

MONA OFFSHORE WIND PROJECT

Response to JNCC Comments on the RIES

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Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

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MONA OFFSHORE WIND PROJECT

Glossary

| Term | Meaning |
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| Applicant | Mona Offshore Wind Limited. |
| Appropriate Assessment | A step-wise procedure undertaken in accordance with Article 6(3) of the Habitats Directive, to determine the implications of a plan or project on a European site in view of the site's conservation objectives, where the plan or project is not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in-combination with other plans or projects. |
| Bodelwyddan National Grid Substation | This is the Point of Interconnection (POI) selected by the National Grid for the Mona Offshore Wind Project. |
| Competent Authority | Regulation 6(1) defines competent authorities as "any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office". |
| Development Consent Order (DCO) | An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP). |
| Environmental Statement | The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project. |
| Evidence Plan Process | The Evidence Plan process is a mechanism to agree upfront what information the Applicant needs to supply to the Planning Inspectorate as part of the Development Consent Order (DCO) applications for the Mona Offshore Wind Project. |
| Expert Working Group (EWG) | Expert working groups set up with relevant stakeholders as part of the Evidence Plan process. |
| Inter-array cables | Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms. |
| Interconnector cables | Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere. |
| Intertidal access areas | The area from Mean High Water Springs (MHWS) to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities. |
| Intertidal area | The area between MHWS and MLWS. |
| Landfall | The area in which the offshore export cables make contact with land and the transitional area where the offshore cabling connects to the onshore cabling. |
| Local Authority | A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils. |
| Local Highway Authority | A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980. |
| Marine licence | The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition, |

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

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

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

Acronyms

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

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| Acronym | Description |
|---------|---------------------|
| TWT | The Wildlife Trusts |

Units

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

1 Response to JNCC's comments on the RIES

1.1 Introduction

1.1.1.1 The Applicant has responded to JNCC's comments on the RIES below.

2 Response to JNCC comments on the RIES

Table 2.1: REP5-095 - JNCC

| Planning Inspectorate Ref. No. | Submission comment | Applicant's response |
|--------------------------------|--|---|
| REP5-095.1 | <p>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?</p> <p>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:</p> <ul style="list-style-type: none"> • 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) <p>We consider that Adverse Effect on Integrity (AEoI) 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 AEoI 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).</p> | <p>The Applicant welcomes the JNCC's agreement that Adverse Effect on Integrity (AEoI) can be ruled out with respect to the Atlantic puffin feature for the site listed from the Mona Offshore Wind Project alone and in-combination with other projects and plans.</p> |
| REP5-095.2 | <p>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?</p> | <p>The Applicant submitted a further supporting assessment for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm, a Moroedd Penfro SPA, which presented predicted impact estimates based on 30 - 70% displacement rates and 1%-10% mortality rates for black-legged kittiwake, including PVAs. This was included in the Offshore</p> |

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| Planning Inspectorate Ref. No. | Submission comment | Applicant's response |
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| | <p>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.</p> <p>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.</p> | <p>ornithology additional supporting in-combination assessment information in line with SNCB advice (REP5-074) note submitted at Deadline 5. However, the Applicant maintains that consideration of impacts across this range is extremely over-precautionary and that an assessment assuming 30% displacement and 3% mortality in line with Nature Scot guidance is more appropriate and sufficiently robust.</p> <p>The Applicant intends to re-submit the HRA Stage 2 Information to Support an Appropriate Assessment (ISAA) Part Three: Special Protection Areas (SPAs) and Ramsar sites Assessments (REP2-010) at Deadline 7 to repackage the relevant examination materials into a series of Annexes, which will be appended to the ISAA as relevant. This will include an Annex to present 30% to 70% displacement rates and 1%-10% mortality rates for black-legged kittiwake, including PVAs for all relevant SPAs with kittiwake as a feature, which are both within and outwith the JNCC's jurisdiction. This will provide a consistent assessment (as advised by the JNCC) across all relevant SPAs. However, an assessment using the Applicant's identified displacement and mortality rates (50% and 1%, respectively) and those advised by NatureScot (30% and 3%, respectively) will also be included within the annex to the ISAA for consideration by the Secretary of State.</p> |
| REP5-095.3 | <p>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?</p> <p>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:</p> <p>Breeding season</p> <ol style="list-style-type: none"> 1. For the project alone assessment in the breeding season, site specific information on age classes has been used where available, otherwise | <p>The Applicant welcomes that the JNCC are satisfied with the approach to age class apportioning for the Mona Offshore Wind Project alone assessment (for breeding and non-breeding season) and in-combination assessment (non-breeding season only). This is reflected in the updated Initial Statement of Common Ground (SoCG) between Mona and the JNCC (S_D1_15 F02) submitted at Deadline 6.</p> <p>The Applicant notes that the JNCC do not agree with the Applicant's approach to using stable-age class apportionment during the breeding season for the in-combination assessment. The Applicant submitted a further supporting assessment for the following SPAs (as requested by Natural Resources Wales (Advisory) and the JNCC) which uses site specific information on age classes where available or otherwise assumes all birds are adults. This was included in the Offshore</p> |

