla Field SPA • Foula SPA • Forth Islands SPA • Farne Islands SPA • Sule Skerry and Sule Stack SPA • St Kilda SPA • Shiant Isles SPA • Flannan Isles SPA • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA The Applicant has provided a full apportioning assessment using the statutory nature conservation bodies (SNCBs) advised range of displacement and mortality rates (30-70% displacement and 1-10% mortality) at Deadline 4 which confirms the sites relevant for Atlantic puffin (see Table 1-8 of the Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030) note).

Reference	RIES Question	Applicant's response
Q2.4.4b	The ExA notes that Figure 1.1 of the HRA Stage 2 SPA Report [REP2-010] states that where there are >0.0 birds impacted, a LSE cannot be ruled out. Can the Applicant explain why it has not followed this methodology?	The Applicant can confirm that it followed the methodology presented in Figure 1.1 of the HRA Stage 2 SPA Report (REP2-010) as explained below. When considering the Applicant's identified displacement and mortality rate of 50% displacement and 1% mortality, all apportioned impacts are <0.0 birds as shown in within Table 1-8 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030). Therefore, no SPAs with Atlantic puffin as a relevant qualifying feature were screened in for LSE and therefore, none are presented within the HRA Stage 2 Information to Support an Appropriate Assessment (ISAA): Part Three SPA and Ramsar site Assessment (REP2-010). The statement within HRA Stage 1 Screening Report (REP2-012) '*Apportioning was not done for Atlantic puffin as the mean annual mortality from disturbance and displacement before apportioning was 0.1 birds*' considered the Applicant's identified displacement and mortality rates and was in reference to predicted impacts **before** apportioning to the specific colonies. The statement in Figure 1.1 of the HRA Stage 2 Information to Support an Appropriate Assessment (ISAA): Part Three SPA and Ramsar site Assessment referred to in the Examining Authority's question related to impacts after apportioning (i.e. a LSE cannot be ruled out where there are >0.0 apportioned birds impacted). As presented in Table 1-8 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030), the impacts **after** apportioning are all <0.0 birds. In conclusion, the Applicant followed its methodology for LSE Screening as set out within HRA Stage 1 Screening Report (REP2-012).
Q2.4.4c	Do JNCC/ NRW (A) consider a LSE should be identified for any European site with Atlantic puffin as a qualifying feature?	The Applicant acknowledges that this question is directed at the JNCC/NRW (A) but wishes to highlight that a full apportioning assessment using the SNCBs advised range of displacement and mortality rates for Atlantic puffin (30-70% displacement and 1-10% mortality) was provided at Deadline 4 (see Table 1-8 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030)). The sites where predicted apportioned impacts were >0.0 birds (when assuming 100% adult birds and using 70% displacement and 10% mortality) and therefore could result in an LSE were: • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA • Sule Kerry and Sule Stack SPA • St Kilda SPA • Shiant Isles SPA

Reference	RIES Question	Applicant's response
		As the project alone impact was predicted to increase the baseline mortality by <0.05%, these sites were not taken through to an in-combination assessment for this species. This is in accordance with the Applicant's HRA methodology (see Fig 1.1 in HRA Stage 2 Information to Support an Appropriate Assessment (ISAA): Part Three SPA and Ramsar site assessment (REP2-1010)), which has been agreed with the SNCBs for the Mona Offshore Wind Project (see NRW (A)'s relevant representation (RR-011) and JNCC's Response to comments on Relevant Representation (REP2-097)). Since Deadline 4, the Applicant has engaged with JNCC and NRW (A) to provide further support in assisting them in their assessment of potential adverse effects on site integrity.
Q2.4.6	Are JNCC and NRW (A) content that an appropriate range of displacement and mortality has been presented in [REP4-031] to enable an informed decision to be made by the Secretary of State?	The Applicant acknowledges that this question is directed at the JNCC/NRW (A) but wishes to highlight that it provided the Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030) note at Deadline 4, which presents the full range of potential impacts using the range of displacement and mortality rates (30-70% displacement and 1-10% mortality for Atlantic puffin, black-legged kittiwake, common guillemot, Manx shearwater and razorbill and 60-80% displacement and 1-10% mortality for northern gannet) as advised by the SNCBs. PVAs were undertaken for those sites and species where the increase in baseline mortality from in-combination impacts was found to exceed 1% when considering the upper displacement and mortality range recommended by the SNCBs (except for black-legged kittiwake). PVAs are run if a predicted impact is likely to result in an increase in baseline mortality of >1%, in line with the current guidance (Parker *et al*., 2023). For black-legged kittiwake, PVAs were only undertaken where predicted impacts exceeded a 1% increase in baseline mortality when considering 30% displacement and 3% mortality, in line with the upper range of NatureScot's guidance (NatureScot, 2023). A PVA was not undertaken for the 70% displacement and 10% mortality scenario (as advised by the JNCC) as the Applicant considers there to be a lack of empirical evidence to support undertaking an assessment using a 10% mortality rate. See section 1.6.2 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030) for further information. Following further engagement with NRW (A) and the JNCC, the Applicant has provided PVAs for black-legged kittiwake for the specific sites requested by the JNCC, using the 70% displacement and 10% mortality to allow them to determine their position on AEoI for those sites over which they have jurisdiction. This information is provided in Tables 1-3 to 1-5 and Table 1-18 of the Offshore

Reference	RIES Question	Applicant's response
		Ornithology Additional Supporting Information in line with SNCB Advice (S_D5_23) submitted at Deadline 5.
Q2.4.7a	Can the Applicant provide an assessment of black-legged kittiwake displacement applying JNCC's recommended displacement rates of 30% to 70%?	The Applicant wishes to highlight that offshore wind displacement assessments for offshore ornithology receptors comprise the percentage of birds that may be displaced and the percentage of birds that may be subject to mortality as a result of that displacement. Thus, there are two component rates considered within a displacement assessment (percentage displacement and percentage mortality). The JNCC has recommended displacement rates of 30% to 70% and mortality rates of 1% to 10% for black-legged kittiwake. The Applicant also highlights that both NRW(A) and Natural England have stated there is insufficient evidence to necessitate undertaking a displacement assessment for black-legged kittiwake (Technical Engagement Plan Appendices - Part 1 (A to E) (APP-042)) and have therefore not requested the Applicant provide this assessment for the Mona Offshore Wind Project. The Applicant has presented a displacement assessment for the Mona Offshore Wind Project alone using the full range of displacement (30-70%) and mortality rates (1-10%) rates, advised by the JNCC in Table 1-9 of the Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030). The Applicant has also presented the in-combination assessments for each of the SPAs included in the HRA using 30% to 70% displacement within Tables 1-19 to 1-63 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030). As outlined in response to Q2.4.6, following further engagement with NRW (A) and the JNCC, the Applicant has provided PVAs for black-legged kittiwake for the specific sites requested by the JNCC, using 70% displacement and 10% mortality to allow them to determine their position on AEoI for those sites over which they have jurisdiction. This information is provided in Tables 1-3 to 1-5 and Table 1-18 of the Offshore Ornithology Additional Supporting Information in line with SNCB Advice (S_D5_23) submitted at Deadline 5.
Q2.4.7b	Would any additional European sites be screened in as a result of applying JNCC's recommended displacement rates?	The Applicant understands that the question is solely with reference to black-legged kittiwake. The Applicant has presented the initial screening of SPAs for black-legged kittiwake within Table 1-9 of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030), which considers the full range of displacement (30-70%) and mortality rates (1-10%) rates. Using the full range of displacement and mortality rates increased the number of SPAs, which required an in-combination assessment from three as presented in the HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010) to nine SPAs as presented in the Offshore Ornithology Supporting Information in line with SNCB

