

**Application by Mona Offshore Wind Limited for an
Order Granting Development Consent for the Mona
Offshore Wind Farm (Ref. EN01037)**

Submission for Examination

Deadline 5

3 December 2024

**Joint Nature Conservation Committee
(JNCC):**

**Report on the
Implications for European
Sites (RIES)**

Table 2.4, ID 2.4.4 (c) Do JNCC/NRW (A) consider a LSE should be identified for any European site with Atlantic puffin as a qualifying feature?

The method the Applicant has used to determine Likely Significant Effect (LSE) is through the number of apportioned mortalities to the Special Protected Area (SPA) in question. Where the predicted effect is more than 0.0 annual mortalities then that SPA has been screened in. Where the predicted effect is less than 0.0 annual mortalities then that SPA has not been screened in, on the basis that the magnitude of the impact is too low for there to be any risk of LSE either alone or in-combination ([REP2-012](#), paragraph 1.4.6.30). Therefore, we consider that, through the calculation of more than 0.0 apportioned mortalities ([REP4-030](#), Table 1-8), the Applicant has effectively concluded LSE on the following SPAs:

- Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA (0.8 annual mortalities)
- Sule Kerry and Sule Stack SPA (0.1 annual mortalities)
- St Kilda SPA (0.3 annual mortalities)
- Shiant Isles SPA (0.1 annual mortalities)

We consider that Adverse Effect on Integrity (AEol) from the project alone can be ruled out for these SPAs on the basis that these mortalities constitute fewer than a 1% increase in baseline mortality ([REP4-030](#), Table 1-8). We also consider that AEol from the project in-combination with other Plans and Projects can be ruled out for these SPAs on the basis that these mortalities constitute fewer than a 0.05% increase in baseline mortality ([REP4-030](#), Table 1-8).

Table 2.4, ID 2.4.6 Q. 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?

We are content that the appropriate range of displacement and mortality ranges have been presented for all species with the exception of black-legged kittiwake. We advise that a range of 30% to 70% displacement rates and 1% to 10% mortality rates are used for black-legged kittiwake. The Applicant has used the JNCC-advised ranges of displacement and mortality rates in estimating potential impact numbers. However, in the subsequent step in the assessment, the Population Viability Analyses has solely the Applicant's own preferred parameters (30% displacement and 3% mortality) in order to determine whether or not AEol can be ruled out.

JNCC is actively engaging with the Applicant on this and have an agreed way to address this point. We are aware that the Applicant intends to submit a revised in-combination assessment at Deadline 5 in line with Statutory Nature Conservation Body (SNCB) advice

(as above). Once this is submitted into the examination to address this issue, along with other outstanding matters as highlighted in our response to other questions, we should be in a position to come to a conclusion regarding AEol, subject to a full and comprehensive review of submissions made by the Applicant at Deadline 5.

Table 2.4, ID 2.4.13 Q. 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?

As set out in the Offshore ornithology apportioning clarification note ([REP4-042](#)) and Offshore ornithology supporting information in line with SNCB advice document ([REP4-030](#)), currently the Applicant has applied different approaches to age class apportioning depending on the season (breeding and non-breeding), and to the alone or in-combination assessments:

Breeding season

1. For the project alone assessment in the breeding season, site specific information on age classes has been used where available, otherwise all birds are assumed to be adults. We can confirm that **we agree with the Applicant's approach to age class apportionment during the breeding season for the alone assessment.**
2. For the project in-combination assessment in the breeding season, stable age structure age classes have been used. We do not recommend that stable age structures are used to determine the number of adults within project study areas. We expand on this in our response to REP4-030 which is submitted alongside this response at Deadline 5. **We do not agree with the Applicant's approach to age class apportionment during the breeding season for the in-combination assessment.**

Non-breeding season

The Applicant has split out the calculation of apportioning impacts to SPAs in the non-breeding season into an age-class apportionment ([REP4-042](#), Step F in Table 1.3) and an SPA apportionment ([REP4-042](#), Step E in Table 1.3). The SNCB-advised approach effectively does both these steps in one ([REP4-042](#), Step D in Table 1.3), but names it SPA apportionment.

