Awel y Môr Offshore Wind Farm

Statement of Common Ground 6 – Natural Resources Wales (Offshore)

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1 Introduction

1.1 Background

1 This Statement of Common Ground (SoCG) has been prepared between Awel y Môr Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and Natural Resources Wales (NRW) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Awel y Môr Offshore Wind Farm (hereafter referred to as 'AyM').

2 This SoCG (SoCG 6) relates to offshore aspects of the Application and is one of three SoCGs that have been discussed between the Applicant and NRW that cover the following broad areas of the DCO application, with the relevant topics listed:

- **SoCG 5:** Seascape, Landscape, Visual Impact aspects of the Application
  - Seascape;
  - Landscape;
  - Visual resources; and
  - Designated landscapes.
- **SoCG 6:** Offshore aspects of the Application
  - Marine geology, oceanography and physical processes;
  - Marine water and sediment quality (including Water Framework Directive (WFD) Assessment);
  - Offshore ornithology;
  - Benthic subtidal and intertidal ecology;
  - Coastal habitats
  - Fish and shellfish ecology;
  - Marine mammals;
  - Habitats Regulations Assessment.
- **SoCG 7:** Onshore aspects of the Application
  - Onshore biodiversity and nature conservation;
  - Hydrology, hydrogeology and flood risk;
  - Ground conditions and contamination;

- Air quality impacts; and
- Waste management relating to onshore aspects of AyM.

3 The three SoCGs should be read in conjunction with one another in order to clarify the Applicant's and NRW's position on the full application.

4 The need for a SoCG between the Applicant and NRW was set out within Rule 6 letter issued by the Examining Authority (ExA) on 23 August 2022.

5 Following detailed discussions undertaken through pre-application and post-application consultation, the Applicant and NRW have sought to progress a SoCG. It is the intention that this document provides the ExA with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and NRW and will be updated as discussions progress during the Examination.

1.2 Approach to SoCG

6 This SoCG has been developed during the pre-examination and examination phase of AyM. The SoCG makes reference to other submission documents that set out, in greater detail, the discussions that have taken place between NRW and the Applicant. These documents are:

- Consultation Report (APP025)
- Evidence Plan (APP-301)
- The 'Consultation' section included within relevant chapters of the Environmental Statement

7 In accordance with discussions between the Applicant and NRW, the SoCG is focused on offshore topics listed in Paragraph 2.

8 The SoCG is structured as follows:

- **Introduction:** Outlining the background to the development of the SoCG;

- **NRW's role with respect to the SoCG:** Describing the main areas of discussion within the SoCG and a summary of consultation to date; and
- **Agreements Logs:** A record of the positions of the Applicant alongside those of NRW as related to the topics of discussion and the status of agreement on those positions.

1.3 The Development

9 The Application is for development consent for the Applicant to construct and operate the proposed Awel y Môr project under the Planning Act 2008. The offshore aspects of the development will also require a Marine Licence, which is to be determined independently under the Marine and Coastal Access Act 2009.

10 AyM will comprise up to 50 Wind Turbine Generators (WTGs) and will include infrastructure that is required to transmit the power generated by the turbines to the offshore substation via inter-array cables, before being transmitted via export cables to the proposed Onshore substation (OnSS) located to the west of St Asaph Business Park (SABP) and then to the existing National Grid Bodelwyddan substation.

11 The key offshore components of AyM will include:

- WTGs with associated foundations and scour protection;
- Inter-array cables and associated cable protection;
- Up to two Offshore Substation Platforms (OSPs) with associated foundations and scour protection;
- Up to two offshore export cable circuits and associated cable protection;
- A meteorological mast (met mast); and
- Permanent Vessel Moorings (PVMs).

12 More details on the offshore aspects of the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Offshore Project Description (APP-047).

2 NRW's Role with respect to the SoCG

2.1 Introduction

13 In addition to being an interested party under the Planning Act 2008, NRW exercises functions under legislation including (but not limited to) the Environmental Permitting (England and Wales) Regulations 2016 (as amended), Conservation of Habitats and Species Regulations 2017 and the Marine and Coastal Access Act 2009.

14 NRW broadly has two main functions in relation to marine development:

- As a marine licensing authority (acting on behalf of the Welsh Ministers).
- As an advisor and statutory consultee.

15 NRW's roles as a licensing authority and statutory consultee are independent to ensure appropriate functional separation between them.

16 For the avoidance of doubt, this SoCG relates solely to NRW's advice in its capacity as a statutory consultee and advisor and the comments are therefore made solely in the context of the DCO. The permitting activities are not caught by this SoCG rather they operate independently under relevant legislation.

17 The suitability or otherwise of any Licence conditions discussed in this SoCG are a matter for NRW's Permitting Service to determine in accordance with distinct and separate legislative provisions and other relevant considerations following full and proper determination of the Licence application(s).

18 The project elements of interest for this SoCG are the offshore elements of the scheme seaward of Mean High-Water Springs (MHWS), including the intertidal zone. In relation to the DCO regime, NRW's responsibilities have included engagement in the pre-application process, both through membership of Expert Topic Group (ETG) meetings via the Evidence Plan process, and through bi-lateral discussions pre-and post-application.

19 The SoCG covers technical topics of the DCO application of relevance to NRW advisory, comprising:

- Marine geology, oceanography and physical processes;
- Marine water and sediment quality;
- Offshore ornithology;
- Benthic subtidal and intertidal ecology;
- Coastal Habitat;
- Fish and shellfish ecology;
- Marine mammals;
- WFD compliance; and
- HRA.

2.2 Consultation Summary

20 This section briefly summarises the consultation that the Applicant has undertaken with NRW including both statutory and non-statutory engagement during the pre-application and post-application phases. The list in Table 1 is not exhaustive but provides an indication of aspects of the key discussions undertaken. Some of the meetings below also include other parties however, for the avoidance of doubt, this SoCG is limited to matters agreed/not agreed between NRW and the Applicant.