| Planning Inspectorate Ref. No. | Submission comment | Applicant's response |
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| | <p>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.</p> <p>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.</p> <p>Non-breeding season</p> <p>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.</p> <p>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.</p> | <p>ornithology additional supporting in-combination assessment information in line with SNCB advice (REP5-074) at Deadline 5.</p> <ul style="list-style-type: none"> • Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA • Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA • Grassholm SPA <p>The Applicant intends to re-submit the HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010) at Deadline 7 to repackage the relevant examination materials into a series of Annexes, which will be appended to the ISAA as relevant. This will include an Annex which will provide an in-combination assessment using the SNCB's advised approach to age-class proportions in the breeding season for all relevant SPAs and Ramsar sites which are both within and outwith the JNCC's jurisdiction. This will provide the Secretary of State an assessment which uses a standard 'SNCB' methodology for all relevant designated sites for consideration when drafting the Appropriate Assessment for the Mona Offshore Wind Project.</p> |

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| | <p>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.</p> <p>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.</p> | |
| <p>REP5-095.4</p> | <p>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?</p> <p>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.</p> <p><u>Piling</u></p> <p>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.</p> | <p>The Applicant welcomes the confirmation from the JNCC that they consider there to be no significant effect (no LSE in HRA terms) on the North Anglesey Marine/Gogledd Môn Forol Special Area of Conservation (SAC) from piling . The Applicant highlights that an LSE was concluded in HRA Stage 1 Screening Report F02 (REP2-012) for both impact pathways (see the Applicants response to Q2.5.1 in the Comments on the report on the implications for European sites (F01) (REP5-083)), however no Adverse Effects on Integrity (AEoI) were concluded on North Anglesey Marine/ Gogledd Môn Forol SAC for both piling and UXO clearance.</p> <p>With regard to high order UXO clearance, the Applicant has reviewed its position on the inclusion of high order UXO clearance in the Draft development consent order (DCO) in light of JNCC's concerns and committed at Deadline 5 to the use of low order clearance only. High order UXO clearance will not be authorised under the DCO or the NRW Marine Licence (ML). This is secured within the deemed marine licence in Schedule 14, Condition 21 in the Draft DCO made at Deadline 5 (REP5-006), and for clarity, the Marine Licence Principles Document (REP5-022)</p> |

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| | <p>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.</p> <p><u>UXO clearance</u></p> <p>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.</p> <p>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.</p> | <p>has been updated to remove high order UXO clearance from the NRW marine licence application.. 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 and will include consideration of LSE on European sites.</p> |
| REP5-095.5 | <p>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?</p> <p>Yes, we agree that all in-combination LSEs have been identified by the Applicant in respect of marine ornithology.</p> | <p>The Applicant welcomes the JNCC's comment and considers this matter closed.</p> |
| REP5-095.6 | <p>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?</p> <p>JNCC does not have responsibility for any of the European sites listed in Table 2.2.</p> | <p>No response needed</p> |
| REP5-095.7 | <p>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-</p> | <p>The Applicant notes the JNCC's comments and refers to its response in row REP5-095.1 with respect to Atlantic puffin.</p> <p>The Applicant submitted a further supporting assessment for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a</p> |