Reference	RIES Question	Applicant's response
		Advice (REP4-030). The predicted impact on Ailsa Craig SPA, Rathlin Island SPA, Lambay Island SPA, Ireland's Eye SPA, Howth Head Coast SPA, Wicklow Head SPA, Cape Wrath SPA, North Colonsay and Western Cliffs SPA and Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA is >0.05% (when considering the highest displacement and mortality rates) and therefore these sites are considered as part of the in-combination assessments in section 1.5.3 of the Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030). Therefore, all sites have been screened as appropriate using the JNCC's recommended displacement and mortality rates.
Q2.4.7c	Would there be any change to the conclusions of the Stage 2 assessment in respect of black legged kittiwake?	The Applicant has presented a displacement assessment for the Mona Offshore Wind Project alone using the full range of displacement (30-70%) and mortality rates (1-10%) rates, advised by the JNCC in Table 1-9 of the Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030). For black-legged kittiwake, PVAs were undertaken where predicted impacts were over 1% increase in baseline mortality considering 30% displacement and 3% mortality, in line with the upper range of NatureScot guidance (NatureScot, 2023). A PVA was not undertaken for the worst-case scenario advised by the JNCC (70% displacement and 10% mortality) as the Applicant considers there to be a lack of empirical evidence to support undertaking an assessment using a 10% mortality rate. The Applicant has presented the evidence that supports this assessment within the Offshore Ornithology Supporting Information In line with SNCB Advice (REP4-030). JNCC has provided reference to one example (Vanermen *et al*., 2016) in their Deadline 4 submission (Response to REP3-059 Offshore ornithology supporting information in line with SNCB advice (REP4-102)) which showed an 86% reduction in abundance during November at the Thorntonbank wind farm in the Belgian North Sea for a before and after control impact (BACI) study (referenced in the JNCCs Response to REP3-059 Offshore ornithology supporting information in line with SNCB advice REP4-102)). In this example, information was only presented for a single month, which showed the greatest number of birds displaced, annual displacement was not presented. Within the same report (Vanermen *et al*., 2016), the Bligh Bank showed a positive increase using the same methods. Dierschke *et al*. (2016) undertook a review of 20 offshore wind farms (including data from Vanermen *et al*., 2016) and found that two of the 12 which presented a conclusion for black-legged kittiwake predicted 'attraction'. Of the four wind farms which showed 'avoidance', two showed strong avoidance (decrease >80% in abundance and macro-avoidance 50-100%), and two showed weak avoidance (decrease <50%). The rest of the wind farms exhibited no effect (indifferent behaviour) (Dierschke *et al*., 2016). More recent evidence from the same windfarms in the

Reference	RIES Question	Applicant's response
		Belgium North Sea indicates higher abundances within the windfarms than adjacent control areas (Vanermen *et al.* 2023[1])). Therefore, the weight of evidence suggests that attraction is more likely to occur than displacement and where displacement has been observed, this has typically been in the range of 10% in spring (albeit not significant) and 45% in the breeding season in the southern North Sea (Peschko *et al.*, 2020).Thus, the displacement rate referenced by JNCC in the JNCCs Response to REP3-059 Offshore ornithology supporting information in line with SNCB advice (REP4-102) is regarded by the Applicant as an outlier and contrary to the wider body of evidence on kittiwake displacement. It is therefore not considered appropriate to undertake an assessment based on 70% displacement and 10% mortality owing to the limited evidence suggesting black-legged kittiwake displacement is likely to be this high. Furthermore, there is no empirical evidence of 10% mortality following the displacement of birds. NatureScot advises an assessment based on 30% displacement and 1-3% mortality (as presented in Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030) (NatureScot, 2023). Both NRW(A) and Natural England have stated there is insufficient evidence to necessitate undertaking a displacement assessment for black-legged kittiwake (detailed in Technical Engagement Plan Appendices - Part 1 (A to E) (APP-042)) and have therefore not requested the Applicant provide this assessment for the Mona Offshore Wind Project. Although the Applicant's HRA assessment at application is based on 50% displacement and 1% mortality (see HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010), the Applicant has presented in the EIA application document (Volume 2, Chapter 5: Offshore ornithology F02_F03 (REP4-007)) an increase in baseline mortality at the EIA scale using 70% displacement and 10% mortality rates. Since application, the Applicant has provided further assessment based on 70% displacement and 10% mortality and PVAs on 30% displacement and 3% mortality (see Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030)), which far exceeds the expectations of Natural England, NRW and NatureScot and is at the upper bounds of what would be considered scientifically robust. The Applicant considers the information provided sufficient to allow the SNCBs to reach a conclusion on AEoI beyond scientific doubt. It is the Applicant's view that assessing an even higher rate of displacement would not be scientifically credible and should not be used to inform a conclusion of

[1]Vanerman, N., Courtens, W., Van De Walle, M., Verstraete, H. & Stienen E. 2023. Chapter 5 - Seabirds And Offshore Wind Farms - Displacement Monitoring 2.0 in Environmental Impacts Of Offshore Wind Farms In The Belgian Part Of The North Sea

Reference	RIES Question	Applicant's response
		AEoI. Notwithstanding this, a full assessment (including PVAs) based on 70% displacement and 10% mortality has now been provided in the Offshore Ornithology Additional Supporting In-combination Assessment Information in line with SNCB Advice (S_D5_23) submitted at Deadline 5 as requested by the JNCC. Based on this, the Applicant has concluded no AEoI for the Mona Offshore Wind Project in-combination either other projects and plans. Thus, irrespective of the scenario assessed, there is no change to the Stage 2 assessment conclusions presented in the HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010).
Q2.4.13	Further to the Applicant's submission [REP4-042], can JNCC and NRW (A) confirm whether they are satisfied the Applicant's approach to age class apportionment during the non-breeding season can be considered appropriate and whether their previous concerns have been resolved?	Whilst the Applicant acknowledges that this question is directed at the JNCC/NRW (A), it wishes to highlight that a clarification note was submitted at Deadline 4 (Offshore Ornithology Apportioning Clarification Note (REP4-042)) which sets out that the non-breeding season apportioning method is precautionary for the alone assessment and results in the same impact no matter which calculations are used for the in-combination assessments. In their Deadline 4 submissions (Appendix 1 to NRWs Comments on Submissions received at Deadline 3 (REP4-105)), NRW (A) acknowledged that 'the Applicant's approach to calculating non-breeding season apportionment values is precautionary' and was satisfied to conclude no potential for adverse effects on Welsh SPA for the Mona Offshore Wind Project alone. The Applicant understands that the JNCC holds the same position through further engagement ahead of Deadline 5. As outlined in Summary of Principal Offshore Ornithological Matters' (S_D4_21), whilst this matter is not agreed between the Applicant and the SNCBs, it is considered to be 'not material'. The Applicant, therefore, considers that no further discussion is required and that this matter is closed.
Table 2.5: Marine mammals - issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's screening of LSEs (alone and in-combination)		
Q2.5.1	Can JNCC clarify whether it considers there to be a LSE on harbour porpoise of the North Anglesey Marine SAC as a result of piling and UXO clearance?	The Applicant acknowledges that this question is directed at the JNCC but has provided a response for consideration by the Examining Authority (ExA). **Piling** Paragraph 1.4.5.51 in the HRA Stage 1 Screening Report (REP2-012) confirms that the Applicant concluded that there is the potential for a Likely Significant Effect (LSE) on the harbour porpoise feature of the North Anglesey Marine/ Gogledd Môn Forol Special Area of Conservation (SAC) as a result of underwater sound associated with piling during the construction phase. As such, this European site was carried through to the HRA Stage 2 ISAA: Part 2 SACs Assessments (APP-