Table 1: Consultation undertaken with NRW pre- and post-application on marine ecology matters in the DCO.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
21/11/2019	Pre-scoping meeting to discuss Environmental Impact Assessment (EIA) scoping and Habitats Regulations Assessment (HRA) screening in relation to marine physical processes, water quality, benthic ecology and fish ecology, including feedback on approach notes previously circulated to NRW.
25/11/2019	Pre-scoping meeting to discuss EIA scoping and HRA screening for marine mammals and offshore ornithology.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
03/03/2020	Meeting with NRW to discuss marine mammal density estimates.
10/03/2020	Pre-scoping meeting to discuss and agree the adequacy of baseline data sources and assessment methodologies.
June 2020	EIA scoping opinion.
18/09/2020	Discussion of scoping opinion in relation to offshore ornithology.
21/09/2020	Discussion of scoping opinion in relation to marine physical processes, water quality, benthic ecology and marine mammals.
25/09/2020	Discussion of scoping opinion in relation to fish and shellfish ecology.
10/11/2020	Discussion of the HRA screening opinion in relation to non-ornithological receptors.
13/11/2020	Discussion of the HRA screening opinion in relation to offshore ornithology.
30/11/2020	Follow-up meeting on fish and shellfish ecology to discuss updates to the fish and shellfish baseline technical report.
25/03/2021	Discussion of updates to the HRA screening in relation to offshore ornithology and proposed approach to the ornithology EIA.
31/03/2021	Discussion to agree the Maximum Design Scenario (MDS) parameters in relation to marine physical processes, water quality, benthic ecology, fish and shellfish ecology and marine mammals prior to the finalisation of the Preliminary Environmental Information Report (PEIR) chapters.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
29/07/2021	Update on the ornithological digital aerial survey and approach to use of this data in the PEIR.
31/08 – 10/10 2021	Statutory consultation on the PEIR under Section 42 of the Planning Act 2008.
01/11/2021	Discussion of NRW's statutory consultation responses on the PEIR in relation to marine physical processes, water quality, benthic ecology, fish and shellfish ecology and marine mammals.
12/11/2021	Discussion of NRW's statutory consultation responses on the PEIR in relation to offshore ornithology.
01/12/2021	Discussion on updates made to the Water Framework Directive (WFD) compliance assessment following NRW comment on the PEIR assessment.
17/12/2021	Discussion of feedback from NRW on apportioning in the HRA in relation to offshore ornithology.
01/02/2022	Discussion with NRW on HRA feedback in relation to marine mammals and updates to the outline Marine Mammal Mitigation Protocol (MMMP).
09/03/2021	Pre-application discussion on the final outcomes of the Applicant's Report to Inform Appropriate Assessment.
06/09/2022	Post-application meeting to discuss NRW's Relevant Representation and technical consultation response on the Marine Licence application in relation to marine ecology.
10/10/2022	Post-application meetings to discuss NRW feedback on the clarification notes provided on marine mammals, fish and shellfish and marine water quality.

3 Agreements Log

21 The following sections of this SoCG set out the level of agreement between the Applicant and NRW for each relevant component of the Application identified in paragraph 19. The tables below detail the positions of the Applicant alongside those of NRW and whether the matter is agreed or not agreed.

22 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion', the agreement logs in the tables below are colour coded to represent the status of the position according to the criteria listed in Table 2 below.

Table 2: Position status key.

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or NRW does not result in a material impact on the assessment conclusions in either EIA or HRA terms.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or NRW is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

3.1 Marine Geology, Oceanography and Physical Processes

23 The status of discussions relating to Marine Geology, Oceanography and Physical Processes is set out in Table 3 below.

Table 3: Status of discussions relating to marine geology, oceanography and physical processes.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-1.1	The EIA has identified and considered all appropriate plans and policies relevant to marine geology, oceanography and physical processes, insofar as relevant to NRW's remit.	NRW is satisfied that the plans and policies relevant to marine geology, oceanography and physical processes identified in Section 2.2 of the Marine Geology, Oceanography and Physical Processes chapter of the ES (APP-048) have been considered.	Agreed
Consultation	SoCG06-1.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to marine geology, oceanography and physical processes.	NRW is satisfied that consideration has been given to matters raised by NRW in relation to marine geology, oceanography and physical processes in respect of: ▲ Matters raised in the Scoping Opinion (APP-295); ▲ Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; and ▲ Matters raised in pre-application consultation via the Evidence Plan process, and ▲ post-application discussions. Records of consultation in respect of marine geology, oceanography and physical processes are accurately described in: ▲ Section 2.3 of the Marine Geology, Oceanography and Physical Processes chapter (APP-048); ▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively); and ▲ The Consultation Report (APP-024).	Agreed
Assessment scope and methodology	SoCG06-1.3	The EIA has identified and assessed all potential effects relevant to marine geology, oceanography and	NRW is satisfied with the scope of the EIA with respect to marine geology, oceanography and physical processes as determined via scoping and pre-application consultation and are content with the impacts assessed	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
		physical processes as identified within the Scoping Report and Scoping Opinion.	in the Marine Geology, Oceanography and Physical Processes chapter (APP-048).	
	SoCG06-1.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied that the study area as presented in Section 2.4 of the Marine Geology, Oceanography and Physical Processes chapter (APP-048) is appropriate.	Agreed
	SoCG06-1.5	The evidence-based approach and approach to physical processes modelling (where applicable) is deemed to be appropriate for predicting changes to the receiving environment.	As agreed through pre-application consultation via the Evidence Plan process (Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively)), NRW is satisfied with the approach to physical processes modelling and its predictions of changes to the receiving environment.	Agreed
	SoCG06-1.6	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 2.8 of the Marine Geology, Oceanography and Physical Processes chapter of the ES (APP-048) is appropriate.	Agreed
Baseline characterisation	SoCG06-1.7	Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.	The baseline characterisation as presented in the Physical Processes Technical Baseline Report (APP-075) has adequately characterised the baseline environment in respect of marine geology, oceanography and physical processes.	Agreed
	SoCG06-1.8	The sensitivity and importance of physical processes receptors has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance ascribed to physical processes receptors and pathways in the Marine Geology, Oceanography and Physical Processes chapter of the ES (APP-048).	Agreed
Outcomes of the EIA	SoCG06-1.10	The conclusions of the assessment appropriately reflect the potential effects on marine geology, oceanography and physical processes within the study area during the construction, operation and decommissioning phases of AyM.	NRW is in agreement with the assessment conclusions in respect of construction, operation and decommissioning phase effects on physical processes pathways and receptors.	Agreed
	SoCG06-1.11	The cumulative effects have been adequately described and the conclusions of the cumulative effects	NRW is in agreement with the projects, plans and activities identified, and the conclusions of the assessment in Section 2.13 of the Marine Geology,	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
		assessment are appropriate in relation to marine geology, oceanography and physical processes.	Oceanography and Physical Processes chapter of the ES (APP-048).	
	SoCG06-1.12	No significant adverse effects (in EIA terms) on marine geology, oceanography and physical processes are predicted to arise from the development of AyM.	NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on marine geology, oceanography and physical processes pathways and receptors.	Agreed
Mitigation and Monitoring Commitments				
Project Commitments	SoCG06-1.13	The suggested mitigation measures and conditions outlined in the ES chapter (APP-048) and Schedules of Mitigation and Monitoring (REP2-024)) and the Marine Licence Principles document (REP2-022)) are suitable and appropriate for the purposes of the DCO application.	NRW understands that the Applicant will undertake monitoring of secondary scour for the purposes of asset protection as part of the post-construction monitoring described by Condition 34 of the Marine Licence Principles and is content with this approach, provided that this is appropriately secured.	Agreed
	SoCG06-1.14	The Applicant has assessed the disposal of dredged materials in the ES within the array, offshore ECC and GyM interlink area as a worst-case. However, the Applicant has only sought to licence the disposal of dredged materials within the array at this stage (see the dredge and disposal site characterisation (APP-309). Should disposal of dredged material be required in the offshore ECC or GyM interlink area, separate licences will be sought post-consent.	NRW acknowledges the Applicants intention to apply for further disposal licence(s) for the Export Cable Corridor (ECC) (and GyM Interlink areas) should it be deemed required at the detailed design phase post-consent. NRW is content with the clarity provided in REP2-002.	Agreed

