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JNCC Reference: OIA-10560
JNCC Registration ID Number: 20048439
PINS Reference: EN010137
Date: 3 December 2024

By email: monaoffshorewindproject@planninginspectorate.gov.uk

To whom it may concern,

Mona Offshore Wind Project Development Consent Order Application – Environmental Statement and Management Plans – EN010137 – Response to the Examining Authority’s written questions and requests for information (ExQ2)

Thank you for consulting JNCC on the Mona Offshore Wind Project Development Consent Order (DCO) Application including the Environmental Statement (ES) and Management Plans.

The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit).

ExQ1	Question	JNCC response
Q2.17.5	<p>Water depth The Mitigation and Monitoring Schedule [REP4-013] reference no 8 notes that if the water depth is reduced by more than 5% written approval from the Licensing Authority in consultation with the Maritime and Coastguard Agency (MCA) would be sought.</p> <p>Can you summarise what approach would be taken regarding benthic subtidal and intertidal ecology assessment of effects including any necessary approval from SNCBs if water depth is reduced by more than 5%?</p>	<p>JNCC does not consider this to be an issue for the marine offshore environment (past 12nm). For the marine inshore environment (within 12nm) we would defer to Natural Resources Wales Advisory (NRW (A)).</p>
Q2.17.9	<p>Mitigation and monitoring measures Can you confirm if you are satisfied with the benthic subtidal and intertidal ecology mitigation measures being put forward by the Applicant, and provide a summary of reasons if you disagree with the statement <i>that “no benthic subtidal and intertidal ecology monitoring to test the predictions made within the impact assessment is considered necessary.</i></p>	<p>JNCC are satisfied with the benthic subtidal and intertidal ecology mitigation measures for the marine offshore environment (past 12nm). For the marine inshore environment (within 12nm) we would defer to NRW (A).</p>
Q2.17.12	<p>UXO Clearance In order to mitigate the potential likelihood of injury from UXO clearance the Proposed Development key measures consists of an UXO staged mitigation hierarchy (avoid, low charge, high charge) an Outline MMMP [APP-207], an Outline underwater sound management strategy [APP-202] and conditions 20</p>	<p>JNCC previously responded to a proposal put forward by the Examining Authority (REP3-084), who suggested two options for including Unexploded Ordnance (UXO) clearance in the DCO:</p> <ul style="list-style-type: none"> i) That UXO clearance is not included in the DCO.

ExQ1	Question	JNCC response
	<p>and 21 (schedule 14) of the deemed marine licence [REP2-004]. Can you summarise what further data, assessment and measures would be required for a separate marine licence application (to facilitate high order clearance charges) and the expected timeframe required for a separate marine licence application and decision.</p>	<p>ii) That UXO clearance could be included within the DCO if high order clearance was removed from the clearance options.</p> <p>JNCC's preference was for option (i) but conceded that option (ii) would be acceptable. However, the applicant did not agree with either of these approaches and submitted the further information (REP4-086) in defence of their approach at Deadline 4. JNCC has considered this matter further and held discussions with other signatories of the Government's Joint Position Statement on UXO clearance. We maintain our opinion that UXO clearance should not be included in the DCO/dML as a licensed activity.</p> <p>Further information supporting our advice is provided in JNCC's Deadline 5 submission titled, 'JNCC response to Applicants UXO clearance position statement'. In this we provide details of an update to the Government's Joint Position Statement on UXO clearance, which is going through the final stages of sign-off and is anticipated to be published before this examination process is completed. The updated statement sets out the current shared position of all relevant government departments, regulators, and Statutory Nature Conservation Bodies (SNCBs) regarding UXO clearance. We appreciate the applicant has not had sight of this new statement yet, but given the importance of this topic, we provide details of what is included to support this examination process.</p> <p>The document 'JNCC response to Applicants UXO clearance position statement' details guidance provided in the Government's updated statement on what information should be provided to support marine licence applications for UXO clearance. This level of detail is not currently available nor is it appropriate or practical to undertake the required surveys at this stage of the development as they would need to be repeated ahead of clearance commencing. As a result, we maintain our position that UXO clearance should not be included in the DCO/dML.</p> <p>While we consider this a material consideration for the DCO, we do not see this as a derogation issue. Rather, it is not appropriate to consider UXO clearance at this time and a separate licence should be applied for when the required information is available.</p> <p>We would be accepting of including the investigative surveys to confirm UXOs in the DCO. JNCC is not able to comment on expected timeframes for determination of separate</p>