Reference	RIES Question	Applicant's response
		032) for a full assessment of this impact pathway. The Applicant notes, however, that a conclusion of the potential for an LSE does not equate to an Adverse Effect on Integrity (AEoI); this is assessed through the HRA Stage 2 ISAA: Part 2 SACs Assessments (APP-032). The Applicant highlights row JNCC.MM.24 in the initial Statement of Common Ground (SoCG) between this Applicant and the JNCC submitted at Deadline 1 (REP1-028), which confirms that the JNCC agree that the approach used for determining LSE on European sites with Annex II marine mammals as features is appropriate and that all the relevant sites have been identified. In JNCC's Relevant Representation (RR-033), the JNCC confirmed they agreed with the conclusion of LSE from piling on the harbour porpoise feature of the North Anglesey Marine/ Gogledd Môn Forol SAC. The Applicant and the JNCC are in discussion regarding outstanding matters with respect to marine mammals. The Applicant notes that the JNCC have not confirmed their position thus far on AEoI for marine mammals for the Mona Offshore Wind project alone or in-combination with other projects and plans on the basis that they feel the commitment to NAS is not secured (due to the categorisation of NAS in the MMMP). However, the Applicant has updated the outline MMMP (J21 F02) and outline UWSMS (J16 F02) for Deadline 5, following productive engagement with the JNCC, to address their concerns and to reiterate that NAS is a secondary measure in line with the latest IEMA guidance (IEMA, 2024). The Applicant anticipates the JNCC being able to confirm no AEoI for North Anglesey Marine/ Gogledd Môn Forol SAC from the Mona Offshore Wind Project either alone or cumulatively with other project and plans for piling at Deadline 6. **UXO Clearance** Paragraph 1.4.5.51 in the HRA Stage 1 Screening Report (REP2-012) confirms that the Applicant concluded that there is the potential for a LSE from underwater sound associated with high order UXO clearance during the construction phase (see Table 1.25). As such this European site was carried through to the HRA Stage 2 ISAA: Part 2 SACs Assessments (APP-032) for full assessment of this impact pathway. The Applicant highlights row JNCC.MM.24 in the initial SoCG between this Applicant and the JNCC submitted at Deadline 1 (REP1-028), which confirms that the JNCC agree that the approach used for determining LSE on European sites with Annex II marine mammals as features is appropriate and that all the relevant

Reference	RIES Question	Applicant's response
		sites have been identified. In JNCC's Relevant Representation (RR-033), the JNCC confirmed they agreed with the conclusion of LSE from UXO clearance on the harbour porpoise feature of the North Anglesey Marine/ Gogledd Môn Forol SAC. Whilst the Applicant screened in UXO clearance as a potential LSE, it emphasises that the HRA Stage 2 ISAA: Part 2 SACs Assessments (APP-032) concluded no AEoI on the North Anglesey Marine/Gogledd Môn Forol SAC as a result of underwater sound from UXO clearance from the Mona Offshore Wind Project alone or in-combination. Notwithstanding the above, the Applicant has reviewed its position on the inclusion of high order UXO clearance in the development consent order (DCO) in light of JNCC's concerns and has committed at Deadline 5 to the use of low order clearance only. This is secured within the deemed marine licence in Schedule 14, Condition 21 in the draft DCO (C1 F06) and is also expected to be secured within the standalone Natural Resources Wales marine licence (ML). This commitment has been included in reference numbers 33 and 111 of the Mitigation and Monitoring Schedule as updated at Deadline 5 (J10 F05). The Outline Marine Mammal Mitigation Protocol (MMMP) (J21 F02) and the Outline Underwater Sound Management Strategy (UWSMS) (J16 F02) submitted at Deadline 5 include reference to the Applicant's revised position on UXO clearance. The Applicant will further update the Outline MMMP (J21 F02) and the Outline UWSMS (J16 F02) to reflect this commitment in consultation with the JNCC and NRW (A). Should there be a requirement to undertake UXO clearance using high-order clearance methods, the Applicant will need to apply for a standalone ML to cover this activity.
Table 2.6: In-combination assessment - issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's screening of LSEs (alone and in-combination)		
Q2.6.1a	Further to the Applicant's Deadline 4 submissions, can NRW (A) and JNCC confirm whether they agree that all in-combination LSEs have been identified by the Applicant in respect of marine ornithology?	The Applicant acknowledges that this question is directed at the JNCC/NRW (A) but has provided a brief response for consideration by the ExA. The Applicant has provided an in-combination assessment for all sites where one would be required following the Applicant's method (Figure 1.1 of HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010)) within the Offshore Ornithology Supporting Information in Line with SNCB Advice (REP4-030).
Q2.6.1b	Further to the Applicant's response at Deadline 4, Can NRW (A) provide comment as to whether it considers there to be any in-combination LSEs to marine mammals and if so, provide details?	The Applicant acknowledges that this question is directed at NRW (A) but has provided a brief response for consideration by the ExA.

Reference	RIES Question	Applicant's response
		The Applicant highlights that NRW (A) agreed in the Initial SoCG between the Applicant and NRW (A) (REP1-025) submitted at Deadline 1 to the approach for LSE screening for marine mammals (NRW.HRA.23, NRW.HRA.26). The Applicant provided a response on in-combination LSE in its response to Q1.10.3 of the Examining Authority's First Written Questions (REP3-062). This response confirmed that the LSE in-combination test in the HRA Stage 1 Screening Report (REP2-012) focussed on sites/features for which no LSE alone was concluded, but there is potential for an LSE in-combination with other plans and projects (e.g. where contributions are made by one or more external projects as well as the Mona Offshore Wind Project). Given the highly precautionary approach to the screening of the Mona Offshore Wind Project alone, the Applicant concluded that no additional LSEs on any European sites or features would be identified as a result of considering the Mona Offshore Wind Project in-combination with any other plans and projects. Whilst NRW (A) suggested in response to ExQ1 that "*they consider that there may be a potential for an in-combination contribution to LSE for vessel collision at the MU level*", the Applicant understands from further meetings (8 and 26 November 2024) with NRW (A) that this matter is resolved and NRW (A) do not consider any in-combination LSE from vessel collision.
Section 2.6 Summary of Examination outcomes in relation to screening		
Q2.6.3 (p32)	Are JNCC/NRW content that a LSE can be excluded for the European sites listed in Table 2.2 of the RIES?	The Applicant acknowledges that this question is directed at the JNCC/NRW (A) but has provided a response for consideration by the ExA. <u>Marine mammals</u> The Applicant notes that the ExA has listed three European sites (Treshnish Isles SAC, Monach Islands SAC and North Rona SAC), in Table 2.2 of the RIES (PD-019), which it states that the Applicant has concluded there would be no LSE on all qualifying features. The Applicant confirms that this is correct for these three sites but would highlight that no LSE for marine mammal qualifying features of the following seven European sites was also concluded in HRA Stage 1 Screening Report (REP2-012): Lambay Island SAC, Horn Head and Rinclevan SAC, Slieve Tooey/Tormore Island/Loughros Beg Bay SAC, Duvillaun Islands SAC, Inishbofin and Inishark SAC, Inishkea Islands SAC, and Slyne Head Islands SAC. <u>Offshore Ornithology</u> The Applicant notes that the ExA listed seven SPAs in Table 2.2 of the RIES (PD-019). Within Table 1.53 of the HRA Stage 1 Screening Report (APP-034), 62 sites were assessed for LSE. For 32 SPAs, it was concluded that a LSE could not be