3.2 Marine Water and Sediment Quality

24 The status of discussions relating to Marine Water and Sediment Quality is set out in Table 4 below.

Table 4: Status of discussions relating to marine water and sediment quality.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-2.1	The EIA has identified and considered all appropriate plans and policies relevant to marine water and sediment quality, insofar as relevant to NRW's remit.	NRW is satisfied that plans and policies relevant to marine water and sediment quality as identified in Section 3.2 of the Marine Water and Sediment Quality chapter of the ES (APP-049) have been considered.	Agreed
Consultation	SoCG06-2.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to marine water and sediment quality.	NRW is satisfied that consideration been given to matters raised by NRW in relation to marine water and sediment quality in respect of: ▲ Matters raised in the Scoping Opinion (APP-295); ▲ Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; and ▲ Matters raised in pre-application consultation via the Evidence Plan process, and ▲ post-application discussions Records of consultation in respect of marine water and sediment quality are accurately described in: ▲ Section 3.3 of the Marine Water and Sediment Quality chapter of the ES (APP-049); ▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively); and ▲ The Consultation Report (APP-024).	Agreed
Assessment scope and methodology	SoCG06-2.3	The EIA has identified and assessed all potential effects relevant to marine water and sediment quality as identified within the Scoping Report and Scoping Opinion.	NRW is satisfied with the scope of the EIA with respect to marine water and sediment quality as determined via scoping and pre-application consultation via the Evidence Plan process and are content with the impacts assessed in the Marine Water and Sediment	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			Quality chapter of the ES (APP-049) and as further clarified in the associated Marine Water and Sediment Quality clarification note (REP1-015).	
	SoCG06-2.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied that the study area as presented in Section 3.4.1 of the Marine Water and Sediment Quality chapter of the ES (APP-049) is appropriate.	Agreed
	SoCG06-2.5	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 3.8 of the Marine Water and Sediment Quality chapter of the ES (APP-049) is appropriate.	Agreed
Baseline characterisation	SoCG06-2.6.a	Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.	NRW is in agreement that the baseline has been adequately characterised for the purposes of EIA in Section 3.7 of the Marine Water and Sediment Quality Chapter of the ES (APP-049), noting the point below regarding sediment contaminants data.	Agreed
	SoCG06-2.6.b		In NRW's RR, it was advised that the sediment contaminants data be presented in the context of the Centre for Fisheries and Aquaculture Science (Cefas) Action Levels. Following provision of a clarification note containing the sediment contaminant data in respect of the Cefas Action Levels (REP1-015) NRW agrees that the baseline has been adequately characterised for the purposes of EIA.	Agreed
	SoCG06-2.7	The sensitivity and importance of marine water and sediment quality receptors has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance of receptors described in the Marine Water and Sediment Quality Chapter of the ES (APP-049).	Agreed
Mitigation measures	SoCG06-2.8	The mitigation measures identified within the EIA are considered appropriate and adequate in relation to marine water and sediment quality.	NRW is content that the mitigation measures described in Table 16, Chapter 3 of the ES (APP-049) and captured within the Schedules of Mitigation and Monitoring (REP4-022)) are appropriate and adequate.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Outcomes of the EIA	SoCG06-2.9.a	The conclusions of the assessment appropriately reflect the potential effects on marine water and sediment quality within the study area during the construction, operation and decommissioning phases of AyM.	NRW advised in its RR that the Applicant provides further information to justify the conclusions with respect to phytoplankton and Dissolved Oxygen (DO). The Applicant has since provided a clarification note on marine water and sediment quality (REP1-015) that adequately addresses the queries raised and as such NRW is now in agreement with the overall conclusions of the marine water and sediment quality assessment.	Agreed
	SoCG06-2.9.b		NRW considers that the relationships between marine water quality and the onshore works have been considered appropriately and therefore agrees with the conclusions and mitigation suggested.	Agreed
	SoCG06-2.10	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to marine water and sediment quality.	NRW is in agreement with the projects, plans and activities identified in the cumulative effects assessment (Section 3.13 of the Marine Water and Sediment Quality chapter of the ES (APP-049) and its conclusions.	Agreed
	SoCG06-2.11	No significant adverse effects (in EIA terms) on marine water and sediment quality are predicted to arise from the development of AyM.	NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on marine water and sediment quality.	Agreed
Water Framework Directive Compliance Assessment				
Planning and policy	SoCG06-2.12	The WFD compliance assessment has identified all appropriate legislation, policy and guidance relevant to the WFD.	NRW is satisfied that the plans, policies and guidance relevant to the WFD compliance assessment in Sections 2 and 3 of the Water Framework Compliance Assessment (APP-094) have been considered.	Agreed
Assessment scope and methodology	SoCG06-2.13	The methodology as set out in the WFD compliance assessment is appropriate.	NRW is satisfied that the methodology as set out in Section 4 of the Water Framework Directive Compliance Assessment (APP-094) is appropriate and	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			has been agreed via pre-application consultation in the Evidence Plan process.	
WFD screening	SoCG06-2.14	The waterbodies identified by the WFD Compliance Assessment have been accurately screened and characterised.	NRW is satisfied with the WFD Screening as agreed via the Evidence Plan process.	Agreed
WFD scoping	SoCG06-2.15	The scoping process within the WFD Compliance Assessment has appropriately identified the water quality elements for each of the relevant waterbodies.	NRW is satisfied with the WFD Scoping process as agreed via the Evidence Plan process.	Agreed
Mitigation measures	SoCG06-2.16	The mitigation measures identified within the EIA are considered appropriate and adequate in relation to the WFD.	NRW is content that the marine mitigation measures described in Section 5.4.1 of the Water Framework Directive Compliance Assessment (APP-094) and captured within the Schedules of Mitigation and Monitoring (REP4-021) and Marine Licence Principles document (REP4-023), to include a Project Environmental Management Plan (PEMP) containing a Marine Pollution Contingency Plan (MPCP), are appropriate and adequate.	Agreed
Outcomes of the WFD Compliance Assessment	SoCG06-2.17.a	AyM will not result in the deterioration in status of relevant WFD waterbodies, or associated protected areas, either alone or in-combination with other projects, plans and activities.	As noted in NRW's RR and WR, NRW is in agreement that there is no impact on Bathing Waters from elevated suspended sediment during the construction phase.	Agreed
	SoCG06-2.17.b		NRW is in agreement with the conclusions of the WFD Compliance Assessment.	Agreed
Mitigation and Monitoring Commitments				
Project Commitments	SoCG06-2.19	The suggested mitigation measures and conditions outlined in the Schedules of Mitigation and Monitoring (REP2-024) and the Marine Licence Principles document	NRW is content that the marine mitigation measures described in Section 5.4.1 of the Water Framework Directive Compliance Assessment (APP-094) and captured within the Schedules of Mitigation and	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
		(REP2-022) are suitable and appropriate for the purposes of the DCO application.	Monitoring (REP4-021) and Marine Licence Principles (REP4-023), to include a Project Environmental Management Plan (PEMP) containing a Marine Pollution Contingency Plan (MPCP) are suitable and appropriate.	