1. For the project alone assessment in the non-breeding season, site specific information on age classes has been used where available, otherwise all birds are assumed to be adults, along with the Applicant's SPA apportioning method. As stated above, we don't agree with the use of the Applicant's SPA apportioning method if not used in conjunction with the Applicant's age-class apportioning method. However, we

do agree with the site-specific information on age classes that has been used where available, and where not available all birds are assumed to be adults. The combination of site-specific information on ages or 100% adults with the Applicant's SPA apportioning method we do not agree with, however we note that the Applicant's approach does mean that a higher apportionment value for a designated site is calculated, which can be considered precautionary. Therefore, **whilst we would not necessarily agree with this approach, as it generates slightly precautionary results we are satisfied with this approach for this project.**

2. For the project in-combination assessment in the non-breeding season, whilst we may disagree with the Applicant's method of age class apportionment ([REP4-042](#), Step F in Table 1.3) when used solely to assign impacts to different ages, when used in combination with the Applicant's SPA apportionment method ([REP4-042](#), Step E in Table 1.3), it overall generates identical results to using the SNCB's SPA apportionment method ([REP4-042](#), Step D in Table 1.3). Therefore, we can confirm that **we are satisfied with the Applicant's overall approach to age class and SPA apportionment during the non-breeding season for the in-combination assessment.**

JNCC is actively engaging with the Applicant on this and have an agreed way to address this point. We are aware that the Applicant intends to submit a revised in-combination assessment at Deadline 5 in line with Statutory Nature Conservation Body (SNCB) advice (as above). Once this is submitted into the examination to address this issue, along with other outstanding matters as highlighted in our response to other questions, we should be in a position to come to a conclusion regarding AEoI, subject to a full and comprehensive review of submissions made by the Applicant at Deadline 5.

Table 2.5. Q. 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 North Anglesey Marine Special Areas of Conservation (SAC) is 23.67km from the Mona site at its closest point. A key concern for this site is underwater noise from piling and unexploded ordnance (UXO) clearance as noise from activities outside the site can have an adverse effect. In particular, the risk of injury and disturbance to harbour porpoise because of these activities.

Piling

Provided the requirement to comply with an agreed mitigation plan for injury from piling is secured in the DCO/dML, we advise it unlikely there will be a significant effect on the North Anglesey Marine SAC in respect of this impact pressure pathway. This is because the range

within which injury is predicted to occur does not overlap with the site and the risk of injury can be reduced with mitigation.

When considering disturbance within the site, spatial temporal thresholds have been proposed and JNCC advocate the use of fixed effective deterrent ranges (EDRs), based on empirical evidence, to estimate the area within which harbour porpoise will be excluded from the site because of noise. In this instance, the EDR is 15km, which is the EDR for pin-piles, which are the only pile type proposed for this project. As this EDR does not overlap with the North Anglesey Marine SAC, we advise it unlikely there will be a significant effect on the North Anglesey Marine SAC in respect of this impact pressure pathway.

UXO clearance

The distance within which injury could occur from high order clearance of UXOs could be up to 15km depending on the size of device cleared. As this range does not overlap with the site, we advise it unlikely there will be a significant effect on the North Anglesey Marine SAC in respect of this impact pressure pathway. However, injury at this distance cannot be mitigated so the activity should only be undertaken in conjunction with a European Protected Species license for injury.

When considering disturbance from high order clearance of UXOs, the EDR is 26km. This will overlap with the site therefore UXO clearance may have a likely significant effect on the North Anglesey Marine SAC.

Table 2.6, ID 2.6.1 Q. a) 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?

Yes, we agree that all in-combination LSEs have been identified by the Applicant in respect of marine ornithology.