Reference	RIES Question	Applicant's response
		excluded (and therefore, these sites were included in Table 1.125 of the HRA Stage 1 Screening Report (APP-034)). For the remaining 30 sites, it was concluded in the HRA Stage 1 Screening Report (APP-034) that an LSE could be excluded. Within the updated HRA Stage 1 Screening Report (REP2-012), 62 sites were included in Table 1.53 and assessed for LSE. It was concluded that for 35 of these SPAs, LSE could not be excluded (and these were therefore included in Table 1.125 of HRA Stage 1 Screening Report (REP2-012)). For the remaining 27 SPAs, it was concluded that an LSE could be excluded in the HRA Stage 1 Screening Report (REP2-012). Following the submission of Offshore Ornithology Supporting Information in line With SNCB Advice (REP4-030) all sites included within HRA Stage 1 Screening Report (REP2-12) have now had an in-combination assessment presented.
Q2.6.6 (p32)	Further to the Applicant's Deadline 4 submissions, can NRW (A) and JNCC advise whether it considers there to be a LSE to any qualifying feature(s) of any European site(s) in addition to those captured in Table 1.125 of the revised HRA Screening Report [REP2-012] and the lesser-black backed gull from Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA? (Please refer to IDs 2.4.4 and 2.6.1 of this RIES where relevant).	The Applicant acknowledges that this question is directed at the JNCC/NRW (A) but has provided a response for consideration by the ExA. In response to paragraph 2.6.4 of the RIES (PD-019), the Applicant wishes to highlight that lesser black-backed gull from Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA is included within Table 1.125 of HRA Stage 1 Screening Report (REP2-012) (last row of page 464). Following the submission of Offshore Ornithology Supporting Information in line with SNCB Advice (REP4-030) all sites included within HRA Stage 1 Screening Report (APP-034) have now had an in-combination assessment presented.
Section 3.1 Conservation Objectives		
Q3.3.9 (p37)	Can NRW (A) confirm whether it is content with the projects included in the offshore ornithology in-combination assessment presented in [REP4-031]?	The Applicant notes the question is not directed to the Applicant.
Table 3.1: Annex I habitats – key issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)		
Q3.1.1	The ExA notes that these measures are intended to be secured in the separate TA ML. Can NRW (A) confirm whether it is content with the Applicant's proposed approach to securing the relevant mitigation for the Menai Strait and Conwy Bay/Y Fenai a Bae Conwy SAC?	The Applicant acknowledges that this question is directed at NRW (A) but has provided a brief response for consideration by the ExA. As outlined in the Applicant's response to the ExA's Written Questions (ExQ1) (REP3-062, Q1.10.9), mitigation through development and adherence to an Offshore Construction Method statement (CMS) which includes a Cable Specification and Installation Plan (CSIP) that does not permit sandwave clearance within the Menai Strait and Conwy Bay SAC is expected to be secured within the

Reference	RIES Question	Applicant's response
		standalone NRW marine licence. The Mitigation and Monitoring Schedule, as updated at Deadline 5 (J10 F05), sets this out (see reference number 5 in this document). Following a request from the ExA to include it, the Mitigation and Monitoring Schedule is now a certified document within the draft DCO F06 (C1 F06) (Schedule 15) and this commitment will therefore be identifiable as part of the DCO.
Table 3.2: Annex II marine mammals – key issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)		
Q3.2.1	Can the Applicant explain why the dDCO was not amended to secure the approval of a Marine Mammal Mitigation Protocol (MMMP) for geophysical activities?	Geophysical surveys are not a licensable activity under the Marine and Coastal Access Act 2009, and the Applicant does not consider it necessary to include a provision in the draft DCO to secure this mitigation. However, the Applicant highlights that the mitigation will be delivered through the European Protected Species (EPS) licencing process. The Applicant has included proposed mitigation for geophysical surveys within the Outline MMMP (APP-207) for completeness and to inform the EIA and EPS licence process. The Outline MMMP (J21 F02) and Outline UWSMS (J16 F02) have been updated for Deadline 5 to provide clarity with respect to this.
Q3.2.3a	The ExA notes JNCC's position that UXO clearance should not be included as a licenced activity in the DCO/dML. The outline Underwater Sound Management Strategy (UWSMS) [APP-202] and outline Marine Mammal Mitigation Protocol [APP-207] both state that low order UXO clearance techniques will been considered as a potential primary mitigation measure. Can the Applicant explain under what circumstances low order clearance would not be possible?	The Applicant directs the ExA to the UXO Clearance Position Statement (REP4-086) submitted at Deadline 4, which outlined the Applicant's position on UXO clearance and justification for its inclusion as a licensable activity (using both high and low order clearance methods) in the dDCO and NRW ML. Since the submission of this position statement, the Applicant has reviewed its position on the inclusion of high order UXO clearance in the draft DCO in light of JNCC's concerns with respect to this. The Applicant has, therefore, made the decision to remove high-order clearance from the draft DCO. Consequently, Schedule 14, Condition 21 of the draft DCO (C1 F06) has been updated at Deadline 5 to secure the commitment that UXO clearance will only be undertaken under the DCO using low-order methods. As outlined in the Marine Licence Principles Document (J9 F05), this is also expected to be secured in the standalone NRW ML. Should there be a requirement to undertake UXO clearance using high-order clearance methods, the Applicant will need to apply for a standalone ML to cover this activity. The Mitigation and Monitoring Schedule (J10 F05) has also been updated at Deadline 5 to reflect the Applicant's updated position on UXO clearance. The Applicant will further update the Outline Marine Mammal Mitigation Protocol (MMMP) (J21 F02) and the Outline Underwater Sound Management Strategy (UWSMS) (J16 F02) to reflect this commitment in consultation with the JNCC and NRW (A).

Reference	RIES Question	Applicant's response
		Notwithstanding this change in position, the Applicant has provided an answer to the ExA's question below: For low order UXO clearance techniques to be successful, certain critical success criteria must be met (as described within the outline MMMP (J21 F02) and outline UWSMS (J16 F02)): • The UXO must be 100% positively identified so the specific low order tool can be accurately selected and placed at the precise location of the identified UXO. • The condition of the UXO must be suitable for the use of a low order clearance approach. • Should any of the above criteria not be possible, the probability of a successful low order UXO clearance is greatly reduced. Should the low-order operation not be successful, such a situation produces further risks to operational assets and personnel employed in making the situation safe and the environment. Should there be a requirement to undertake UXO clearance using high-order clearance methods, the Applicant will need to apply for a standalone ML to cover this activity.

Q3.2.3b	Can the Applicant explain what process would be followed to determine whether low or high order clearance techniques would be undertaken?	The Applicant has provided a response below to the ExA's question but would highlight that the Applicant's position on the inclusion of high order UXO in the DCO has been reviewed in light of JNCC's concerns. This has resulted in the Applicant removing high order UXO clearance from the draft DCO F06 (C1 F06) as outlined in the response to Q3.2.3a above).
		The Applicant directs the ExA to the UXO Clearance Position Statement submitted at Deadline 4 (REP4-086) which sets out the post consent process related to UXO clearance. Section 1.3.3 presents the high-level process for identification of potential UXO and whether a confirmed UXO is to be cleared or avoided.
		Many factors can influence the ability to meet the required low order criteria such as but not limited to:
		• Unfavourable environmental conditions substantially reducing the probability of a successful low-order deflagration such as:
		  ○ Excessive/strong tidal currents
		  ○ Insufficient visibility of the remotely operated vehicle (ROV) to place the low-order tool as per the operational procedure for the UXO.
		  ○ Inability of the ROV to excavate the surrounding seabed to gain access for the required tool placement as per the procedures.