3.3 Offshore Ornithology

25 The status of discussions relating to Offshore Ornithology is set out in Table 5 below.

Table 5: Status of discussions relating to offshore ornithology.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-3.1	The EIA has identified and considered appropriate plans and policies relevant to offshore ornithology, insofar as relevant to NRW's remit.	NRW is satisfied that consideration has been given to the plans and policies relevant to offshore ornithology as identified in Section 4.1 of the Offshore Ornithology chapter of the ES (APP-050).	Agreed
Consultation	SoCG06-3.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to offshore ornithology.	NRW is satisfied that consideration has been given to matters raised by NRW in relation to offshore ornithology in respect of: ▲ Matters raised in the Scoping Opinion (APP-295); ▲ Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; ▲ Matters raised in pre-application consultation via the Evidence Plan process; and ▲ Post-application discussions Records of consultation in respect of offshore ornithology are accurately described in: ▲ Offshore Ornithology Scoping and Consultation (APP-095); ▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively); and ▲ The Consultation Report (APP-024).	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Assessment scope and methodology	SoCG06-3.3	The EIA has identified and assessed all potential effects relevant to offshore ornithology as identified within the Scoping Report and Scoping Opinion.	NRW advised in its RR and subsequently explained in its WR that a detailed assessment of the potential impacts of the project on the breeding seabird features of the Pen-y-Gogarth/ Great Orme's Head Site of Special Scientific Interest (SSSI) had not been undertaken in sufficient detail and as a result NRW could not fully agree with the scope of the assessment. Following discussion and review with NRW, an updated assessment was provided at Deadline 3a (REP3a-019). As detailed in NRW's Deadline 4 submission, paragraph 1.1.1 (REP4-045), NRW is now satisfied that there will be no significant effect on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI. NRW is therefore satisfied with the scope of the EIA with respect to offshore ornithology. NRW is content with the impacts assessed in the Offshore Ornithology chapter of the ES (APP-050).	Agreed
	SoCG06-3.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied that the study area as presented in Section 4.3.1 of the Offshore Ornithology chapter of the ES (APP-050) is appropriate.	Agreed
	SoCG06-3.5	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 4.6 of the Offshore Ornithology chapter of the ES (APP-050) is appropriate.	Agreed
	SoCG06-3.6	The methods for assessing collision risk are appropriate and have been applied accurately. Whilst the Applicant acknowledges NRW's position regarding the methods used by the Applicant to calculate stable age structure for the purposes of collision risk modelling, it is agreed that this does not alter the overall assessment conclusions.	Through provision of information via the Evidence Plan process, as described within Offshore Ornithology Scoping and Consultation document (APP-095), the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively) and the Collision Risk Modelling report (APP-097), NRW is largely content with the methods applied to the collision risk assessment. As noted in NRW's RR (RR-015), NRW does not agree with the methods used to calculate stable age structure.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			However, NRW does not consider that this impacts the final assessments. Therefore, notwithstanding these comments, NRW agrees with the conclusions presented.	
	SoCG06-3.7	The methods for assessing displacement using site-specific data are appropriate and have been applied accurately. Whilst the Applicant acknowledges NRW's position regarding the methods used by the Applicant to calculate stable age structure for the purposes of displacement, it is agreed that this does not alter the overall assessment conclusions.	Through provision of information via the Evidence Plan process, as described within Offshore Ornithology Scoping and Consultation document (APP-095), the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively) and the Displacement report (APP-096), NRW is largely content with the methods applied to the displacement assessment. However, as noted in NRW's RR (RR-015), NRW does not agree with the methods used to calculate stable age structure. NRW does not consider, however, that this impacts the final assessments. Therefore, notwithstanding these comments, NRW agrees with the conclusions presented.	Agreed
	SoCG06-3.8	The methods for assessing collision risk to migratory species is appropriate and has been applied accurately. Whilst the Applicant acknowledges NRW's position regarding the methods used by the Applicant to calculate stable age structure for the purposes of collision risk modelling, it is agreed that this does not alter the overall assessment conclusions.	Through provision of information via the Evidence Plan process, as described within Offshore Ornithology Scoping and Consultation document (APP-095), the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively) and the Migratory Collision Risk Modelling report (APP-098), NRW is largely content with the methods applied to the migratory collision risk assessment. However, as noted in NRW's RR (RR-015), NRW does not agree with the methods used to calculate stable age structure. NRW does not, however, consider that this impacts the final assessments. Therefore, notwithstanding these comments, NRW agrees with the conclusions presented.	Agreed
	SoCG06-3.9	The Population Viability Analysis (PVA) for great black-backed gull is appropriate and has been applied accurately.	Through provision of information via the Evidence Plan process, as described within Offshore Ornithology Scoping and Consultation document (APP-095), the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively) and the PVA report (APP-100),	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			NRW is content with the methods applied to the PVA for great black-backed gull.	
Baseline characterisation	SoCG06-3.10	Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.	NRW is satisfied that the baseline presented in the Offshore Ornithology Baseline Characterisation Report (APP-095) is appropriate for characterising the baseline environment.	Agreed
	SoCG06-3.11	The survey scopes and methodologies undertaken for digital aerial surveys are adequate for characterising the baseline environment.	NRW agrees that the survey scopes and methodologies are adequate, as outlined via the Evidence Plan process as described within Offshore Ornithology Scoping and Consultation document (APP-095), the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-302, respectively).	Agreed.
	SoCG06-3.12	Data gaps and limitations associated with offshore ornithology have been highlighted appropriately, and there will be adequate measures in place for filling data gaps where required.	NRW considers that the limitations associated with the offshore ornithology assessment have been adequately described within the application documents.	Agreed