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| | <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> | <p>Moroedd Penfro SPA (including for the lesser black-backed gull feature) in the Offshore ornithology additional supporting in-combination assessment information in line with SNCB advice (REP5-074) submitted at Deadline 5. The assessment concluded AEol from the Mona Offshore Wind Project in-combination with other projects and plans could be ruled out.</p> <p>In light of the Applicant's submission at Deadline 5, it is understood that the JNCC is able to rule out AEol for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA from the Mona Offshore Wind Project in-combination with other projects and plans. As such, the Applicant and the JNCC are now agreed on this matter, which is reflected in the updated Initial SoCG between Mona Offshore Wind Project and the JNCC (S_D1_15 F02) submitted at Deadline 6. The Applicant anticipates the JNCC also confirming in its Deadline 6 submissions.</p> <p>The Applicant acknowledges that collision risk should be listed as an impact in the operations and maintenance phase in the “Impact” column of Table 1.125 of HRA Stage 1 Screening Report (REP2-012) for Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA and that this is a typographical error only.</p> |
| <p>REP5-095.8</p> | <p>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?</p> <p>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.</p> | <p>The Applicant welcomes the JNCC's agreement that AEol can be ruled out for the Mona Offshore Wind Project alone for high order UXO clearance. The Applicant has reviewed its position on the inclusion of high order UXO clearance in the Draft development consent order (DCO) in light of JNCC's concerns and committed at Deadline 5 to the use of low order clearance only. High order UXO clearance will not be authorised under the DCO or the NRW Marine Licence (ML). This is secured within the deemed marine licence in Schedule 14, Condition 21 in the Draft DCO made at Deadline 5 (REP5-006), and for clarity, the Marine Licence Principles Document (REP5-022) has been updated to remove high order UXO clearance from the NRW marine licence application. 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</p> |

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| | | this activity, and consideration of the implications on HRA will be undertaken as part of that application. |
| REP5-095.9 | <p>Table 3.2, ID 3.2.4. Q. The ExA understands this matter to be resolved, however would appreciate confirmation from JNCC.</p> <p>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.</p> | No response required. |
| REP5-095.10 | <p>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.</p> <p>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.</p> | <p>The Applicant confirms that updated versions of the Outline MMMP (REP5-032) and Outline UWSMS (REP5-028) were submitted at Deadline 5, following JNCC's feedback and contains the amendments previewed by JNCC. This matter is now resolved and this is reflected in the updated Mona and JNCC SoCG (S_D1_15 F02) submitted at Deadline 6 (see row JNCC.MM.27, JNCC.MM.28, JNCC.MM.32 and JNCC.MM.33).</p> <p>The Applicant highlights the requirement for the MMMP to be submitted to and approved in writing by the licensing authority in consultation with the relevant statutory nature conservation body is secured in Schedule 14, Condition 18(h) for piling and Schedule 14, Condition 21(c) for low order UXO clearance of the draft DCO (C1 F07) and is expected to be secured in the standalone NRW ML. As per Schedule 14, Condition 20(1), no piling activities can commence until a final UWSMS in accordance with the outline UWSMS (REP5-028) has been submitted to and approved in writing by the licencing authority in consultation with the statutory nature conservation body.</p> |
| REP5-095.11 | <p>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?</p> | The Applicant welcomes the JNCC's comment and considers this matter closed. |