Reference	RIES Question	Applicant's response
		• Inability to positively identify the UXO and its specific fittings due to the condition of the outer casing (corrosion, marine growth etc). • Exposed explosives/uncontained. • UXO corroded/incomplete. If a potential UXO (pUXO) object is confirmed to be a UXO (cUXO), a munitions response plan will be drafted by the Applicant's UXO consultant. The munitions response plan will be based on a site-specific hazard and risk assessment. This risk analysis guides all munitions response actions determined appropriate for the cUXO. The Applicant would always select the munitions response method with the least impact on health, safety and the environment. In determining the preferred munitions response method, a variety of potential munitions response methods will be evaluated. Such response methods may include avoidance (micro-siting), relocation of the cUXO ("lift-and-shift"), low order *in-situ* disposal, and high order in-situ disposal. The project will select the method (excluding high-order in-situ disposal) that best works for the situation based on the site-specific risk analysis and the specific cUXO. Only if the operational criteria required to enable a successful low order disposal are met will a low order disposal be conducted. Should it not be possible to meet the operational criteria for a low order disposal, then high order clearance may be required, which would be subject to a separate marine licence application. The Applicant would note that even if all critical success factors for a low order disposal are met, a low order disposal can never be guaranteed and therefore high-order clearance may subsequently be required (which would be subject to a separate marine licence application).
Q3.2.3c	To JNCC: The Applicant has concluded that on a worst case scenario of high order clearance, disturbance would not exceed the daily 20% disturbance threshold or the 10% threshold of the relevant area of the site over the season. Can JNCC explain why it is unable to agree to no AEoI on this basis?	The Applicant notes this question is directed at JNCC but has provided a response for consideration by the ExA below. The Applicant considers it has provided a robust and precautionary assessment of UXO clearance in the HRA Stage 2 ISAA: Part 2 SACs Assessments (APP-032). The assessment uses sound modelling of UXO clearance to determine the potential ranges of effects for auditory injury and disturbance alongside Effective Deterrent Ranges (EDRs) (as per JNCCs and Natural England's guidance (JNCC, 2020) (see paragraph 1.7.3.134 in the ISAA: Part 2 SACs Assessments (APP-032)) to determine the potential effects of disturbance. Assuming a maximum adverse scenario of high order clearance of UXOs there was found to be no exceedance of

Reference	RIES Question	Applicant's response
		the thresholds, nor any adverse effects with respect to the conservation objectives of the sites. The Applicant highlights that the JNCCs and Natural England's guidance (JNCC, 2020) states: "*The 26 km EDR is also to be used for the high order detonation of unexploded ordnance (UXOs) despite there being no empirical evidence of harbour porpoise avoidance",* and therefore the Applicant has applied a highly precautionary approach for the assessment of UXO clearance; assuming the maximum design scenario that all 22 UXO's would require high order clearance and would be cleared at a maximum of one per day (see paragraph 1.3.1.3 of the UXO Clearance Position Statement (REP4-086)). Each UXO clearance event will result in a very short-term (one second) elevated sound field, and it is unlikely the number of days on which detonations are carried out would exceed 22 days. As per paragraph 1.3.3.7 in the UXO Clearance Position Statement (REP4-086), the Applicant cannot clear more than 22 UXO under the dDCO and should more than 22 UXO need to be detonated, then a separate marine licence would need to be applied for to undertake those additional UXO clearances. Even for the highly precautionary scenario assessed (i.e. 22 high order UXO clearances) and a 26 km EDR (as per JNCC guidance for High Order UXO clearance (JNCC, 2020)), disturbance associated with UXO detonation would not exceed the daily 20% disturbance threshold or the 10% threshold of the relevant area of the North Anglesey Marine/Gogledd Môn Forol SAC over the season (see paragraph 1.7.3.135 and Table 1.100 in the ISAA: Part 2 SACs Assessments (APP-032)). The maximum area of disturbance within the North Anglesey Marine/Gogledd Môn Forol SAC for a UXO detonation on any given day equates to 2.03 % of the relevant area of the site; well below the 20% threshold of the relevant area of the site in any given day. This daily footprint over 22 days of UXO detonation across the pre-construction phase would result in an average of 0.24% of the relevant area of the North Anglesey Marine/Gogledd Môn Forol SAC over the season; well below the threshold of 10% of the relevant area of the site over the season. Furthermore, the Applicant has committed to the development and implementation of an UWSMS (in accordance with the Outline UWSMS (J16 F02)) to manage underwater sound levels and to reduce the magnitude of impacts such that there will be no residual significant effect. Therefore, the Applicant considers that there are adequate controls in place (see paragraph 1.3.4.6 of the UXO Clearance Position Statement (REP4-086)) to ensure there remains no AEoI on the North Anglesey/Gogledd Môn Forol SAC. However, in order to provide further assurance to the JNCC, the Applicant has reviewed its position on the inclusion of high order

Reference	RIES Question	Applicant's response
		UXO clearance in the DCO in light of JNCC's concerns and has removed high order clearance from the draft DCO F06 (C1 F06). The Applicant is unclear why the JNCC is unable to reach a conclusion of no AEoI based on the information provided, particularly since the Applicant has conducted the assessment using the EDR range approach recommended in the JNCC's guidance (JNCC, 2020). The Applicant, however, anticipates that removing high order UXO clearance from the DCO will reassure the JNCC that of AEoI for any European sites for marine mammals can be ruled out. The Applicant highlights that no AEoI on any European sites designated for marine mammals was agreed by NRW (A) in the Initial SoCG between the Applicant and NRW (A) submitted at Deadline 1 (REP1-025) (see NRW.HRA.28 and NRW.HRA.29).
Q3.2.5	The ExA understands this matter to be resolved, however would appreciate confirmation from NRW (A) and JNCC as to whether the outline MMMP and UWSMS can be considered fit for purpose and sufficiently detailed to provide confidence that an AEoI on harbour porpoise can be excluded.	The Applicant notes this question is directed at the JNCC/NRW (A) but has provided a response for consideration by the ExA below. **NRW (A)** In the initial SoCG between the Applicant and NRW (A) (REP1-025) submitted at Deadline 1, NRW (A) stated they would "*in principle agree that the mitigation measures and conditions outlined in APP-056 and APP-196 are appropriate, noting our current comments on the draft outline UWSMS*. The Applicant has updated the Outline UWSMS (J16 F02) and Outline MMMP (J21 F02) at Deadline 5 in light of ongoing discussions with NRW (A). The Applicant has shared draft versions with NRW (A) ahead of Deadline 5 and has responded to and addressed NRW (A)'s concerns raised in their relevant and written representations. Following productive and positive discussions prior to Deadline 5 with NRW (A), the Applicant considers this matter to be resolved. **JNCC** The Applicant has updated the Outline UWSMS (J16 F02) and Outline MMMP (J21 F02) in line with JNCC's feedback received via written and relevant representations and during ongoing meetings undertaken in parallel to Examination. The Applicant understands the JNCC's outstanding concerns with respect to these documents relate to the seriousness of the Applicant's commitment to noise abatement systems (NAS) and the inclusion of UXO clearance (especially high-order UXO clearance) in the draft DCO. Each of these matters are covered separately below.