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		<p>marine licenses. However, including the investigative surveys in the DCO would enable these to be conducted before applying for any subsequent marine licence, thus maximising the available information to support that application and help avoid delays in the determination process.</p> <p>This will also support European Protected Species licence applications, which are likely to be required given the injury ranges for high order clearance provided in the impact assessment.</p>
Q2.17.14	<p>Marine mammal receptors</p> <p>Can you provide an update regarding marine mammal receptors (reference JNCC.MM.10 in the SoCG with JNCC [REP1-028]) and summarise any remaining principal points of disagreement.</p>	<p>As stated within the latest version of the Statement of Common Ground (SoCG; dated 4 November 2024, but not yet submitted for Examination), JNCC do not have any outstanding principal points of disagreement regarding marine mammal receptors apart from inclusion of UXO clearance in the DCO.</p> <p>A previous concern was how noise abatement for piling was considered in the outline Marine Mammal Mitigation Plan (oMMMP) (APP-207), but the Applicant has now updated this plan and has informed us they will submit a final copy of this plan at Deadline 5.</p>
Q2.17.15	<p>Impacts to marine mammals from impact piling (project alone and cumulatively)</p> <p>Can you provide an update regarding Impacts to marine mammals from impact piling (reference JNCC.MM.15 and JNCC.MM.18 in the SoCG with JNCC [REP1-028]) and summarise any remaining principal points of disagreement.</p>	<p>JNCCs primary point of disagreement regarding impacts from piling related to the use of noise abatement systems (NAS) and how this was presented in the oMMMP. Initially, this was included as a 'Tertiary measure' of mitigation, in which JNCC are of the opinion is insufficient as this does not commit to a serious consideration of its use. Since submitting our Relevant Representations, the applicant has confirmed inclusion of noise abatement in the oMMMP (APP-207) was mistakenly presented as a tertiary measure and that both this document and the outline Underwater Sound Management Strategy (oUWSMS; APP-202) should refer to this as a secondary measure of mitigation. The applicant has also informed us they will submit a final version of the oMMMP with these changes included at Deadline 5. Provided this submission is made, JNCC are content with this approach and with this change, JNCC agree sufficient measures are in place to conclude no significant effects in Environmental Impact Assessment (EIA) terms from this project alone.</p>

ExQ1	Question	JNCC response
Q2.17.16	<p>Mitigation and monitoring measures Can you confirm if you are satisfied with the marine mammals mitigation measures being put forward by the Applicant, and provide a summary of reasons if you disagree with the statement in the ES Chapter 4 (Vol 2) Marine Mammals [APP-056] paragraphs 4.9.10.1 and 4.12.1.1 that “<i>no marine mammal monitoring to test the predictions made within the impact assessment is considered necessary</i>”.</p>	<p>JNCC are currently satisfied with the marine mammal mitigation measures described in the oMMMP for piling, on the proviso that the requirement to agree the final version of this document with Regulators and SNCBs is secured as a condition of consent. As we maintain our position that UXO clearance is not included in the DCO, we do not consider the mitigation measures for UXO clearance to be adequate.</p> <p>Regarding the need for monitoring to test predictions in the impact assessment, JNCC highlighted at the Preliminary Environmental Information Report (PEIR) stage a lack of justification for such monitoring. This was also not provided within the Environmental Statement. However, we note reference to underwater noise monitoring during piling in the draft DCO (REP4-006). Specifically:</p> <p>25(2): In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of underwater sound generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the licensing authority otherwise agrees in writing.</p> <p>25(4): The results of the initial underwater sound measurements monitored in accordance with sub-paragraph (2) must be provided to the licensing authority within six weeks of the installation of the first four piled foundations. The assessment of this report by the licensing authority will determine whether any further underwater sound monitoring is required. If, in the reasonable opinion of the licensing authority in consultation with the JNCC statutory nature conservation body, the assessment shows significantly different underwater sound modelling results to those predicted and assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation plan and further monitoring requirements have been agreed.</p> <p>The above monitoring requirements are standard for piling in DCOs. We highlight that Defra are currently investigating the feasibility of introducing a decibel limit for piling. It is likely this will require additional monitoring to that currently included in the dDCO, or replacement monitoring requirements. We recommend flexibility is built into the DCO to accommodate future policy change and the associated monitoring requirements.</p>

ExQ1	Question	JNCC response
Q2.17.19	<p>Mitigation and monitoring measures Can you confirm if you are satisfied with the offshore ornithology mitigation measures being put forward by the Applicant, and provide a summary of reasons if you disagree with the statement in the ES Chapter 5 (Vol 2) Offshore ornithology [REP4-007] paragraph 5.7.8.1 that “<i>no future monitoring is considered given the level of certainty around the potential effects</i>”.</p>	<p>We can confirm that we are satisfied with the offshore ornithology mitigation measures being put forward by the Applicant with regard to the alone and cumulative EIA. We note our conclusion on significant adverse impact on great black-backed gull from cumulative collision mortality at an EIA scale (REP4-098). However, we are content that the Applicant has provided proportionate mitigation for great black-backed gull.</p> <p>We agree with the mitigation proposed by the Applicant with regard to impacts from the cable installation within Liverpool Bay/Bae Lerpwl Special Protected Area (SPA).</p> <p>We do not agree that the mitigation proposed by the Applicant is sufficient to avoid Adverse Effect on Site Integrity (AEoSI) to Liverpool Bay/Bae Lerpwl SPA as a result of the potential for pre-commencement activities, including UXO surveys and UXO clearance, to occur within Liverpool Bay/Bae Lerpwl SPA during the sensitive period for red-throated diver and common scoter (1 November to 31 March, inclusive).</p> <p>We are not currently in a position where we can agree with the outcome of the in-combination Habitat Regulations Assessment with regard to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. Therefore, we cannot currently say whether the offshore ornithology mitigation measures being put forward by the Applicant are appropriate.</p>

Please contact me with any questions regarding the above comments.

Yours sincerely,

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