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| | <p>JNCC is satisfied that mitigation with respect to cable installation is sufficiently secure (see REP4-099).</p> | |
| <p>REP5-095.12</p> | <p>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?</p> <p>See response to Table 2.4, ID 2.4.13.</p> | <p>No response required.</p> |
| <p>REP5-095.13</p> | <p>Table 3.4, ID 3.4.1 On the topic of Morgan Offshore Wind Project Generation Assets and Morecambe Offshore Windfarm Generation Assets</p> <p>This is listed as a matter which has been resolved. However, we consider that this is an ongoing point of discussion.</p> <p>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.</p> <p>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.</p> <p>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.</p> | <p>The Applicant submitted a further supporting assessment which included the application numbers from the Llŷr floating offshore wind project, Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Wind Project: Generation Assets. This was included in the Offshore ornithology additional supporting in-combination assessment information in line with SNCB advice (REP5-074) submitted at Deadline 5.</p> <p>In light of the Applicant's submission at Deadline 5, it is understood that the JNCC is able to rule out AEoI for sites under its jurisdiction from the Mona Offshore Wind Project in-combination with other projects and plans. As such, the Applicant and the JNCC are now agreed on this matter, which is reflected in the updated Initial SoCG between Mona Offshore Wind Project and the JNCC (S_D1_15 F02) submitted at Deadline 6. The Applicant anticipates the JNCC also confirming in its Deadline 6 submissions.</p> <p>The Applicant intends to re-submit the HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (REP2-010) at Deadline 7 to repackage the relevant examination materials into a series of Annexes, which will be appended to the ISAA as relevant. This will include a revised in-combination assessment, including the application numbers from the Morgan Generation Assets and Morecambe Generation Assets, as well as the Llŷr floating offshore wind project for all relevant designated sites, which are both within and outwith the JNCC's jurisdiction. This will provide a consistent SNCB (i.e. NRW (A) and the JNCC) advised assessment alongside the Applicant's identified assessment scenario for all relevant designated sites for consideration by the Secretary of State.</p> |

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| REP5-095.14 | <p>Section 3.4.8 Q. Further to the Applicant's Deadline 4 documents, does JNCC agree that AEol 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 AEol can be excluded and any aspects of the assessment that require further clarification or development?</p> <p>Special Protected Areas (SPAs)</p> <p>We can agree that AEol can be excluded alone and in-combination for</p> <ul style="list-style-type: none"> • Irish Sea Front SPA <p>We can agree that AEol can be excluded alone for</p> <ul style="list-style-type: none"> • Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA <p>We cannot agree that AEol can be excluded alone and in-combination for</p> <ul style="list-style-type: none"> • Liverpool Bay / Bae Lerpwl SPA <p>We cannot agree that AEol can be excluded in-combination for</p> <ul style="list-style-type: none"> • Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA | <p>The Applicant welcomes the JNCC's comments that AEol can be ruled out for the sites and features listed. In light of the Applicant's submission at Deadline 5, it is understood that the JNCC is able to rule out AEol for all sites under its jurisdiction from the Mona Offshore Wind Project in-combination with other projects and plans. As such, the Applicant and the JNCC are now agreed on this matter, which is reflected in the updated Initial SoCG between Mona Offshore Wind Project and the JNCC (S_D1_15 F02) submitted at Deadline 6. The Applicant anticipates the JNCC also confirming in its Deadline 6 submissions.</p> |
| REP5-095.15 | <p>Further information with regard to Liverpool Bay / Bae Lerpwl SPA</p> <p>With regard to export cable installation, we are satisfied with the mitigation measures proposed (see Table 3.3, ID 3.3.6 above).</p> <p>However, we cannot currently agree that an AEol 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</p> | <p>The Applicant assessed the potential impact of UXO clearance through the impact 'Indirect impacts from underwater sound affecting prey species'. This impact considers the maximum design scenario for underwater sound as described in Volume 2, Chapter 3: Fish and shellfish ecology (APP-057). The Applicant has not assessed UXO clearance as a separate impact in Volume 2, Chapter 3: Fish and shellfish ecology (APP-057), as this was not requested at the scoping stage, during statutory consultation or through the Evidence Plan process (see Technical Engagement Plan Appendices - Part 1 (A to E) APP-042).</p> <p>Following further engagement with the SNCBs on their position with respect to ruling out AEol and in light of the Examining Authority's RIES (notably Q4.1.7a,b), the Applicant committed at Deadline 5 to the use of low order UXO clearance methods only. High order UXO clearance will,</p> |