	SoCG06-3.13	The sensitivity and importance of ornithological receptors has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance ascribed to ornithological receptors in the Offshore Ornithology chapter of the ES (APP-050).	Agreed
Mitigation measures	SoCG06-3.14	The mitigation measures identified within the EIA are considered appropriate and adequate in relation to offshore ornithology.	Provided that the mitigation measures described in the Schedule of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) are secured (including the provision of validation monitoring and a Vessel Traffic Management Plan), NRW is content with the mitigation measures described in Section 4.7 of the Offshore Ornithology chapter of the ES (APP-050) and captured within the Schedules of Mitigation and Monitoring (respectively) and associated documents. We welcome the Applicants commitment, as noted in the Deadline 2 submissions (REP2-002 and associated documentation), to validation monitoring as necessary.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Outcomes of the EIA	SoCG06-3.15	The conclusions of the assessment appropriately reflect the potential effects on marine ornithological interests within the study area during the construction, operation and decommissioning phases of AyM.	As noted above, NRW advised in its RR (RR-015) and WR (REP1-081) that the potential impacts of the project on the breeding seabird features of the Pen-y-Gogarth/ Great Orme's Head Site of Special Scientific Interest (SSSI) had not been adequately assessed and further detailed assessment should be undertaken. Following discussion with NRW a review and updated assessment was provided at Deadline 3a (REP3a-019). As detailed in NRW's Deadline 4 submission, paragraph 1.1.1 (REP4-045), NRW is satisfied that there will be no significant effect on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI. As noted in NRWs RR, from the evidence provided by the Applicant, it does appear that the extent of the supporting habitat for Red-Throated Diver within Liverpool Bay SPA will be maintained if the project is constructed and therefore there will be no adverse effect on the Red-Throated Diver feature of Liverpool Bay SPA from loss of habitat. However, NRW notes that the lack of displacement of Red-Throated Diver in this part of Liverpool Bay SPA is not consistent with what has been observed in other areas of Liverpool Bay SPA, as well as in other areas of the UK and Europe. Given this anomaly in observation, we advised that comprehensive validation monitoring before, during, and after construction is needed to confirm the modelled conclusion of no loss of supporting habitat (as identified in the sites conservation objectives). We welcome the Applicant's commitment, as noted in the Deadline 2 submissions (REP2-002 and associated documentation), to validation monitoring as necessary. NRW agrees with the need for a Vessel Traffic Management Plan to be developed and agreed and appropriately secured. NRW is therefore in agreement with the assessment conclusions in respect of construction, operation and decommissioning phase effects on offshore ornithological receptors.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-3.16	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to offshore ornithology.	NRW is in agreement with the projects, plans and activities identified in the cumulative effects assessment (Section 4.16 of the Offshore Ornithology chapter (APP-050)) and its conclusions.	Agreed
	SoCG06-3.17	No significant adverse effects (in EIA terms) on offshore ornithology are predicted to arise from the development of AyM.	As noted above, NRW advised in its RR and in the WR that the potential impacts of the project on the breeding seabird features of the Pen-y-Gogarth/ Great Orme's Head Site of Special Scientific Interest (SSSI) had not been adequately assessed and further detailed assessment should be undertaken. Following discussion with NRW a review and updated assessment was provided at Deadline 3a (REP3a-019). As detailed in NRW's Deadline 4 submission, paragraph 1.1.1 (REP4-045), NRW is satisfied that there will be no significant effect on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI. NRW therefore considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on offshore ornithological receptors.	Agreed
Report to Inform Appropriate Assessment				
HRA Screening	SoCG06-3.18	The RIAA has identified all relevant features of designated sites in relation to offshore ornithology that may be sensitive to changes as a result of AYM.	NRW is satisfied that the RIAA has identified all relevant designated sites and features in respect of offshore ornithology.	Agreed
Mitigation measures	SoCG06-3.19	The mitigation measures identified within the RIAA are considered appropriate and adequate in relation to offshore ornithology.	Provided that the mitigation measures described in the Schedule of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) are secured (including the provision of validation monitoring and a Vessel Traffic Management Plan), NRW is content with the mitigation measures described in Section 4.7 of the Offshore Ornithology chapter of the ES (APP-050) and captured within the Schedules of Mitigation and Monitoring	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			(respectively) and associated documents. We welcome the Applicant's commitment, as noted in the Deadline 2 submissions (REP2-002 and associated documentation), to validation monitoring as necessary.	
Outcomes of the RIAA	SoCG06-3.20	The conclusion of no Adverse Effect on Integrity (AEoI), either from the project alone or in-combination, at any sites is appropriate in relation to offshore ornithology.	Provided that the mitigation measures described in the Schedule of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) are secured (including the provision of validation monitoring and a Vessel Traffic Management Plan), NRW considers that it is unlikely that there will be an AEoI, either from the project alone or in-combination on sites designated for offshore ornithological receptors or supporting habitats. We welcome the Applicant's commitment, as noted in the Deadline 2 submissions (REP2-002) and associated documentation), to validation monitoring as necessary.	Agreed
Mitigation and Monitoring Commitments				
Project Commitments	SoCG06-3.21	The suggested mitigation measures and conditions outlined in the Schedules of Mitigation and Monitoring (APP-310 and APP-311) and the Marine Licence Principles document (AS-023) are suitable and appropriate for the purposes of the DCO application.	NRW is satisfied that the mitigation measures described in the Schedules of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) as relevant to offshore ornithology. NRW agrees with the Applicant that a Vessel Traffic Management Plan is needed for Liverpool Bay SPA. We advise that the Vessel Traffic Management Plan is secured as a condition of the marine licence. We welcome the Applicant's commitment to validation monitoring as necessary.	Agreed

