

Enquiry:

The Inspectorate attended an online Steering Group for the Morgan Generation Assets and Mona Offshore Wind Projects. The meeting provided a project update and an update on the approach to the Habitats Regulations Assessment (HRA), as well as an overview of progress and agreement reached as part of the Expert Topics Groups. The Applicant also outlined its proposed approach to manage underwater noise impacts on fish and marine mammals (a Piling Strategy) and requested any comments on this approach.

Advice given:

The Applicant proposed that the Information to Inform an Appropriate Assessment (ISAA) report is split into three parts, to assist with production and navigation of the document. Part 1 of the ISAA would provide an overview of the Habitats Regulations Assessment (HRA) in general, background information and methodologies. Part 2 would present the assessment of effects on Special Areas of Conservation (SACs) and part 3 would present the assessment of effects on Special Protection Areas (SPAs).

The Inspectorate considers this is an acceptable approach, subject to clear cross referencing being provided between the different parts of the ISAA (as required).

The Applicant outlined why it does not consider a Site Integrity Plan (SIP) (including defined thresholds for cumulative effects of piling - 10% in a particular season, or 20% on a particular day) to be appropriate to manage underwater noise impacts from Mona and Morgan Generation. The Applicant stated that Mona and Morgan Generation are not predicted to reach the 10% area threshold for the nearest harbour porpoise SAC (i.e. North of Anglesey Marine SAC), either alone or in-combination with other projects.

The Applicant is instead looking to agree a mechanism (similar to SIPs) that would allow it to agree an approach to managing underwater noise impacts post consent, when more details of the project construction for the individual projects and more detail on cumulative projects in the region is known. The Applicant is considering a "Piling Strategy" (name TBC) as a method of achieving this. The Piling Strategy would set out potential mitigation options which could be employed if there are residual concerns about the cumulative impacts of underwater noise following refined project design. The Applicant noted such matters are often agreed in principle at the application stage with final agreement achieved post consent with the final project design. The Applicant stated that it could potentially provide an outline plan for draft document review during the pre-application phase, so the stakeholders and Secretary of State can have confidence that this will be effective and agreed post consent.

The Inspectorate considers the approach set out by the Applicant to be acceptable in principle. It advised the Applicant to ensure its approach accounts for the worst case scenario and therefore, that any altering of the project design post any consent would only decrease impacts. Cumulative scenarios should include consideration of concurrent piling and detonation of Unexploded Ordnance (UXO). However, the Applicant should make efforts to discuss and agree the approach (including the content of the draft/outline Piling Strategy) with relevant consultation bodies including Natural England, Natural Resources Wales and the Marine Management Organisation and should justify the approach taken in the HRA Report.

Any assumptions used in the definition of applicable worst case scenarios should be explained in the ES.

The Applicant was not able to commit to submitting a draft/ outline Piling Strategy with the Development Consent Order (DCO) application at this time, but confirmed it would look to consult on the draft Piling Strategy ahead of an Examination and that it would be submitted during the Examination. The Inspectorate advised that an Examining Authority is likely to look for evidence of consultation and agreement with the Statutory Nature Conservation Bodies on the content of the draft/ outline Piling Strategy.

Section 55 of the Planning Act 2008 (Regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 refers) requires that the DCO application must be accompanied by sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for European sites if required by Regulation 48(1) of the Habitats Regulations. The Inspectorate advises that if the Piling Strategy is being relied upon to mitigate impacts on European site(s), the draft/ outline Piling Strategy should be provided with the DCO application. This could otherwise present a risk that the application for development consent may not be accepted for Examination.

If the Piling Strategy is not being relied upon to mitigate impacts on European site(s), where possible the Applicant should submit a draft/ outline Piling Strategy with the DCO application, as it is possible that this would otherwise be sought by an Examining Authority prior to commencement of an Examination.