

Sent via email

12 January 2024

**REQUEST FOR FURTHER CLARIFICATION - 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**

We have reviewed your Further Information Submission dated 29 August 2023 and the representation received in response to consultation which ended 23 October 2023 (although a number of representation were accepted after this date). Although a number of concerns previously raised by consultees appear to have been addressed, there remains matters that require further clarification in order for determination to be concluded.

Responses from consultees have already been shared with you, and in email dated 29 November 2023 we confirmed there were still a number of significant issues raised which needed to be address. Subsequently we have held a meeting on the 9 January 2024 between yourselves and NRW Advisory (NRW A) in relation to the assessment on Fish receptors and Ornithology.

It is strongly recommended that you review and look to respond accordingly to the points raised by the various consultees. We would request that a signposting matrix and relevant supporting documents should be provided to allow cross-referencing against this information request letter and the consultation responses received where appropriate.

**1. Ornithology**

Concerns were raised by both NRW A and RSPB in relation to the ornithology assessment, these representations should be reviewed and a response provided.

As discussed in meeting dated 9 January 2024, further assessment was agreed relating to:

- Assessment of disturbance -
  - To include the outcome of airborne modelling and contour maps.
- Assessment of habitat loss –
  - To include the provision of distribution maps for SPA species and details on how data has been derived.
  - To include the consideration surrounding the importance of Bug Bank for bird species.

- Further consideration of mitigation options and their effectiveness

## **2. Fish Receptors**

Concerns were raised by NRW A in relation to the sandeel assessment. NRW A representation should be reviewed and a response provided.

As discussed in meeting dated 9 January 2024, further assessment was agreed relating to:

- Sandeel Assessment -
  - To include the consideration of suitability of the habitat lost for sandeel, and the scale of any losses in the context of the Estuary system.
  - Consideration of the impact of any suitable sandeel habitat loss on tern species
- Timing Restriction – consideration as to whether additional timing restriction should be put in place for other species.

## **3. Benthic Ecology / HRA**

In relation to benthic habitats, we recognise that NRW A consider that the loss of the Estuaries feature of the Dee Estuary SAC would result in adverse effect on integrity of the site. As the Competent Authority, we (the Marine Licensing Team) have not yet come to a position on this matter. As discussed, it is our understanding that although the extent (area) of loss is agreed with NRW A, there is disagreement on the significance of this loss.

Should you wish to provide any further information for our consideration to support your view that the loss of the Estuaries feature would not have an adverse effect on the integrity of the SAC, this will be your opportunity to provide it. Should it be determined that the loss is considered to lead to adverse effect on the site then the project may only proceed if we can be satisfied that it meets the requirements of Article 6(4) of the Habitat Directive (i.e. Derogation; test of alternatives, imperative reasons of overriding public interest, and compensation).

## **4. Cockle Bed**

We would seek a response to comments made by NRW Cockle Officers in relation to impact on the New Bed site.

## **5. Historic Environment**

Cadw refer in their representation to “Mostyn Energy Park Extension Project: Stage 1 geoarchaeological assessment of 2022 geotechnical data” prepared by Wessex Archaeology. I do not believe this report has been submitted in support of this Marine Licence application. Please could a copy of the report referred to by Cadw be submitted.

## **6. Condition and Monitoring**

Within NRW A representation there is reference to a number of conditions they consider necessary to bring forward from existing licences. We would ask that you provide comment on the conditions detailed in their response and confirm whether you agree or are satisfied to adhere to those measure.

We note that the ES and the further information report set out proposed monitoring schedule for the MEPE, and that a number of the condition referred to by NRW A are relate to monitoring. We would request that a detailed Monitoring Plan be provided. Should the application be positively determined the need for monitoring would be secured through adherence to an appropriate Monitoring Plan.

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

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

Yours sincerely

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