



Ein cyf/Our ref: ORML2170

Ty Cambria / Cambria House
29 Heol Casnewydd / 29 Newport Road
Caerdydd / Cardiff

Ebost/Email:
marine.licensing@cyfoethnaturiolcymru.gov.uk

Sent: by email

17 November 2022

REQUEST FOR CLARIFICATION and AMMENDMENTS - THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

Dear Lara Lawrie,

Marine Licence Application ORML2170- Project Erebus Floating Offshore Wind Farm

We have reviewed your Further Information submission dated 24 August 2022 and the representations we have received in response to the consultation which ended 19 October 2022. Although some of the concerns previously raised have now been addressed, there does remain some that require clarification in order for them to be concluded.

Detailed below are the clarification points and consultee responses which require your attention. To help expedite our determination it would be helpful if you could again provide us with a signposting matrix with your response to individual consultee comments. Where you consider comments have been addressed in previous submissions, can you please reference the applicable document and response.

We would not expect you to provide additional information to that which has already been provided. Should additional information be provided, we may consider the need for this to be publicised in accordance with the regulations.

Marine Water Quality

Natural Resources Wales (NRW) Coastal Processes, Benthic and Water Quality Advisors have all responded to the further information provided relating to impacts to the Maerl beds from suspended sediments generated during the export cable installation within coastal waters. Whilst the predicted amount of sediment deposition is low, Maerl are very sensitive to low concentrations of smothering of fine sediment and the feature is currently in favourable condition. Any potential impacts to the Maerl beds from smothering and/or

sediment deposition should be mitigated for. We would like to draw your attention to post-consent requirements requested by the NRW Advisory that trenching and Horizontal Directional Drilling (HDD) activities are conducted over a Neap tide, as the model indicates that the plumes generated from the elevated Suspended Sediment Concentration (SSC) do not advect across the Maerl beds during Neap tides for either activity. This would mitigate for any potential impacts from changes in SSC on the Maerl beds. Should you have any comment on the mitigation proposed by NRW Advisory, please provide this.

NRW Advisory have previously commented requesting a Bathing Water Mitigation Plan. Within your further information submission sign posting matrix document you noted this request. For clarity please confirm whether you have any comment to make on the proposal for a post-consent requirement to submit a Bathing Water Mitigation Plan, should the application be positively determined.

Coastal Processes

NRW Advisory have commented that advice presented during pre-application discussions on the Geophysical Survey specifications for the Project was not implemented. Without this information being gathered to inform the baseline, there is uncertainty with regard to the baseline understanding of sand wave migration rates on Turbot Bank and the detail of sediment transport pathways and linkages within the wider area that contribute to the form and function of the Annex I Turbot Bank Sandbank feature of the Pembrokeshire Marine Special Area of Conservation (SAC).

As sand waves could take many years to recover or indeed may potentially never recover, NRW Advisory continue to advise that a precautionary approach is taken and that the magnitude of impact to be assessed as medium until further evidence has been presented which can quantify the recoverability of the sand wave features to be considered as low magnitude.

The assessment concludes that cable protection rock berms, which may be required for the export cable, have little to no potential to block and/or alter the magnitude and direction of long-term sediment transport either locally or regionally through changes to patterns of currents or waves. NRW Advisory are not able to agree with this conclusion, and noted that although this may potentially be the case, there remains a degree of uncertainty resultant from the uncertainty within the baseline understanding of sand wave migration rates on Turbot Bank and the sediment transport pathways in the wider area, presently supported by regional tidally driven sediment transport modelling, which excludes the contribution of waves.

NRW Advisory have reviewed the further information and have stated that the effects on the integrity of the Annex I Sandbank feature from the cable protection are therefore uncertain and could be significant, therefore at this stage NRW Advisory advise that significant effects to the feature cannot be ruled out. We request that further information, clarification or additional mitigation is provided where possible to provide confidence that

that the cable protection works will not lead to adverse effect on the Sandbank feature of the designated site.

We would remind you in line with the Habitat Directive, if following consideration of all evidence provided we are unable to ascertain that the Project will not adversely affect the integrity of the Pembrokeshire Marine SAC, then approval for the Project could only be granted following the derogation provision set out under Article 6(4) of the Habitats Directive.