2.6.3 Q. Are JNCC/NRW content that a LSE can be excluded for the European sites listed in Table 2.2 of the RIES?

JNCC does not have responsibility for any of the European sites listed in Table 2.2.

2.6.6 Q. 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).

We consider that, in addition to those features listed in Table 1.125 of [REP2-012](#), there is a LSE to the Atlantic puffin feature of Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

We consider there to be a LSE to the lesser-black backed gull feature of Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

We also note that collision risk should be listed as an impact in the operations and maintenance phase in the “Impact” column of Table 1.125 of [REP2-012](#) for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA. However, we also note that collision has been assessed within the Habitats Regulations Assessment (HRA) therefore this is solely a typographical error.

Table 3.2. ID 3.2.3. Q. c) 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 over the season. Can JNCC explain why it is unable to agree to no AEol on this basis?

JNCC do not disagree with the conclusion of no AEol when considering disturbance from UXO high order clearance associated with this project alone, as the predicted area of the site from which porpoise would be excluded is within the daily and seasonal thresholds. However, we maintain our view that UXO clearance should not be included in the DCO/dML, and HRA would be undertaken to support a separate marine licence should clearance by high order detonation be required.

Table 3.2, ID 3.2.4. Q. The ExA understands this matter to be resolved, however would appreciate confirmation from JNCC.

The Applicant has confirmed that where multiple attempts to clear individual UXO devices was required, these would be completed in one day and would not increase the overall number of days on which clearance would occur. JNCC confirm they consider this matter to be resolved.

Table 3.2, ID 3.2.5. Q. 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 AEol on harbour porpoise can be excluded.

JNCC have received updated versions of both documents (provided directly by the Applicant), which we have been informed will be submitted at Deadline 5. Provided this submission is made and contains the amendments previewed to us, JNCC expect to be able to confirm this matter resolved and that further changes can be agreed post-consent. We agree the requirement for the final mitigation plan to be approved with the regulator and relevant SNCBs should be secured as a condition in the DCO/dML.

Table 3.3, ID 3.3.6 Q. a) 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?

JNCC is satisfied that mitigation with respect to cable installation is sufficiently secure (see [REP4-099](#)).

Table 3.3, ID 3.3.16 Q. Further to the Applicant’s Deadline 4 submission [[REP4- 042](#)] and [[REP4- 049](#)], can JNCC and NRW (A) provide an update on their positions in relation to the apportionment of impacts in the in-combination assessment?

See response to Table 2.4, ID 2.4.13.

Table 3.4, ID 3.4.1 On the topic of Morgan Offshore Wind Project Generation Assets and Morecambe Offshore Windfarm Generation Assets

This is listed as a matter which has been resolved. However, we consider that this is an ongoing point of discussion.

NRW (A) ([REP1-056](#)) previously requested the in-combination assessment be revised to take into account Morgan and Morecambe Generation Assets DCO applications. Whilst the Applicant has subsequently included these projects in the Applicant’s Deadline 4 Review of offshore ornithology CEA and in-combination assessment ([REP4-027](#)), this is restricted to a qualitative assessment. Given that there are impact values available for Morgan and Morecambe Generation Assets and that there is potential connectivity with populations potentially impacted by Mona, we consider the most appropriate assessment is a quantitative one.

In addition, we would advise that a quantitative assessment of Llŷr floating offshore wind project is included, particularly given the Llŷr floating offshore wind project assessment did

not include Mona within its in-combination assessment, despite there being connectivity with the same populations.

JNCC is actively engaging with the Applicant on this and have an agreed way to address this point. We are aware that the Applicant intends to submit a revised in-combination assessment at Deadline 5 in line with Statutory Nature Conservation Body (SNCB) advice (as above). Once this is submitted into the examination to address this issue, along with other outstanding matters as highlighted in our response to other questions, we should be in a position to come to a conclusion regarding AEoI, subject to a full and comprehensive review of submissions made by the Applicant at Deadline 5.

