

Decision Document

Marine works Regulations, Reg 10(1)(b) Application of EIA Exceptions– Mona Offshore Wind Project

Project Details	
Project name	Mona Offshore Wind Project
Screening Ref:	SC2203
Applicant Details	Mona Offshore Wind Project Limited. The Mona project is a joint venture between Energie Baden-Württemberg AG (EnBW) and bp Alternative Energy Investments Limited
Proposed Activity	Mona Offshore Wind Project is an Offshore Wind Farm (OWF) located in the east Irish Sea with the offshore wind turbines located approximately 28.2km from the north coast of Wales. The Mona Offshore Wind Project would consist of up to 107 wind turbines, with a proposed capacity of 1.5GW. In summary the project consists of the following components; Offshore Infrastructure; • Offshore wind turbines • Foundations and support structures • Scour protection and cable protection • Inter-array cables • Interconnector cables • Offshore substation platforms • Offshore export cables • Offshore booster substation • Cable landfall. Onshore Infrastructure; • onshore export cables • grid connection export cable • onshore substation The operational lifetime of the Mona Offshore Wind Project is expected to be up to 35 years. The project will require operation and maintenance activities to take place over the lifetime of the windfarm.

Background to the Regulatory requirements

The proposed activity requires a Development Consent Order from the Secretary of State under the Planning Act 2008. Under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the Secretary of State must not make an Order granting development consent for EIA development unless an EIA has been carried out in respect of that application.

Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for 'deemed marine licences' as part of the DCO process. This allows a deemed marine licence where activities are wholly within Welsh offshore waters. Mona Offshore Wind Limited have indicated their intention to rely on this provision for the offshore wind farm generation infrastructure which lie wholly within Welsh offshore waters and propose that a marine licence is deemed under the DCO (see section 1.1.1.4 of Scoping Report). Licensable activities within 12nm of the Welsh Coast would require a separate marine licence from Natural Resources Wales, this includes the transmission offshore export cable and related works between the Array area and the landfall location.

NRW is satisfied that The Planning Act 2008 provides the ability to include or 'deem' a Marine Licence within the DCO granted by the Secretary of State for licensable activities that are wholly within Welsh Offshore Waters. We therefore consider it appropriate for provisions deeming a Marine Licence to be included in a DCO for the marine licensable activities that are wholly within Welsh Offshore Waters.

For those proposed activities that require a Marine Licence from Natural Resources Wales (NRW) under the Marine and Coastal Access Act 2009, in accordance with the Marine Works (EIA) Regulations 2007 (as amended), NRW must not issue a Marine Licence unless it has given EIA consent.

Screening and Scoping

On the 5 May 2022 Mona Offshore Wind Project Limited submitted a request for a Scoping Opinion to NRW under regulation 13 of the Marine Works (EIA Regulations) 2007 (as amended) in respect of the proposed marine licence application, and also to the Secretary of State under Reg 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) in support of a potential application for Development Consent

The Secretary of State provided Mona Offshore Wind Project Limited with a scoping opinion on the 15 June 2022.

Intent to Defer EIA Consent Decision

NRW are of the opinion that the proposed works fall under Schedule A2 paragraph 21 of the Regulations:

21. Installations for the harnessing of wind power for energy production (wind farms).

Under Reg 10(1)(b) of the Marine Works Regulations, NRW may determine that an Environmental Impact Assessment (EIA) is not required, for the purposes of determining the Marine Licence application, if we are satisfied that an assessment of any significant effects on the environment of the project in question has already been, is being, or is to

be carried out, by another consenting authority and the assessment is or will be sufficient to meet the requirements of any law of any part of the United Kingdom that implemented the EIA Directive in relation to that project.

The Secretary of State will be carrying out the EIA for this project and is a competent decision maker with extensive experience of determining EIA developments including those relating to offshore wind across the UK. Therefore, we consider that the assessment to be carried out will include all works necessary to meet the requirements of the EIA directive.

NRW has reviewed the Secretary of State's 15 June 2022 Scoping Opinions provided to Mona Offshore Wind Limited under Reg 10 of the Infrastructure Planning (EIA) Regulations 2017.

NRW consider that a comprehensive list of bodies have been consulted by the Secretary of State. By nature of the bodies consulted and NRW's previous experience, this provides confidence to NRW consider that there will be appropriate consultation undertaken to enable the EIA to be carried out in a manner sufficient to meet the requirements of the EIA Directive.

In addition, it is anticipated that the applicant will seek to deem the Marine Licence for the generating assets which lie in Welsh Offshore Waters within the DCO granted by the Secretary of State. The marine licence application that will be submitted to NRW will relate to licensable activities which span the Welsh Inshore region (in this instance the Export cable and associated infrastructure). While the DCO which will be considered by the Secretary of State will cover the entirety of the project and therefore gives confidence that the EIA will be assessed for a project as a whole.

Decision to rely upon Reg 10 exception

Based upon the information received to date, in accordance with Regulation 10(1)(b) of the Marine Works Regulations, NRW consider that an EIA is not required for the purpose of determination of the Marine Licence, on the basis that an assessment of any effects on the environment of the project in question is being / is to be carried out by the Secretary of State as part of the determination process for a Development Consent Order under the Planning Act and that this is, or will be, sufficient to meet the requirements of any law of any part of the United Kingdom that implemented the EIA Directive.

Under Regulations 10 (4)(a) of the Marine Works Regulations (as amended) NRW cannot determine the marine licence application until we are satisfied that to do so would be sufficient to meet the requirements of the EIA Directive and be compatible with the measures identified by the Secretary of State to ensure compliance with any law of any part of the United Kingdom that implemented the EIA Directive.

Therefore, in these circumstances, a marine licence for this project can only be legally granted after the completion of the consideration of the EIA and associated decision made by the Secretary of State.

Withdrawal of deferral

Notwithstanding the above, in the event that further information is presented or made available to NRW at any point during the determination of the marine licence application, which results in NRW concluding that the exception under Regulation 10 can no longer be relied upon, NRW may determine that an EIA is required under the Marine Works (EIA) Regulations 2007.

Completed by: Peter Morrison

Signed:

A handwritten signature in black ink, appearing to read 'Peter Morrison'.

Position: Lead Specialist Officer

Date: 8 July 2022

Approved by: Emmer Litt

Signed:

A handwritten signature in black ink, appearing to read 'Emmer Litt'.

Position: Marine Licensing Team Leader

Date: 13 July 2022