We also draw your attention to post-consent requirements requested by NRW Advisory in relation to the proposed pre and post installation multibeam bathymetric surveys; whereby it is recommended that monitoring surveys cover all areas where sand wave levelling takes place along the export cable and within the Array site. That the pre-construction and post construction monitoring should be carried out 1, 3 and 5 years after commissioning of the Project with a detailed morphological assessment carried out at year 5, which will identify the recovery rate of the sand waves. The assessment will provide the necessary evidence to validate the predictions of the ES and inform whether further monitoring is required or not. Should you have any comment on the monitoring requirement proposed by NRW Advisory then please provide this.

Benthic Ecology

As stated above; NRW Advisory note that the effects on the integrity of the Annex I Turbot Bank Sandbank feature of the Pembrokeshire Marine SAC from the cable protection required for the Project Erebus export cable are uncertain and could be significant. NRW continue to raise concern over the potential impact of the combined placement of cable protection both within and to the north and south of Turbot Bank, which could prevent conservation objectives from being achieved. NRW Advisory have advised that they cannot rule out an adverse effect on site integrity at this stage.

The Wildlife Trusts of South and West Wales (WTSWW) have also raised concerns regarding the cable protection over the sand bank features within the Pembrokeshire Marine SAC.

We therefore request that a response is provided to all comment raised by NRW Advisory relating to cable protection and seek clarification on the cable protection for the export cable and the routing of the cable through this feature. Please provide any additional clarification, mitigation or evidence that you consider relevant.

Furthermore, JNCC request the further clarification on the sensitivity of the offshore biotopes at the Project Array site in addition to the potential for changing of biotopes resultant from the deposition of artificial hard substratum, if this was provided previously then please reference the previously submitted documents.

NRW Advisory have also requested that they are involved with the development and agreement of the marine biodiversity enhancement strategy. If your application is positively determined then this would be required to be agreed post-consent.

Seascape, Landscape and Visual Impact Assessment (SLVIA)

Given the further information submission reiterated the original assessment and did not provide any further information nor justification to address the questions and concerns raised by consultees with regard to the SLVIA, we require clarification as to how the concerns raised by consultees with regard to the under-estimation of seascape and visual effects on certain receptors within the National Park were considered.

Marine Mammal Mitigation Plan (MMMP)

Should the application be positively determined, it is important to note that JNCC advise that the current MMMP is not appropriate for mitigating cumulative Permanent Threshold Shift (PTS) and have advised that the piling mitigation zone should be a minimum of 500m. Additionally, they have also highlighted that the MMMP is not applicable to UXO clearance and, if this should this be required, a separate MMMP will need to be developed.

Ornithology

NRW Advisory can now concur with the overall conclusions, despite not agreeing with the approaches undertaken and also noting that not all additional information requested has been provided. However, JNCC who are the Statutory Nature Conservation Body for the Welsh Offshore region are still unable to agree with the conclusion of your assessment. For JNCC to also agree with the conclusions they request further clarification for specific species; in line with their previous advice and also in alignment with the existing SNCB guidance¹. We note that you have already presented the full matrices of 1-100% displacement and 1-100% mortality for these species; thus allowing NRW Advisory to generate the necessary analysis but we also require the necessary clarifications and further analysis from yourselves as per JNCCs comments to support the conclusion of no Adverse Effect on Site Integrity (AEOSI). Clarity around these issues is essential at this stage in the determination process.

We note that the RSPB still have significant concerns regarding Project Erebus and we request that comment is provided on all of the points raised by RSPB, with suitable reference to any previously submitted documents.

¹ 'Joint SNCB Interim Displacement Advice Note: Advice on how to present assessment information on the extent and potential consequences of seabird displacement from Offshore Wind Farm (OWF) developments. January 2017 (update January 2022 to include reference to the Joint SNCB Interim Advice on the Treatment of Displacement for Red-Throated Diver). Available from [Joint SNCB Interim Displacement Advice Note \(jncc.gov.uk\)](https://jncc.gov.uk/joint-sncb-interim-displacement-advice-note)

WTSWW also seek further clarification on certain elements of the Outline Environmental Monitoring Plan (OEMP) commitments for monitoring of key bird species.

Please could we request that a response is received by **15 December 2022**.

In the meantime, should you have any queries or wish to arrange a meeting to discuss the content of this letter, then please do not hesitate to contact me.

Yours sincerely

Seran Davies
Marine Licensing Team
Natural Resources Wales