

Sent by e mail

8 September 2022

Dear Mr Carter,

## **MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING**

### **Marine Licence Application ORML2233 – Awel y Môr offshore wind farm**

Awel y Môr Offshore Wind Farm Limited applied to Natural Resources Wales (NRW) for a Marine Licence under the Marine and Coastal Access Act 2009 to build and operate the Awel y Môr offshore wind farm located off the north Wales coast in the Irish Sea adjacent to the operational Gwynt y Môr Wind Farm.

In accordance with Part 4, Chapter 1, Regulation 67 (4) of the Marine and Coastal Access Act 2009, NRW require further information to continue with the determination of this application.

The consultation responses received during determination have been shared with you and you will note a number of concerns which should be addressed and/or clarified. It is strongly recommended that you review and look to respond accordingly to the points raised by the various consultees.

Specific attention is given to a number of clarification points, of which many will need to be addressed before the marine licence process progresses further. However, please note that this list is not exhaustive and reference should be made to all the consultee comments. A clear signposting document or matrix should be provided showing how requested information has been provided and each consultee comment has been considered and/or addressed.

It is strongly recommended that further engagement is sought with relevant consultees as you look to address comments made. We are aware further documents such as Statements of Common Ground may be produced through the Development Order Consent process which is running parallel to the Marine Licence application. Where these are produced on matters within the Marine Licensable Area we would strongly recommend that these are also submitted to us in support of your marine licence application.

### Further Information Required

#### Dredge and Disposal

As raised by NRW (A) and Cefas, clarification is required surrounding the proposed disposal location for dredge arising from the export cable corridor as this may require designation of an additional disposal site. The disposal site characterisation report appears to concentrate on disposal of dredge arising from within the array area itself (including 1,532,615m<sup>3</sup> of dredge arising from the export cable that falls within the array area). Clarity is required surrounding the disposal of any dredge arising from the Export Cable Corridor, ES chapter 1 Offshore Project Description details this to be 6,281,000m<sup>3</sup>.

Following consideration of representation made by Cefas we consider further clarification is required in relation to the Sediment Sample Analysis presented within the Disposal Site Characterisation Report:

- Data on Particle size distribution of samples.
- Confirmation that the inshore area will only be subject to trenching. Further sampling may be required if dredging will be needed in the inshore area.
- Name of the laboratory undertaking the trace metal analysis. If the laboratory does not appear on [NRW approved list](#) for those determinants, the analysis method will need to be provided.
- The analysis results need to be presented in NRW Sediment Sampling Template Form, and should include the results of cadmium and mercury to two decimal places.
- If Naphthalene data is available, this should be provided for completeness.

#### Navigation

Chamber of Shipping expressed concerns to statements raised within the ES surrounding impact of allision and vessel drift. We would ask that you review Chamber of Shipping comment and provide a response.

Chamber of Shipping have expressed concerns surrounding the placement of an isolated structure within the "Other Infrastructure Zone". We note that the ES details that the met mast may be placed within the array area or the 'Other Infrastructure Zone'. Please provide reasoning why the MetMast may be placed outside the array area.

The Marine and Coastguard Agency (MCA) have suggested a number of mitigations that should be included in any Marine Licence determined. Should you have any comment on the mitigation proposed within the MCA consultation response please provide this.

Provision for Safety Zones are detailed within the Schedule of Mitigation as being secured through a Marine Licence. Designation of Safety Zones are outside the remit of the Marine Licence and discussion should be held with the relevant authorities. We would recommend that you discuss any proposed safety zones with the MCA.

#### Seascape and Landscape

Significant Concerns have been raised by NRW(A) in relation to impacts of the works on Seascape and Landscape. Although the Environmental Statement acknowledges that the proposed work will have a significant adverse effect on the Isle of Anglesey AONB and

Snowdonia National Park in a number of instances NRW(A) disagree with the extent of the effect predicted and consider that the significance has been underestimated. NRW (A) consider that the degree of harm to nationally designated landscapes is substantial. Please review detailed comments provided by NRW (A) on this matter and provide a response. We would encourage you to liaise with NRW (A) to seek points of agreement and mitigation where possible, and provide justification for the approach taken where there is a disagreement that cannot be resolved.

Following comments raised by the Anglesey County Council clarification is required surrounding the proposed Lighting Management Plan within the DCO and any lighting requirement that will be required for navigational safety. Please confirm the relationship of the Lighting Management Plan detailed proposed to be captured within the DCO and the Navigation Risk Assessment proposed for the Marine Licence.