3.4 Benthic Subtidal and Intertidal Ecology

26 The status of discussions relating to Benthic Subtidal and Intertidal Ecology is set out in Table 6 below.

Table 6: Status of discussions relating to benthic subtidal and intertidal ecology.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-4.1	The EIA has identified and considered appropriate plans and policies relevant to benthic subtidal and intertidal ecology, insofar as relevant to NRW's remit.	NRW is satisfied that consideration has been given to the plans and policies relevant to benthic ecology identified in Section 5.2 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051).	Agreed
Consultation	SoCG06-4.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to benthic subtidal and intertidal ecology.	NRW is satisfied that consideration has been given to matters raised by NRW relevant to benthic ecology in respect of: ▲ Matters raised in the Scoping Opinion (APP-295); ▲ Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; ▲ Matters raised in pre-application consultation via the Evidence Plan process; and ▲ Post-application discussions. Records of consultation in respect of benthic ecology are accurately described in: ▲ Section 5.3 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051); ▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively); and ▲ The Consultation Report (APP-024).	Agreed
Assessment scope and methodology	SoCG06-4.3	The EIA has identified and assessed potential effects relevant to benthic subtidal and intertidal ecology as identified within the Scoping Report and Scoping Opinion.	NRW is satisfied with the scope of the EIA with respect to benthic ecology as determined via scoping and pre-application consultation and is content with the impacts assessed in the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051).	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-4.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied with the study area as presented in Section 5.4.1 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051).	Agreed
	SoCG06-4.5	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 5.8 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051) is appropriate.	Agreed
	SoCG06-4.6	Data gaps and limitations associated with benthic subtidal and intertidal ecology have been highlighted appropriately.	NRW acknowledges that the limitations and uncertainties associated with benthic ecology have been highlighted appropriately in Section 5.6 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051).	Agreed
Baseline characterisation	SoCG06-4.7	Sufficient primary and secondary data (including site-specific surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.	The baseline as presented in Section 5.7 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051) and supporting appendices (APP-101, APP-102 and APP-103) is appropriate for characterising the baseline environment in respect of benthic ecology.	Agreed
	SoCG06-4.8	The sensitivity and importance of benthic ecological receptors has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance of benthic ecological receptors ascribed in the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051).	Agreed
Outcomes of the EIA	SoCG06-4.10	The conclusions regarding the significance of impact from the EIA assessments appropriately reflect the potential effects on benthic subtidal and intertidal ecology within the study area during the construction, operation and decommissioning phases of AyM. Whilst the Applicant acknowledges NRW's position regarding the magnitude of impact assigned for the potential introduction of mINNS, it is agreed that this does not alter the overall significance in EIA terms.	NRW is in agreement with the conclusions of the Benthic Subtidal and Intertidal Ecology chapter of the ES in respect of construction, operation and decommissioning phase effects on benthic ecology. However, NRW considers that the magnitude of impact from the potential introduction of marine invasive non-native species (mINNS) should be presented as *low* and not *negligible* (APP-051) as there is a continuous risk of mINNS being introduced. Nonetheless NRW considers that the significance of the impact would still be minor and therefore not significant in EIA terms. Furthermore, NRW considers that the mitigation measures described for	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			mINNS are appropriate and is therefore content to agree this discussion point, notwithstanding these comments.	
	SoCG06-4.11	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to benthic subtidal and intertidal ecology.	NRW is in agreement with the projects, plans and activities identified in the cumulative effects assessment (Section 5.14 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051)) and its conclusions.	Agreed
	SoCG06-4.12	No significant adverse effects (in EIA terms) on benthic subtidal and intertidal ecology are predicted to arise from the development of AyM.	NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on benthic ecological receptors.	Agreed
Mitigation measures	SoCG06-4.9	The mitigation measures identified within the EIA are considered appropriate and adequate in relation to benthic subtidal and intertidal ecology.	NRW is content with the mitigation measures described in Section 5.9 of the Benthic Subtidal and Intertidal Ecology chapter of the ES (APP-051) and captured within the Schedules of Mitigation and Monitoring (REP4-021). This includes the mitigation measures outlined for the potential introduction of mINNS.	Agreed.
Report to Inform Appropriate Assessment				
HRA Screening	SoCG06-4.13	The RIAA has identified all relevant features of designated sites in relation to benthic subtidal and intertidal ecology that may be sensitive to changes as a result of AyM.	As agreed via the Evidence Plan process (see the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively)), NRW is in agreement with the designated sites and benthic features screened into the RIAA.	Agreed
Mitigation measures	SoCG06-4.14	The mitigation measures identified within the RIAA are considered appropriate and adequate in relation to benthic subtidal and intertidal ecology.	NRW is satisfied with the mitigation measures identified in Table 3 of the RIAA (APP-027) and captured within the Schedules of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) as relevant to benthic ecology.	Agreed
Outcomes of the RIAA	SoCG06-4.15	The conclusion of no Adverse Effect on Integrity (AEoI), either from the project alone or in-combination, at any sites is appropriate in relation to benthic subtidal and intertidal ecology.	NRW considers that there will be no AEoI, either from the project alone or in-combination on sites designated for benthic ecology.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Mitigation and Monitoring Commitments				
Project Commitments	SoCG06-4.16	The suggested mitigation measures and conditions outlined in the Schedules of Mitigation and Monitoring (Rep2-024) and the Marine Licence Principles document (Rep2-022)) are suitable and appropriate for the purposes of the DCO application.	NRW is satisfied with the mitigation measures identified in the Schedules of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles (REP4-023) as relevant to benthic ecology.	Agreed

3.5 Coastal Habitats

27 The status of discussions relating to Coastal Habitat is set out in Table 7 below.

Table 7: Status of discussions relating to Coastal Habitats.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Saltmarsh	SoCG06-5.1	Due to the use of trenchless techniques at the cable crossing with the River Clwyd, as outlined in the Construction Method Statement (CMS) (REP2-018), there will be no interaction and therefore no potential for significant effects on saltmarsh habitat.	Following the submission of the Applicant's confirmation in its Deadline 2 response (REP2-002) that trenchless crossings techniques will be used for the installation of cables beneath the River Clwyd, and in conjunction with the updated CMS (REP2-018) NRW is satisfied that impacts on saltmarsh should be avoided. If the proposal to utilise trenchless techniques changes, then the WFD Compliance Assessment will need to be revisited and any impacts properly assessed.	Agreed