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| | <p>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 AEol.</p> <p>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.</p> | <p>therefore, not be authorised under the DCO, and will not be included in the NRW Marine Licence (ML). This is reflected in the updated drafting of the dML (C1 F07). The Applicant has also committed to a seasonal restriction on low order UXO clearance in the Liverpool Bay/Bae Lerpwl SPA between 1 November and 31 March. This is outlined in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (REP5-030). Both commitments are included in the Mitigation and Monitoring Schedule (J10 F06) and are expected to be secured via the standalone NRW ML as outlined in the updated Marine Licence Principles Document (J9 F06).</p> <p>In light of the Applicant's commitment, it is understood that the JNCC is able to rule out AEol for Liverpool Bay/Bae Lerpwl SPA from the Mona Offshore Wind Project in-combination with other projects and plans. As such, the Applicant and the JNCC are now agreed on this matter, which is reflected in the updated Initial SoCG between Mona Offshore Wind Project and the JNCC (S_D1_15 F02) submitted at Deadline 6. The Applicant anticipates the JNCC also confirming in its Deadline 6 submissions.</p> |
| <p>REP5-095.16</p> | <p>Further information with regard to Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA</p> <p>The reason that we cannot agree that AEol 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 AEol. 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.</p> <p>There are three aspects of the assessment that require further clarification or development:</p> <ol style="list-style-type: none"> 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 | <p>The Applicant notes the JNCC's comments and refers to its response in row REP5-095.7 above.</p> |

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| | <p>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.</p> <p>2. Up to date quantified impacts from Morgan, Morecambe, and Llŷr OWFs should be provided and used within the cumulative and in-combination assessments.</p> <p>The Applicant submitted Review of Cumulative Effects Assessment and In-Combination Assessment (REP3-058, Table 1.5, page 25) <u>which stated that:</u> <i>“The additionality of Arklow Bank 2, Codling Wind Park, Hynet, Llŷr, North Irish Sea Array and Oriel 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.”</i></p> <p>and that further work was required.</p> <p>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.</p> <p>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).</p> <p>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.</p> | |

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| REP5-095.17 | <p>Special Areas of Conservation (SACs)</p> <p>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 AEol 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).</p> | <p>The Applicant welcomes JNCC's agreement that an AEol can be excluded for all offshore harbour porpoise designated sites in relation to all impacts, both alone and in-combination with other plans and projects, provided updates to the Outline MMMP and outline UWSMS were made for Deadline 5. The Applicant confirms an updated Outline MMMP (REP5-032) and Outline UWSMS (REP5-028) was submitted at Deadline 5 (as seen by JNCC prior to submission at Deadline 5) to address feedback received from the JNCC. This matter is now resolved and this is reflected in the updated Mona and JNCC SoCG (S_D1_15 F02) submitted at Deadline 6 (see row JNCC.MM.27, JNCC.MM.28, JNCC.MM.32 and JNCC.MM.33).</p> <p>In light of the changes to the updated Outline MMMP (REP5-032) and Outline UWSMS ((REP5-028), the JNCC confirmed agreement that AEol can be excluded for European sites designated for marine mammals from the Mona Offshore Wind Project alone and in-combination with other plans and projects for all impacts. This agreement is reflected in the updated Mona and JNCC SoCG (S_D1_15 F02) submitted at Deadline 6 (see row JNCC.MM.27, JNCC.MM.28, JNCC.MM.32 and JNCC.MM.33).</p> |
| REP5-095.18 | <p>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.</p> | <p>In light of the Applicant's submission at Deadline 5, it is understood that the JNCC is able to rule out AEol for all sites under its jurisdiction from the Mona Offshore Wind Project alone and in-combination with other projects and plans. As such, the Applicant and the JNCC are now agreed on this matter and that there is no requirement for a derogation case.</p> |

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| | <p>SPA</p> <p>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.</p> <p>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.</p> | |

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| REP5-095.19 | <p>SAC</p> <p>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).</p> | <p>The Applicant welcomes the JNCC's agreement that an AEol can be excluded for all offshore harbour porpoise designated sites in relation to all impacts, both alone and in-combination with other plans and projects. This agreement is reflected in the updated Mona and JNCC SoCG (S_D1_15 F02) submitted at Deadline 6 (see row JNCC.MM.27, JNCC.MM.28, JNCC.MM.32 and JNCC.MM.33).</p> |