Please confirm whether discussion surrounding compensation in relation to seascape has taken place with Anglesey County Council. Please also confirm how it is proposed that compensation for seascape and landscape impacts are to be secured, based on the Mitigation Schedule it would be our understanding that the intention is that compensation in relation to Seascape and Landscape would be secured within the DCO.

#### Marine Ornithology

JNCC and NRW (A) note that evidence of displacement on Red-throated divers is not consistent with what has been observed in other areas of Liverpool Bay SPA, as well as other areas of the UK and Europe. Validation monitoring has been requested as detailed within the response of JNCC and NRW(A). Please provide any comment you have to make in relation to this request.

Both JNCC and NRW (A) agree with the need for a Vessel Management Plan which would require further consultation with the JNCC and NRW (A) prior to being agreed.

A number of points of clarification or further information to support calculations used within the assessment has been requested by the JNCC and should be provided, these include:

- Annual displacement matrices for Manx Shearwater for both the array and the array areas plus 2km buffer.
- Clarification how the relative harvest values which were used within the PVA tool have been calculated. In addition as part of the Population Viability Analysis graphs of population size over the years of impact, counterfactual of growth rate and counterfactual of population size including confidence interval should be presented.
- Clarification to how vessel numbers and movement has been calculated.
- Full apportioning calculation for all SPAs and designated features.

The RSPB have raised a number of concerns surrounding the assessment, we ask that you review the consultation response and provide a response or further information to address concerns raised. These concerns include but are not limited to:

- the assessment of impact of displacement on Red Throated Divers;
- the need for improved baseline survey methodology;

- the need to scope in the collision risk for Manx shearwater;
- the inaccurate avoidance rates used in gannet collision risk modelling particularly in breeding season, and
- the need for consideration of the Highly Pathogenic Avian Influenza.

Further assessment is required on the potential impact of the project on breeding seabird features of the Pen-y-Gogarth / Great Orme's Head SSSI. NRW (A) do not consider the current assessment to be sufficient for features of this site including the Common Guillemot, Razorbill and Black-legged Kittiwake. Further consideration surrounding the displacement on auks and collision risk mortality on kittiwakes is required, see further comment within NRW (A) response.

### Physical Processes

Post construction monitoring of secondary scour has been proposed by NRW (A) please provide any comment you have to make in relation to this request.

### Marine Water and Sediment Quality

Following advice received from NRW (A) we request that conclusion made in relation to sediment bound contaminants within Volume 2 chapter 3 of the ES should be looking at referring to CEFAS action levels.

NRW (A) disagree with the approach to assessing phytoplankton and dissolved oxygen which focusses on nutrient content rather than light limitation and suspended sediments. Consideration of impact on phytoplankton due to increased turbidity and dissolved oxygen as a result of suspended sediment should be provided. This should also be considered in the context of the WFD assessment.

### Fisheries and Shellfish Ecology

NRW (A) have a number of comments relating the cumulative assessment in relation to fish population. Further information is required to demonstrate how cumulative impact to fish populations over multiple spawning seasons from underwater noise associated with construction of offshore wind farm projects has been considered.

### Marine Mammals

NRW (A) consider the assessment of impact of underwater noise on marine mammal such as auditory injury and associated disturbance to be insufficient. NRW (A) have provided detailed advice with their consultation response on how they consider the assessment could be improved and remodelled. Issues raised and which need to be considered include but are not limited too;

- Analysis of PTS and disturbance
- Proposal for modelling cumulative PTS to be included within the MMMP
- Incorporation of mitigation to avoid impact on marine mammals through collision risk in the proposed Vessel Traffic Management Plan

We would encourage you to discuss this issue with NRW (A) and where possible provide an agreed updated assessment or response to the comments raised.

### Air Quality

An assessment of air quality has been undertaken. However as detailed by NRW (A) it is unclear whether vessels will operate in the proximity to sensitive coastal onshore habitats, we request that you provide additional information to demonstrate that there will not be significant impacts from marine vessel emission on sensitive habitats.

### Decommissioning

We note within the schedule of mitigation that a Decommissioning Plan is proposed within the DCO and Marine Licence. Please could you explain whether there is a difference between the Offshore Decommissioning Plan proposed within Schedule 2 Article 3 (20) of the DCO and that proposed to be included within the Marine Licence.

Additionally please confirm whether it is proposed that work in the intertidal area will be covered within the Offshore decommission plan or onshore.