Section 3.4.8 Q. 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?

Special Protected Areas (SPAs)

We can **agree** that AEoI can be excluded alone and in-combination for

- Irish Sea Front SPA

We can **agree** that AEoI can be excluded alone for

- Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA

We **cannot agree** that AEoI can be excluded alone and in-combination for

- Liverpool Bay / Bae Lerpwl SPA

We **cannot agree** that AEoI can be excluded in-combination for

- Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA

Further information with regard to Liverpool Bay / Bae Lerpwl SPA

With regard to export cable installation, we are satisfied with the mitigation measures proposed (see Table 3.3, ID 3.3.6 above).

However, we cannot currently agree that an AEoI on the non-breeding red-throated diver and common scoter qualifying features of the Liverpool Bay / Bae Lerpwl SPA can be ruled out as a result of pre-commencement works, particularly activities associated with UXO

clearance, either alone or in-combination with other Plans and Projects. Environmental Statement - Volume 1, Chapter 3: Project Description, Table 3.2 ([APP-050](#)) gives the total number of UXO predicted to require clearance as 22. We are not aware that a further split between those likely to be inside and outside the SPA has been made (or can be made), and therefore it should be assumed that all 22 would be within the SPA as a worst case. An assessment of the impact of UXO clearance within the SPA has not been made within the original application documents, and the UXO Clearance Position Statement ([REP4-086](#)) submitted at Deadline 4 only considers impacts on marine mammals and fish and shellfish ecology. It is not therefore currently possible to make conclusions on AEoI.

As per our comments at Deadline 4 ([REP4-099](#)), in our view an Adverse Effect on Site Integrity, both alone and in-combination, would be ruled out by activities associated with UXO clearance not being carried out during the most sensitive period (1st November – 31st March), secured in a similar manner to the seasonal restriction on cable installation within the SPA.

Further information with regard to Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA

The reason that we cannot agree that AEoI can be excluded in-combination for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA is due to impacts being calculated using approaches not advised by JNCC. As such, we are unable to come to a conclusion on AEoI. The elements of the in-combination assessment which require revision applies only to the breeding Manx shearwater qualifying feature and the common guillemot, razorbill, and black-legged kittiwake components of the seabird assemblage feature of Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

There are three aspects of the assessment that require further clarification or development:

1. For offshore wind farms (OWFs) where there is site-specific Digital Aerial Survey (DAS) data on age classes in the breeding season, then these should be used. Otherwise, all birds should be assumed to be adults. We advise that stable age structures are not used in the breeding season, as previously advised ([REP1-066](#), paragraph 18). We provide further detail on this in our response to the Offshore ornithology supporting information in line with SNCB advice document submitted alongside this response at Deadline 5.
2. Up to date quantified impacts from Morgan, Morecambe, and Llŷr OWFs should be provided and used within the cumulative and in-combination assessments.

The Applicant submitted Review of Cumulative Effects Assessment and In-Combination Assessment ([REP3-058](#), Table 1.5, page 25) which stated that:

“The additionality of Arklow Bank 2, Codling Wind Park, Hynet, Llŷr, North Irish Sea Array and Oriol abundance estimates and the amended Morgan and Morecambe abundance estimates will alter the assessments. However, the extent to which these abundance estimates change the conclusion of the assessments is unknown. For the purposes of this review, additional work is required to understand the potential cumulative effects of these projects; this will be undertaken for Deadline 4.”

and that further work was required.

However, the Review of Offshore ornithology CEA and In-Combination Assessment ([REP4-027](#)) submitted to Deadline 4 instead continued to rely on a qualitative assessment that in essence took the conclusions of the assessments of each of those projects, rather than the quantitative assessment requested.

3. A range of displacement and mortality rates for black-legged kittiwake (30% to 70% displacement rates and 1%-10% mortality rates) should be used throughout the in-combination assessment, including within the Population Viability Analyses, as previously advised ([APP-042](#), D.3.14).

