

Sent via email

28 July 2023

REQUEST FOR FURTHER INFORMATION - THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

Dear Mr O'Toole,

Marine Licence Application CML2283 – Construction and Dredge Works associated with the Mostyn Energy Park Extension Project

Thank you for your submission of further information which was received on 24 July 2023.

We welcome the signposting matrix/comment log and acknowledge that a number of the information requested has been provided within your further submission. However, we have a number of queries surrounding the information and how it is presented within *ABPmer report detailing further information in support of Marine Licence Application* (dated 21 July 2023) (Further Information Report). At this stage we do not consider the further information request complete. Further detailed comments are provided below.

The Project

The Environmental Statement's *Chapter 1.2 The Consenting Process* makes clear that the application for the Marine Energy Port Expansion Project will replace the existing marine licence for ongoing maintenance activities, as well as the existing construction licence CML1343v3. As such, there would be no overlap with any new consent and the existing consents; therefore, if CML2283 is positively determined each of the existing licences (CML1343v3, DML1542v2, DML2001) will be varied to expire. This is currently unclear in places throughout the report and ES and can lead to confusion and the understanding that some works are proposed under existing licences. To avoid confusion to the public or consultees we would request that a statement to this effect, similar to that presented in Chapter 1.2 of the Environmental Statement, is reiterated at the beginning of the Further Information Report.

We note that throughout the further information submission the document refers to existing and previous consents. We acknowledge that consents have previously been determined for similar works and information provided to support those applications, and knowledge gained from those consents can be applicable to CML2283. However, it is vital to acknowledge that this is a new marine licence application, and sufficient evidence must be presented to allow the proper assessment of the proposal as described in its entirety. In

some sections of the Further Information Report (e.g., section 4.1) it is challenging to understand whether the assessment has considered the totality of the works, or only those works that fall outside previous consents. For clarity, the assessment of CML2283 should include the project as a whole. Please ensure this is the case and confirm to us in writing upon resubmission.

Reference to Report and Previous Evidence

We acknowledge as previous licences have been determined for the site and there has been monitoring ongoing on the site in the past, that there will be a number of applicable report and evidence that may have been produced for previous consents that can be appropriately used to inform the assessment of this application.

All evidence from previous consents or report that is being relied upon should be provided, summarised and source referred to within the Further Information Report. For example, within section 23 of the Further Information Report a list of reference studies have been provided as supporting evidence. However, the relevant information should be extracted and summarised within the Further Information Report itself, and the significance of the report to the assessment provided. Likewise, a number of documents classified as 'key reference' documents have been submitted, which include large Environmental Statements which have previously been submitted for other consents. The relevance of these documents should be referred to and summarised for the specific sections of the Further Information Report, directing to specific areas of the Environmental Statement which are considered applicable. In essence, CML2283 application documents (including the Further Information Report and Environmental Statement) should be a standalone application which does not require the consultee to be searching for information in other applications or published reports.

Headroom

Within the Further Information Report, particularly section 2.3 Capacity of Mostyn Deep Disposal Site and 2.5 Removal of dredge Material Ashore, there is the assumption that the volume not disposed of or taken ashore in a year can be rolled over to subsequent years. Please note that the existing licences do not give provision for this. The Further Information Report must ensure that CML2283 is assessed on its own merits and make clear that the total maximum volumes proposed to be extracted are assessed. Currently we do not consider that section 2.3. or 2.5 are clear, there is confusion whether it is proposed that volumes not used one year will roll over to the next, and if this is being proposed it is unclear whether these maximum volumes have been assessed as part of the worst case scenario.

Removal of dredge Material Ashore

Clarification is still required whether the removal of 600,000m³ of sediment ashore to use as reclamation has been appropriately assessed, no evidence is presented or summarised within this section. As discussed above, if there is applicable evidence that has been

submitted to support previous consent this evidence should be provided, clearly summarised, cited and analysed in relation to the current CML2283 application.

Request for key Summary Information

In section 2.2, it is agreed that a conversion factor of 2 will be used to remain consistent with previous consents. As this differs from that used within the ES and the application form, we would require that you produce a table summarising all the different dredging and disposal activities taking place, both during construction and operation. This table should include the tonnage and m³ volumes using the conversion factor of 2 and be included for clarity at the beginning of the Further Information Report .

There is also a number of references throughout the document whereby key proposed limits on volume/tonnage of dredge and disposal are referred to. For example, section 2.3 of the report refers to a maximum of 900,000 tonnes per annum being disposed within the Mostyn deep disposal site. Often these limits have been taken from those used in previous and existing consent, although we note that not all restriction within previous consents have been referred too. For clarity, we would request that the key proposed restrictions are made clear and summarised at the beginning of the report. Also, where sediment tonnages are given we would ask that you also provide the m³ volume (and vice versa) for consistency.

We consider that this information is key in understanding the project and to interpret whether the assessment and further information provided is sufficient. Therefore, we request that this information is summarised at the beginning of the Further Information Report, ensuring the document is clear and transparent to consultees.

Monitoring and Mitigation

Within section 4.3.4, reference is made to NRW A comment No.71 surrounding existing monitoring requirements being put in place in CML2283. However, no response to this point has been provided. Please confirm whether monitoring is being proposed, and if so please note that an outline monitoring plan in support of the application would be beneficial.

A number of mitigation measures are referred to throughout the report in addition to those already proposed within the Environmental Statement. We would request that you produce a monitoring and mitigation schedule/table detailing all commitments proposed. Likewise, this document should identify any restriction from previous consents that you intend to adhere too.

Appendix F

Within Section 4.1 there is reference to a marine licensing error and reference to Appendix F. A clear response has previously been provided to Appendix F from the Marine Licensing Team (dated 8 June 2023) which has not been included. Therefore, this matter is considered closed. We consider that referring to a marine licensing error and Appendix F

without the relevant NRW Marine Licensing Team's response is considered misleading to consultees. We question whether this section is needed as does not add evidence to the Further Information Report. As detailed above, the potential impacts of the project as described must be properly assessed as a whole, regardless of whether consents have been/are in place.

HRA signposting document

Within email dated 21 July which accompanied the further information submission reference was made to a HRA signposting document that would be submitted in due course. We will not be in a position to consider the further information submission complete if there are further documents proposed to be submitted at a later date.

Please provide the information requested above by **11 August 2023**. If NRW has not received this information by this date, in accordance with Regulation 14 application CML2283 will be treated as having been withdrawn. Please contact me as soon as possible if additional time is required.

Please note that further information must be publicised in accordance with the requirements stipulated in Regulation 16 of the Regulations. Therefore, once this information is received by NRW and considered complete, you will be provided with a public notice to publish in the same newspaper as the project was previously publicised at your own expense.

In the meantime, should you have any queries please do not hesitate to contact me via peter.morrison@naturalresourceswales.gov.uk

Yours sincerely



Peter Morrison
Marine Licensing Team