3.6 Fish and Shellfish Ecology

28 The status of discussions relating to Fish and Shellfish Ecology is set out in Table 8 below.

Table 8: Status of discussions relating to fish and shellfish ecology.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-6.1	The EIA has identified and considered appropriate plans and policies relevant to fish and shellfish ecology, insofar as relevant to NRW's remit.	NRW is satisfied that consideration has been given to the plans and policies relevant to fish and shellfish ecology identified in Section 6.2 of the Fish and Shellfish Ecology chapter of the ES (APP-052).	Agreed
Consultation	SoCG06-6.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to fish and shellfish ecology.	NRW is satisfied that due regard has been given to matters raised by NRW in relation to fish and shellfish ecology in respect of: ▲ Matters raised in the Scoping Opinion (APP-295); ▲ Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; and ▲ Matters raised in pre-application consultation via the Evidence Plan process, and ▲ post-application discussions. Records of consultation in respect of fish and shellfish ecology are accurately described in: ▲ Section 6.3 of the Fish and Shellfish Ecology Chapter (APP-052); ▲ The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively); and ▲ The Consultation Report (APP-024).	Agreed
Assessment scope and methodology	SoCG06-6.3	The EIA has identified and assessed potential effects relevant to fish and shellfish ecology as identified within the Scoping Report and Scoping Opinion.	NRW is satisfied with the scope of the EIA with respect to fish and shellfish ecology as determined via scoping and pre-application consultation and is content with the impacts assessed in the Fish and Shellfish chapter of the ES (APP-052).	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-6.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied that the study area as presented in Section 6.4.1 of the Fish and Shellfish chapter of the ES (APP-052) is appropriate.	Agreed
	SoCG06-6.5	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 6.8 of the Fish and Shellfish Ecology chapter of the ES (APP-052) is appropriate.	Agreed
	SoCG06-6.6	The noise modelling and metrics applied are appropriate in relation to assessing impacts on fish species.	NRW had reservations regarding the swim speeds (metrics) used in the fleeing receptor modelling as described in Chapter 6 of the ES (APP-052) and articulated in NRW's RR and WR. The Applicant subsequently produced a clarification note (REP1-003) presenting revised impacts based on modelling all fish species as static (and not fleeing) receptors. Based on this additional work and conclusions presented in the note NRW are satisfied that the assessment is made on a worst-case basis and supports the conclusion of no significant impact. As a result of the additional work presented by the Applicant, NRW is now in agreement with the modelling and metrics applied to fish and shellfish ecology.	Agreed
Baseline characterisation	SoCG06-6.8	The baseline environment has been characterised adequately for the purposes of EIA.	The baseline as presented in the Fish and Shellfish Technical Baseline (APP-104) is appropriate for characterising the baseline environment in respect of fish and shellfish ecology. This was agreed via the Evidence Plan process as described in Section 6.3 of the Fish and Shellfish Ecology chapter of the ES (APP-052).	Agreed
	SoCG06-6.9	The sensitivity and importance of fish and shellfish Valued Ecological Receptors (VERs) has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance ascribed to VERs in the Fish and Shellfish Ecology chapter of the ES (APP-052) and the Fish and Shellfish Ecology Technical Baseline (APP-104).	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Mitigation measures	SoCG06-6.10	The mitigation measures identified within the EIA are considered appropriate and adequate in relation to fish and shellfish ecology.	NRW is content with the mitigation measures described in Section 6.9 of the Fish and Shellfish Ecology chapter of the ES (APP-052) and captured within the Schedule of Mitigation and Monitoring (REP4-021).	Agreed
Outcomes of the EIA	SoCG06-6.11	The conclusions of the assessment appropriately reflect the potential effects on fish and shellfish ecology within the study area during the construction, operation and decommissioning phases of AyM.	Following the provision of the Fish and Shellfish Clarification Note (REP1-003), NRW is in agreement with the assessment conclusions in respect of construction, operation and decommissioning phase effects on fish and shellfish ecology.	Agreed
	SoCG06-6.12	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to fish and shellfish ecology.	NRW is in agreement with the identification of the projects, plans and activities in the cumulative effects assessment (Section 6.13 of the Fish and Shellfish Ecology chapter of the ES (APP-052)). As noted in NRW's RR and in the WR, NRW advised that further information be provided on the potential for cumulative effects from construction noise on VERs within spawning grounds in Liverpool Bay, in the absence of speculative or potential future regulations acting to mitigate the effects. NRW notes that the Applicant submitted a Cumulative Effects Assessment clarification note (REP2-028) into the Deadline 2 submissions. NRW has reviewed this document and has confirmed in paragraph 1.3.2 and 1.33 of its Deadline 3 submission (REP3-026) that this has resolved the issues raised in relation to the CEA for fish and shellfish receptors and NRW has no outstanding areas of disagreement on fish and shellfish receptors.	Agreed
	SoCG06-6.14	No significant adverse effects (in EIA terms) on fish and shellfish ecology are predicted to arise from the development of AyM.	NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on fish and shellfish receptors.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
HRA Screening	SoCG06-6.15	The RIAA has identified all relevant features of designated sites in relation to migratory fish that may be sensitive to changes as a result of AyM.	As agreed via the Evidence Plan process (see the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively)), NRW is in agreement with the designated sites and migratory fish features screened into the RIAA.	Agreed
Mitigation measures	SoCG06-6.16	The mitigation measures identified within the HRA are considered appropriate and adequate in relation to migratory fish.	NRW is satisfied with the mitigation measures identified in Table 3 of the Report to Inform Appropriate Assessment (APP-027) and captured within the Schedule of Mitigation and Monitoring (REP4-021) as relevant to fish and shellfish ecology.	Agreed
Outcomes of the RIAA	SoCG06-6.17	The conclusion of no Adverse Effect on Integrity (AEoI), either from the project alone or in-combination, at any sites is appropriate in relation to migratory fish.	NRW considers that there will be no AEoI, either from the project alone or in-combination on sites designated for migratory fish.	Agreed
Mitigation and Monitoring Commitments				
Project Commitments	SoCG06-6.18	The suggested mitigation measures and conditions outlined in the Schedules of Mitigation and Monitoring (REP2-024) and the Marine Licence Principles document (REP2-022) are suitable and appropriate for the purposes of the DCO application.	NRW is satisfied with the mitigation measures identified in the Schedule of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles documents (REP4-023) as relevant to fish and shellfish ecology.	Agreed