JNCC is actively engaging with the Applicant on this and have an agreed way to address this point. We are aware that the Applicant intends to submit a revised in-combination assessment at Deadline 5 in line with Statutory Nature Conservation Body (SNCB) advice (as above). Once this is submitted into the examination to address this issue, along with other outstanding matters as highlighted in our response to other questions, we should be in a position to come to a conclusion regarding AEoI, subject to a full and comprehensive review of submissions made by the Applicant at Deadline 5.

Special Areas of Conservation (SACs)

In line with the response to the question on Table 2.5, the Applicant has committed to submitting updates to the outline Marine Mammal Mitigation Protocol (oMMMP) and Underwater Sound Management Strategy (UWSMS) at Deadline 5, which will address concerns JNCC had regarding the inclusion of noise abatement for piling in these documents. JNCC has seen advanced copies of the updated documents, in which the use of noise abatement has been upgraded to a secondary mitigation measure. Provided these updated documents are submitted with the changes indicated, JNCC agrees that AEoI can be excluded for all offshore harbour porpoise sites in relation to all impacts, both alone and in-combination. We defer to NRW for marine mammal sites in territorial waters (within 12nm).

Section 4.1.7 Q. Based on submissions to date it may not be possible for the competent authority to exclude AEol 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 AEol on all European sites from the project alone or in-combination 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. a) The Applicant, NRW (A) and JNCC are requested to confirm at Deadline 5 whether an AEol on all European sites from the project alone or in-combination with other plans or projects can be excluded.

SPA

We cannot currently agree that AEol can be excluded in-combination for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA due to issues in the in-combination assessment of the breeding Manx shearwater qualifying feature and the common guillemot, razorbill, and black-legged kittiwake components of the seabird assemblage feature. See response to Q3.4.8 for further details. As per our advice in response to the ExA's Rule 17 letter ([REP2-098](#)), JNCC's position is not that an adverse effect on the integrity of a habitat site is inevitable. As the ExA will be aware, we have repeatedly asked the Applicant to present the Assessments in accordance with our advised approaches and parameters alongside any approaches and parameters they may wish to assess, within pre-application discussions where this was agreed to by the Applicant, and throughout the Examination process. This request was reflected in the ExA instruction to do so contained within the Rule 17 letter ([PD-012](#)). Despite this, to this point the Applicant has not made an assessment of the in-combination impacts in accordance with that advice (particularly in determining the proportion of adults within the population estimates, see response to Table 2.4, ID 2.4.13 Q above). JNCC has continued to discuss this issue with the Applicant, in conjunction with NRW (A). JNCC is actively engaging with the Applicant on this and have an agreed way to address this point. We are aware that the Applicant intends to submit a revised in-combination assessment at Deadline 5 in line with Statutory Nature Conservation Body (SNCB) advice (as above). Once this is submitted into the examination to address this issue, along with other outstanding matters as highlighted in our response to other questions, we should be in a position to come to a conclusion regarding AEol, subject to a full and comprehensive review of submissions made by the Applicant at Deadline 5.

We cannot currently agree that AEol can be excluded alone and in-combination for Liverpool Bay / Bae Lerpwl SPA non-breeding red-throated diver and common scoter qualifying features. See response to Q3.4.8 for further details. As per our comments at Deadline 4 ([REP4-099](#)), in our view an Adverse Effect on Site Integrity, both alone and in-combination, would be ruled out by activities associated with UXO clearance not being carried out during

the most sensitive period (1 November – 31 March), secured in a similar manner to the seasonal restriction on cable installation within the SPA.

SAC

Based on the information currently available and in line with JNCC's offshore remit, JNCC agree with this conclusion for SACs with marine mammal components in offshore waters, i.e. SACs designated for harbour porpoise. We defer to the relevant SNCB for sites in territorial waters (within 12nm).