### Isle of Man

The Isle of Man Government provided a consultation response where concerns have been raised surrounding the consideration of Ornithology, Marine Mammals and Commercial Fisheries within their jurisdiction. There are concerns surrounding the potential impact on mobile features which are of importance to designated sites within the Isle of Man territorial limits. As these sites are not European Designated sites, their assessment will not be included in the HRA. Furthermore, confirmation has also been requested of whether the Fisheries Liaison Plan will consider and engage with fishing vessels from the Isle of Man.

Please provide a response to the comments raised, signposting within the response where relevant consideration has taken place within the Environmental Statement.

### Other Concerns

Representation was received from Janet Finch Saunders MS on a range of issues including archaeology and commercial Fisheries. I would ask that the letter is reviewed and response provided to comments made. In reference to point 5 of the letter, chapter 7 Marine Mammals of the ES has now been shared so no action is required on this point.

### Clwyd Estuary

Further information is required surrounding cable laying under the Clwyd Estuary. The Clwyd Estuary is tidal and therefore as detailed under section 67 of the Marine and Coastal Act a marine licence is required for construction and deposits both in and under the seabed. We are aware that detail surrounding the works at the Clwyd has been considered and provided as part of the project Environmental Statement. Please provide

additional detail surrounding the cable laying works at the Clwyd Estuary which are seaward of Mean High Water Springs (MHWS), this should include:

- description of works seaward of MHWS;
- signposting to relevant section of the ES and supporting documents;
- map showing location of the works seaward of MHWS;
- co-ordinates of the works seaward of MHWS;
- confirmation of depth of the construction and installation underground;
- confirmation whether the entry and exit sites (pits) will be landward of MHWS, and
- confirmation whether the detailed construction method statement associated with the cable works at the Clwyd will be captured within the DCO and if so the need to signpost to relevant condition.

To ensure all relevant information is provided we would suggest that you provide information within an application form which can form an addendum to the form already submitted.

### Marine Mitigation

There are inconsistencies and uncertainty surrounding mitigation proposed within the Marine Principle Document and the Schedule of Mitigation. For example, a Scour Protection Management Plan is proposed within the ES and detailed to be captured within the Marine Licence within the Schedule of Mitigation, however within the Marine Principle Document it details that a Scour Protection Management Plan is “*not anticipated to be needed given minimal scour predictions.*”

Additionally a Vessel Traffic Management Plan is proposed within *ES Volume 2 Chapter 4 Offshore Ornithology* however this Plan does not appear within either the Principles Document or Schedule of Mitigation.

There are also discrepancies within the naming of the plans between the Principle Document and the Schedule of Mitigation.

We request clarification to the discrepancies highlighted above . We request that you review the schedule of mitigation and Marine Licence Principles document, these need to be consistent and contain all planned mitigation and plans proposed to be captured within the Marine Licence which are detailed in the ES. We also request that naming of plans is consistent across both documents.

For documents which cover both the marine and terrestrial area, such as the Written Scheme of Investigation, it would be useful to understand whether it is proposed that a single document is developed, or whether separate documents will be produced for the marine and terrestrial aspects of the proposal. Where separate documents are being proposed, please confirm whether the intertidal is proposed to be captured within the offshore or onshore document presenting reasoning for the approach taken.

### Project Parameters



The Marine Licence Principles documents sets out the licences activities that are being requested under each of the proposed licences (generating, transmission and GyM interlink); however, the design parameters provided cover the project as whole (page 11-13). As 3 licences are being sought, we request that 3 separate licence parameters are provided for each licence. For example, Parameters for Marine Licence 1 (generating asset) should include the relevant parameters for Wind turbines and the array cables, while these will not be required within Marine Licence 2 (transmission asset). Relevant volumes for each proposed licence should also be provided rather than a combined total (such as length of cable and volume of cable protection).

The following comments were provided and are shared for your information

#### Decommissioning

We bring to your attention comment provided by BEIS who remind you of obligations under Section 105 of the Energy Act (2004) to have a BEIS-approved decommissioning programme and for BEIS to hold a Financial Security Sum to avoid taxpayer-funded decommissioning. Please contact OREIDecommissioning@beis.gov.uk to engage further.

#### Archaeology

A number of comments related to the draft Written Scheme of Investigation have been provided by the Royal Commission on The Ancient and Historical Monuments of Wales (RCAHMW) which will need to be addressed in any final WSI.

#### Fisheries Liaison

The NFFO have provided a number of comments that should be considered as part of the liaising with relevant local industry representatives as you develop a Fisheries Liaison Plan.

Once you have had the opportunity to review the above we will look to discuss and agree with you a realistic deadline for the provision of information.

In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely



**Peter Morrison**  
**Marine Licensing Team**  
**Natural Resources Wales**