3.7 Marine Mammals

29 The status of discussions relating to Marine Mammals is set out in Table 9 below.

Table 9: Status of discussions relating to marine mammals.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Environmental Impact Assessment				
Planning and policy	SoCG06-7.1	The EIA has identified and considered appropriate plans and policies relevant to marine mammal ecology, insofar as relevant to NRW's remit.	NRW is satisfied that consideration has been given to the plans and policies relevant to marine mammals identified in Section 7.2 of the Marine Mammals chapter of the ES (AS-026).	Agreed
Consultation	SoCG06-7.2	The EIA has had regard to matters raised by NRW via statutory and non-statutory consultation activities in relation to marine mammal ecology.	NRW is satisfied that consideration has been given to matters raised by NRW in relation to marine mammal ecology in respect of: • Matters raised in the Scoping Opinion (APP-295); • Comments on the PEIR raised during the formal consultation under Section 42 of the Planning Act 2008; • Matters raised in pre-application consultation via the Evidence Plan process; and • Post-application discussions. Records of consultation in respect of marine mammal ecology are accurately described in: • Section 7.3 of the Marine Mammals chapter (AS-026); • The Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively); and • The Consultation Report (APP-024).	Agreed
Assessment scope and methodology	SoCG06-7.3	The EIA has identified and assessed significant effects relevant to marine mammal ecology as identified within the Scoping Report and Scoping Opinion.	NRW is satisfied with the scope of the EIA with respect to marine mammals as determined via scoping and pre-application consultation and is content with the impacts assessed in the Marine Mammals chapter of the ES (AS-026).	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-7.4	The study area defined for the assessment is appropriate for the impacts, pathways and receptors considered.	NRW is satisfied that the study area as presented in Section 7.4.1 of the Marine Mammals chapter of the ES (AS-024).	Agreed
	SoCG06-7.5	The assessment has appropriately defined the Maximum Design Scenario (MDS) for the purposes of assessment.	NRW is satisfied that the MDS as presented in Section 7.8 of the Marine Mammals chapter of the ES (AS-026).	Agreed
	SoCG06-7.6.	The noise modelling and metrics applied are appropriate in relation to assessing impacts on marine mammals.	NRW's RR noted concern with respect to aspects of noise modelling. Although cumulative PTS was excluded from the HRA and Marine Mammal Mitigation Protocol (MMMP), and population consequences of noise disturbance and injury for harbour porpoise was not included in the Environmental Statement / RIAA, this was resolved with further explanation in a clarification note issued by the Applicant following discussion with NRW (REP1-002). Having reviewed REP1-002, NRW now considers the noise modelling and metrics to be appropriate for assessing the impacts on marine mammals.	Agreed
Baseline characterisation	SoCG06-7.7	Sufficient primary and secondary data (including site-specific digital aerial surveys) have been collated to appropriately characterise the baseline environment for the purposes of EIA.	The baseline as presented in the Marine Mammal Baseline Characterisation (APP-106) is appropriate for characterising the baseline environment with respect to marine mammals.	Agreed
	SoCG06-7.8	The sensitivity and importance of marine mammal receptors has been appropriately and adequately described within the EIA.	NRW is in agreement with the sensitivity and importance ascribed to marine mammal receptors in the Marine Mammals chapter of the ES (AS-026).	Agreed
Mitigation measures	SoCG06-7.9	The mitigation measures, including those proposed in the Outline Marine Mammal Mitigation Protocol (MMMP) are considered appropriate and adequate to mitigate potential significant effects on marine mammals.	Following the Applicant's submissions at D2 (REP2-002) NRW is satisfied that the mitigation measures described in Section 1.9 of the Marine Mammals chapter of the ES (AS-026), the Schedules of Mitigation and Monitoring (REP4-021) and the Marine Licence Principles documents (REP4-023), are appropriate and adequate.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-7.10		NRW is content that the mitigation measures described / proposed in the Outline MMMP are appropriate, following submission of a clarification note (REP1-002) to NRW. NRW recommends that until guidance and evidence suggest an alternative metric, the final MMMP should provide mitigation for cumulative PTS. The Applicant has confirmed that the final MMMP will mitigate cumulative PTS unless guidance and advice at the time suggests it is appropriate not to do so. As confirmed within paragraph 1.5.4 of NRW's Deadline 3 submission (REP3-026), NRW is satisfied that this concern has been appropriately addressed, provided that the MMMP is secured as a condition of any relevant licence.	Agreed
Outcomes of the EIA	SoCG06-7.11	The conclusions of the assessment appropriately reflect the potential effects on marine mammals within the study area during the construction, operation and decommissioning phases of AyM.	In light of the clarification note provided to NRW (REP1-002) NRW is in agreement with the assessment conclusions in respect of construction, operation and decommissioning phase effects on marine mammals.	Agreed
	SoCG06-7.12	The cumulative effects have been adequately described and the conclusions of the cumulative effects assessment are appropriate in relation to marine mammal ecology. Whilst the Applicant acknowledges NRWs position regarding the limited explanation provided with respect to projects included in the Applicants in-combination assessment and CEA for marine mammals, it is agreed that this does not alter the overall assessment conclusions.	While NRW is not in agreement with the projects, plans and activities identified in the cumulative effects assessment (Section 7.13 of the Marine Mammals chapter of the ES (AS-026)) we do agree with its conclusions. The projects included differ from those included in the in-combination assessment (RIAA) and the fish CEA. The Applicant has held discussion with NRW in this regard to clarify the projects included. The Applicant submitted a Cumulative Effects Assessment clarification note (REP2-028) into the Deadline 2 submissions. NRW has reviewed this documentation and confirmed in paragraph 1.5.3 of its Deadline 3 submission that although the clarification note still fails to explain the reasons for the differences in projects included in the in-combination assessment and the	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			CEA for marine mammals, NRW does not consider this to have a material effect on the conclusions. NRW therefore agrees that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEoI) from the project in-combination with others on sites designated for marine mammals.	
	SoCG06-7.13	No significant adverse effects (in EIA terms) on marine mammals are predicted to arise from the development of AyM either alone or cumulatively.	NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant effects on marine mammal receptors when considered alone. As noted above in SoCG06-7.12, although NRW maintains concerns over the in-combination assessment and CEA for marine mammals, NRW agrees that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEoI) from the project in-combination with others on sites designated for marine mammals as stated in paragraph 1.5.3 of its Deadline 3 submission.	Agreed
Report to Inform Appropriate Assessment				
HRA Screening	SoCG06-7.14.a	The RIAA has identified all relevant features of designated sites in relation to marine mammal ecology that may be sensitive to changes as a result of AyM.	In NRW's RR, NRW noted insufficient evidence to conclude no Likely Significant Effect (LSE) in respect of vessel collision, on the basis that mitigation (commitment to best practice vessel handling protocols) should not be used to conclude no LSE, advising that the impact should be carried through to the AA stage. Following the provision of a marine mammal clarification note (REP1-002), NRW is content with the conclusion of no AEoI in respect of vessel collision.	Agreed
	SoCG06-7.14.b		Noting the point above, NRW is in agreement with the designated marine mammal sites and features screened into the RIAA.	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
	SoCG06-7.14c		NRW does not recommend the use of dose-response curves to conduct an area-based assessment of areas disturbed. Following the submission of a clarification note (REP1 -002), NRW is in agreement with the range of disturbance criteria applied and is satisfied that none of these result in AEoI in HRA terms.	Agreed
Mitigation measures	SoCG06-7.15.	The mitigation measures referred to within the RIAA (APP-027), including the Marine Mammal Mitigation Protocol (MMMP) are considered appropriate and adequate in relation to marine mammal ecology.	NRW is satisfied that the mitigation measures described in the RIAA (APP-027), the MMMP, the Schedules of Mitigation and Monitoring and the Marine Licence Principles document, are appropriate and adequate.	Agreed
Outcomes of the RIAA	SoCG06-7.16	The conclusion of no Adverse Effect on Integrity (AEoI), either from the project alone or in-combination, at any sites is appropriate in relation to marine mammal ecology.	NRW considers it likely that there will be no AEoI, either from the project alone or in-combination on sites designated for marine mammals. As noted above in SoCG06-7.12, although NRW maintains concerns over the in-combination assessment and CEA for marine mammals, NRW agrees that there will be no Adverse Effect on Site Integrity (AEoI) from the project in-combination with others on sites designated for marine	Agreed

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
			mammals as stated in paragraph 1.5.3 of its Deadline 3 submission.	

3.8 Offshore Net Benefits for Biodiversity

30 The status of discussions relating to marine net gain/ offshore net benefits for biodiversity.

Table 10: Status of discussions relating to offshore net benefits for biodiversity.

DISCUSSION POINT	REF	APPLICANT'S POSITION	NRW POSITION	POSITION STATUS
Marine net gain/ offshore net benefits for biodiversity	SoCG06-8.1	Whilst there is currently no established policy or requirement for the assessment or delivery of marine net gains in Wales, the Applicant is cognisant of the questions asked of NRW, Welsh Government and the Applicant on this matter. The Applicant has provided a note on the opportunities for offshore environmental net gain at Document 8.23 of the Applicant's Deadline 8 submission to supplement its oral submissions at ISH4 in response to the ISH4 actions. Policy ENV-01 (Resilient Marine Ecosystems) of the Welsh National Marine Plan (WNMP) sets out that proposals should demonstrate how they contribute to the protection, restoration and/or enhancement of marine ecosystems. The Applicant has updated the Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission) and the Schedule of Mitigation and Monitoring (Document 8.12 of the Applicant's Deadline 8 submission) to formally capture commitments in relation to this policy. These commitments are summarised as: - Physical and ecological monitoring to ensure minimal disturbance to seabed habitats and species through micro-siting (where possible); and - Specific consideration to be given to environmentally sensitive protection material that can be demonstrated to afford environmental benefits, whilst meeting technical need. The Applicant considers that these commitments align with of ENV-01 (Resilient Marine Ecosystems).	NRW is cognisant that the ExA has asked questions of the Applicant, NRW and Welsh Government on the concept of marine Net Gain (or Net Benefits for Biodiversity as it should be referred to in Wales). NRW and Welsh Government have made it clear in responses to these questions that there is currently no formal requirement for this in the marine environment and no formal discussions have taken place on this matter during the pre-application phase for AyM. NRW has reviewed the Applicant's proposed commitments in the Marine Licensing process and considers that these align with the WNMP Policy ENV-01 in relation to the resilience of marine ecosystems.	Agreed

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