Reference	RIES Question	Applicant's response
		NAS: The Applicant highlighted in its Response to JNCC Deadline 2 Submission (REP3-036) that it is committed to considering NAS as part of a holistic approach to ensuring no significant effects from underwater sound on marine mammals. The Applicant reiterates that NAS will be considered as part of the development of the final UWSMS post-consent following refinements in project design and programme, therefore demonstrating the commitment to using best endeavours to deliver noise reductions on developments, but its requirement should not be taken as definitive at this stage. Consideration of NAS will be made as part of a stepped strategy post consent and following the mitigation hierarchy - avoid, reduce, mitigate. The Final UWSMS (which will be developed in accordance with the Outline UWSMS (J16 F02)) will look at the range of NAS technologies available at that time, taking into account the latest underwater sound policy and published best practice guidance. When regulatory guidance on NAS is released (such as those described in JNCC's Relevant Representation (RR-033)), the Applicant will review and align the final UWSMS accordingly. The Applicant has updated the Outline MMMP (J21 F02) and UWSMS (J16 F02) at Deadline 5 to make clear NAS is an additional secondary mitigation measure (i.e. further mitigation measure), rather than a tertiary measure (i.e. standard industry measure), and will be given serious consideration as part of the final UWSMS. **UXO Clearance**: The Applicant has provided clarification on the Outline MMMP (J21 F02) and Outline UWSMS (J16 F02) where requested during Examination (see the Applicant's Response to Relevant Representations (PDA-008) and Applicant's Response to JNCC Deadline 2 Submission REP3-036)) and has undertaken engagement with the JNCC in parallel to Examination in order to resolve their outstanding concerns with respect to UXO clearance. The Applicant understands the JNCC considers there to be insufficient information on the number and nature of the UXOs that will require clearance and how they will be cleared to provide confidence that the measures proposed in the Outline MMMP (J21 F02) and Outline UWSMS (J16 F02) will be sufficient to reduce the risk of auditory injury to harbour porpoise to a non-significant level. To address the JNCC's residual concerns, the Applicant has reviewed its position on the inclusion of high order UXO clearance in the DCO and has committed to removing high order clearance from the draft DCO (C1 F06) at Deadline 5. The Outline Marine Mammal Mitigation Protocol (MMMP) (J21 F02) and the Outline Underwater Sound Management Strategy (UWSMS) (J16 F02) submitted at Deadline 5 include reference to the Applicant's revised position on UXO clearance. The Applicant will further update the Outline MMMP (J21 F02) and the Outline

Reference	RIES Question	Applicant's response
		UWSMS (J16 F02) to reflect this commitment in consultation with the JNCC and NRW (A). The Applicant considers that the removal of high order UXO clearance from the DCO should be sufficient to enable the JNCC to reach a conclusion of no AEoI on any European site from UXO clearance (also see the Applicant's response to Q3.2.3c). In light of the information presented in response to Q3.2.3c above and here, the Applicant considers the MMMP and UWSMS (in accordance with the outline MMMP (J21 F02) and outline UWSMS (J16 F02)) to be fit for purpose and sufficiently detailed to enable the JNCC to come to the conclusion that an AEoI can be excluded for European sites designated for marine mammals.
Q3.3.6a	The Applicant maintains that an outline EMP is not necessary. The ExA notes that Part e) of point 18 of conditions listed in Part 2 of Schedule 14 of the draft DCO refers specifically to the certified document 'Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels'. This document contains the cable installation restriction. Can JNCC and NRW (A) further elaborate why this is not sufficient to secure the necessary mitigation?	The Applicant confirms that the measures to minimise disturbance to marine mammals and rafting birds is secured within Schedule 14 Condition 18(1)(e)(iv) of the draft DCO (C1 F06). The Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J17 F03) will be a certified document for the purposes of the DCO alongside the Mitigation and Monitoring Schedule (REP4-013), which also sets out the commitments.
Q3.3.6b	Where the export cable corridor crosses the Liverpool Bay/Bae Lerpwl SPA, can the Applicant explain why it is not possible to add seasonal restrictions between 1st November – 31st March as a new sub bullet in the dML condition 18 (e)? Would there be particular implications on project delivery that the ExA should be aware of?	The works within the offshore export cable corridor are not authorised by the dML and will fall within the standalone NRW marine licence for the transmission assets. This is the reason these works are not, and cannot be, controlled via the dML. The Applicant refers the ExA to the Applicant's Response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D5_22) which provides further detail on how the seasonal restriction between 1 November – 31 March is secured.
Q3.3.8	Can the Applicant confirm whether it intends to amend the Measures to Minimise Disturbance To Marine Mammals And Rafting Birds From Transiting Vessels document [REP3-020], as advised by JNCC?	The Applicant notes the JNCC's Comments on Minimise Impacts to Marine Mammals and Rafting Birds (REP4-099) as well as NRW (A)'s Comments on Submissions received at Deadline 3 (REP4-105). Whilst the Applicant maintains its position that pre-commencement activities will not result in AEoI (see The Applicant's response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D2_22) submitted at Deadline 5), it has considered the SNCBs comments at Deadline 4 carefully. Notwithstanding the updates to the draft DCO (C1 F06), which restricts UXO clearance undertaken under the DCO to low-order methods only, the Applicant has also committed to a seasonal restriction on low-order UXO clearance within the Liverpool Bay/Bae Lerpwl SPA between 1 November and the 31 March as requested by the JNCC and NRW (A). This commitment is outlined in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J17 F03) and the Mitigation and Monitoring

Reference	RIES Question	Applicant's response
		Schedule (J10 F05) submitted at Deadline 5 and is expected to be secured via the standalone NRW ML as outlined in the updated Marine Licence Principles Document (J9 F05) submitted at Deadline 5. The Applicant confirms that it does not intend to make any further amendments to the Measures to Minimise Disturbance To Marine Mammals And Rafting Birds From Transiting Vessels document (J17 F03), as advised by the JNCC. Further information and justification for this is provided in The Applicant's response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D2_22) submitted at Deadline 5.
Q3.3.9	The ExA understands the Applicant does not wish to restrict such activities in Liverpool Bay SPA at any time of the year. Can the Applicant provide evidence as to why it considers no AEoI would occur from these activities?	The Applicant has assessed the displacement associated with offshore export cable laying and supporting pre-construction and construction vessels on the Liverpool Bay SPA (types of vessels e.g. guard vessels or survey vessels are not split out within the assessment text) within paragraphs 1.6.3.40 to 1.6.3.50 for red-throated diver and 1.6.3.57 to 1.6.3.65 for common scoter of the HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010). The Maximum Design Scenario for the assessment of potential impacts on red-throated diver and common scoter from disturbance and displacement from airborne sound, and presence of vessels and infrastructure during the construction phase is based on up to 126 vessel movements (return trips including pre-construction vessels) during construction (see Table 1.5 in HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010)) and up to 160 vessel movements for installation of the offshore export cable at the landfall area with the maximum offshore construction (Table 1.5 in HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010). The increased mortality due to displacement for common scoter equated to an increase in baseline mortality of 0.03% to 0.06% and 0.07% for red throated diver during the breeding season (winter months) without the implementation of mitigation paragraph 1.6.3.58 and 1.6.3.48 respectively of the HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010). Therefore, even assuming no mitigation, the pre-construction vessel movements within the winter period would result in less than 1% increase in baseline mortality and this was deemed to have minimal impact on red-throated diver and common scoter (see HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010)). The assumption that all vessel

Reference	RIES Question	Applicant's response
		movements would occur over the same period is a very precautionary assumption; surveys vessels are very unlikely to be active at the same time as cable laying vessels. However, the assessment also considers the commitment of no offshore export cable installation works during the period 1 November to 31 March within the Liverpool Bay/Bae Lerpwl SPA. As there will be no cable laying vessels from 1 November to 31 March, there would be no associated cable laying support vessels required. With consideration of this mitigation, the impact to red-throated diver and common scoter would each equate to a <0.01% increase in baseline mortality. As set out in paragraph 1.6.3.48 and 1.6.3.63 of the HRA Stage 2 Information to Support an Appropriate Assessment Part Three: Special Protection Areas and Ramsar sites Assessments (REP2-010), the trenchless works in the intertidal zone will be supported by up to eight vessel movements at the landfall over the winter period. Given the very low frequency of vessel movements, this vessel activity was not considered to contribute to an increase in the baseline mortality of red-throated diver or common scoter. Thus, the controlled local spatial extent, short-term temporary duration, and intermittent nature of vessel activities associated with the construction of the offshore export cables are deemed to have minimal to no impact on red-throated diver and common scoter during the construction of the Mona Offshore Wind Project. As outlined in the Applicant's response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D2_22) submitted at Deadline 5, this position is supported by NRW (A), Natural England and was supported by an earlier submission by the JNCC. The Applicant maintains its position that pre-commencement activities will not result in AEoI and refers to The Applicant's response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D2_22) submitted at Deadline 5. However, the Applicant can confirm that as requested by the JNCC and NRW (A), and notwithstanding the updates to the draft DCO (C1 F06), which restricts the clearance of UXOs that can be undertaken under the DCO to low-order methods only, the Applicant has also committed to a seasonal restriction on low-order UXO clearance within the Liverpool Bay/Bae Lerpwl SPA between 1 November and the 31 March. Further detail is provided in response to Q3.3.8 above. The Applicant therefore concludes that no AEoI will occur from these activities.
Q3.3.16	Further to the Applicant's Deadline 4 submission [REP4- 042] and [REP4- 049], can JNCC and NRW (A) provide an update on their	The Applicant notes this question is directed at the JNCC/NRW (A) but has provided a response for consideration by the ExA.

Reference	RIES Question	Applicant's response
	positions in relation to the apportionment of impacts in the in-combination assessment?	The Applicant refers the ExA to the Summary of Principal Offshore Ornithological Matters (S_D5_21) which provides an update on progress to agreement on the use of age-class proportions in the in-combination assessments. The Applicant has also submitted 'Offshore Ornithology Additional Supporting In-combination Assessment Information in line with SNCB Advice' (S_D5_23) at Deadline 5 which provides the in-combination calculations for apportioning assuming 100% adults birds (as recommended by the SNCBs) for the sites and species requested by the SNCBs in a meeting on 22 November 2024.
Section 3.4 Summary of Examination outcomes in relation to adverse effects on integrity		
Q3.4.6 (p61)	Further to the Applicant's Deadline 4 documents, can NRW (A) provide comment on the level of significance of in-combination impacts for Welsh designated sites.	The Applicant notes the question is not directed to the Applicant.
Q3.4.8 (p61)	Further to the Applicant's Deadline 4 documents, does JNCC agree that AEoI can be excluded for any of the European sites and qualifying features assessed by the Applicant, from the project alone or in-combination with other plans or projects? Can JNCC identify the sites and qualifying features for which it does not agree AEoI can be excluded and any aspects of the assessment that require further clarification or development?	The Applicant notes the question is not directed to the Applicant.
Section 4 Derogations from the regulations		
Q4.1.7a (p63)	Based on submissions to date it may not be possible for the competent authority to exclude AEoI on all European sites beyond reasonable scientific doubt. As such, and in line with the relevant NPS EN-1 (paragraph 5.4.27), should the Applicant be unable to reach agreement with NRW (A) and JNCC that there would be no AEoI on all European sites from the project alone or incombination with other plans or projects by Deadline 5, the ExA considers that a derogations case is required. This is to enable the ExA to examine the information during the Examination and make a recommendation to the Secretary of State, and so that the Secretary of State has all information available to them at the point of decision. The Applicant, NRW (A) and JNCC are requested to confirm at Deadline 5 whether an AEoI on all European sites from the project alone or incombination with other plans or projects can be excluded.	Please see the Applicant's response (Next Steps) in response to Q4.1.7a above in Annex A1 Response to Section 4 Derogations from the regulations, Q4.1.7a and b (p63).

Reference	RIES Question	Applicant's response
Q4.1.7b (p63)	If agreement of no AEoI with NRW (A) or JNCC is not confirmed by Deadline 5, the Applicant is requested to submit a derogation case by Deadline 6 (20th December 2024).	

A. Annex

A.1. Response to Section 4 Derogations from the regulations, Q4.1.7a and b (p63)

A.1.1.1 Annex I habitats and Annex II diadromous fish species

The Applicant and NRW (A) agree that AEoI can be ruled out beyond scientific doubt for the relevant European sites and qualifying features for the Mona Offshore Wind Project alone and in-combination with other projects and plans for the following:

- Annex I habitats; and
- Annex II diadromous fish.

These agreements are documented in the Initial SoCG between the Applicant and NRW (A) (S_D1_12 F02) (see rows NRW.HRA.13, NRW.HRA.14, NRW.HRA.20 and NRW.HRA.21).

The Applicant notes that diadromous fish are outside JNCC's remit, and as outlined in rows JNCC.BE.16 to JNCC.HRA.23 of the initial SoCG between the Applicant and the JNCC (REP1-028), there are no sites designated for Annex I habitats in the offshore area (past 12 nm). As such, there is no requirement for Applicant and the JNCC to reach agreement in relation to Annex I habitats and Annex II diadromous fish species.

A.1.1.2 Annex II marine mammals

The Applicant and NRW (A) are in agreement that AEoI can be ruled out beyond scientific doubt for SACs designated for Annex II marine mammal features for impacts from the Mona Offshore Wind Project alone and in-combination with other plans and projects. This is documented in row NRW.HRA.28 and NRW.HRA.29 of the initial SoCG between the Applicant and NRW (A) (S_D1_12 F02).

However, the Applicant understands that the JNCC cannot rule out AEoI for the relevant European sites for which marine mammals are a qualifying feature from the project alone and in-combination due to their outstanding concerns with respect to the inclusion of UXO clearance (particularly high-order clearance) within the draft DCO.

As outlined in the UXO Position Statement (REP4-086), the Applicant has committed to suitable controls (through the measures set out in the deemed marine licence and are expected to be secured as a similar condition in the standalone NRW marine licence (ML)) and has engaged with the JNCC on these throughout Examination. The Applicant has continued to welcome further details from the JNCC on why they do not consider the approach taken to be suitable or why the controls committed to are insufficient so it can seek to address those specific concerns.

The Applicant, however, highlights that irrespective of any mitigation, the assessment of the potential for an AEoI has measured the potential effects against a maximum adverse scenario without mitigation and determined that there is no breach of the disturbance thresholds (as per JNCC guidance (JNCC, 2020)) nor any effects in relation to the conservation objectives. Therefore, it is the Applicant's view that the concerns raised by the JNCC in respect of UXO clear clearance being secured in the dDCO for the Mona Offshore Wind Project are independent of the consideration of AEoI.

The Applicant firmly believes that AEoI can be ruled out for European sites for which marine mammals are a qualifying feature (including the North Anglesey Marine/ Gogledd Môn Forol SAC, which is the closest marine mammal SAC to the Mona Offshore Wind Project) from the project alone and in-combination beyond reasonable scientific doubt (as outlined in response to Q3.2.3c above) and therefore an HRA derogation case is not required. However, given the lack of progress on this issue and the indication from the Examining Authority that the Applicant would be expected to provide an HRA derogation case if agreement cannot be reached between the Applicant and the JNCC on no AEoI at Deadline 5 puts the Mona Offshore Wind Project in a challenging position.

The Applicant has, therefore, made the decision to remove high-order clearance from the draft DCO. Consequently, Schedule 14, Condition 21 of the draft DCO (C1 F06) has been updated at Deadline 5 to secure the commitment that UXO clearance will only be undertaken under the DCO using low-order methods. As outlined in the Marine Licence Principles Document (J9 F05), this is also expected to be secured in the standalone NRW ML. Should there be a requirement to undertake UXO clearance using high-order clearance methods, the Applicant will need to apply for a standalone ML to cover this activity. The Mitigation and Monitoring Schedule (J10 F05) has also been updated at Deadline 5 to reflect the Applicant's updated position on UXO clearance. The Applicant will further update the Outline Marine Mammal Mitigation Protocol (MMMP) (J21 F02) and the Outline Underwater Sound Management Strategy (UWSMS) (J16 F02) to reflect this comittment in consultation with the JNCC and NRW (A).

The Applicant understands from the JNCC's previous examination submissions (namely JNCC's written representation (REP1-066) and its response to the Examining Authority's first written question Q1.17.9 (REP3-084)) that a commitment to remove high-order clearance from the draft DCO would be sufficient to enable JNCC to agree no AEoI for the relevant European sites for which marine mammals are a qualifying feature (including the North Anglesey Marine/ Gogledd Môn Forol SAC harbour porpoise feature) from the Mona Offshore Wind Project alone and in-combination with other projects and plans. The Applicant urges the JNCC to confirm its position on this matter as soon as possible.

A.1.1.3 Offshore ornithology

With respect to offshore ornithology, the Applicant, NRW (A), and the JNCC agree that AEoI can be excluded beyond reasonable scientific doubt for the relevant European sites from the Mona Offshore Wind Project alone. NRW (A) confirmed its position on this in its Comments on Submission received at Deadline 3 (REP4-105), and the Applicant understands the JNCC will confirm its position with respect to AEoI from the project alone in its submissions at Deadline 5.

Whilst it is the Applicant's position that AEoI can also be ruled out beyond scientific doubt for the Mona Offshore Wind Project in-combination with other plans and projects (for all site, features and assessment scenarios considered within the application and examination materials), the Applicant understands that at Deadline 5, NRW (A) and the JNCC are unable to confirm their position on AEoI in-combination with respect to the following:

1. Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA - black-legged kittiwake, common guillemot, razorbill and Manx Shearwater;
2. Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA – Manx Shearwater;
3. Grassholm SPA – Northern gannet; and
4. Liverpool Bay/Bae Lerpwl SPA – red-throated diver and common scoter.

NRW (A) and the JNCC confirmed in the meeting on 22 November that no further information was required for any other sites and qualifying features. Thus, as per the request in the Examining Authority's Report on the Implications for European Sites (RIES), the Applicant anticipates the SNCBs to confirm their position on AEoI (in-combination) with respect to these at Deadline 5.

The Applicant, NRW (A) and the JNCC are continuing to work hard to resolve the outstanding concerns regarding offshore ornithology in order to enable all parties to confirm their position on AEoI as soon as possible. A productive meeting was held on 22 November 2024, during which a way forward was discussed and verbally agreed with respect to concerns related to the assessment of effects on the sites and features outlined in points 1 – 4 above. As such, the Applicant has submitted further supplementary in-combination calculations at Deadline 5 with respect to these sites and features (the scope of which was agreed with the SNCBs in writing via email on 25 November 2024). This information is provided in the Offshore ornithology supporting in-combination assessment information in line with SNCB advice (S_D5_23) submitted at Deadline 5.

NRW (A)'s and the JNCC's concerns with respect to Liverpool Bay/Bae Lerpwl SPA red-throated diver and common scoter features were also discussed with the Applicant during the meeting on 22 November 2024 and it was established that the SNCB's principal concern related to the potential impact of UXO clearance on features of the SPA during the overwintering period (1 November to 31 March). The Applicant understands this concern applies to both low and high-order UXO clearance. In light of this, and notwithstanding the updates to the draft DCO (C1 F06), which restricts the clearance of UXOs that can be undertaken under the DCO to low-order methods only, the Applicant has also committed to a seasonal restriction on low-order UXO clearance within the Liverpool Bay/Bae Lerpwl SPA between 1 November and the 31 March. This commitment

is outlined in Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J17 F03) and the Mitigation and Monitoring Schedule (J10 F05) submitted at Deadline 5 and is expected to be secured via the standalone NRW ML as outlined in the updated Marine Licence Principles Document (J9 F05) submitted at Deadline 5. Further information is also provided in The Applicant's response to comments on the Measures to Minimise Impacts to Marine Mammals and Rafting Birds from transiting vessels (S_D2_22) at Deadline 5.

The Applicant understands from its discussions with NRW (A) and the JNCC on 22 November 2024 that with the addition of this commitment, both SNCBs would be able to agree with the Applicant's conclusion of no AEoI for the Liverpool Bay/Bae Lerpwl SPA red-throated diver and common scoter features from the Mona Offshore Wind Project in-combination with other projects and plans.

A.1.1.4 Next Steps

It is the Applicant's understanding that NRW (A) and the JNCC will submit an update to the Examining Authority following review of the Applicant's Deadline 5 submissions to confirm their view on AEoI in-combination for the relevant European sites and qualifying marine mammal and offshore ornithology features as soon as possible and the Applicant anticipates this being no later than Deadline 6.

JNCC and NRW's responses will confirm whether there is a need for the Applicant to provide a without prejudice derogation case at Deadline 6 and, if so, for which sites and features. For the avoidance of doubt, the Applicant reiterates that it does not consider an HRA derogation case to be required for any of the sites or features considered within the HRA Stage 2 ISAA Part 2 SACs Assessments (APP-032) and HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010). The Applicant also wishes to highlight that it has not received any advice from the SNCBs to date indicating that they believe there to be a potential requirement for an HRA derogation case for the Mona Offshore Wind Project, nor have any concerns been expressed with respect to specific sites and qualifying features.

The Applicant would highlight that NPS EN-3 paragraphs 2.8.267 and 2.8.268 refer to the circumstances in which a 'without prejudice' derogation case should be provided by an Applicant where SNCBs **indicate that a proposed development is likely** to adversely impact a protected site (emphasis added). For the Mona Offshore Wind Project, it should be noted that whilst the SNCBs have not yet been able to agree with the Applicant's evidenced position that there will be no adverse impacts on a protected site, they also crucially have not indicated that such an impact would occur, thus triggering the requirement for a without prejudice derogation case.

Should a without prejudice derogation case be required, the Applicant would need to understand from the SNCBs any site and species of concern. In the absence of this confirmation, it is simply not possible for the Applicant to prepare the necessary documentation for Deadline 6 (i.e. within <3 weeks). Recognising this, the Applicant has, and continues to, use all reasonable endeavours to establish common ground on outstanding matters with the SNCBs and secure a positive outcome with respect to reaching an agreement on no AEoI.