

MONA OFFSHORE WIND PROJECT

UXO Clearance Position Statement

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Image of an offshore wind farm

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
High order clearance	Detonation of an Unexploded Ordnance (UXO) as a clearance method.
Low order clearance	Use of techniques such as deflagration to clear UXOs without resulting in a high order explosion, leading to lower sound levels.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition, licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
Permanent Threshold Shift (PTS)	Change (deterioration) in hearing of an animal which does not recover with time.
Sound Exposure Levels	The representation of a sound event if all the energy were compressed into a one second period. This provides a uniform way to make comparisons between sound events of different durations.

Acronyms

Acronym	Description
DCO	Development Consent Order
dDCO	Draft Development Consent Order
Defra	Department for Environment, Food & Rural Affairs
dML	Deemed Marine Licence
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency
MDS	Maximum Design Scenario
ML	Marine Licence
MMMP	Marine Mammal Mitigation Protocol
NEQ	Net Explosive Quantity
NRW	Natural Resources Wales
NRW (A)	Natural Resources Wales (Advisory)

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Acronym	Description
PTS	Permanent Threshold Shift
ROV	Remotely Operated Vehicle
UWSMS	Underwater Sound Management Strategy
cUXO	Confirmed Unexploded Ordnance
pUXO	Potential Unexploded Ordnance
UXO	Unexploded Ordnance

Units

Unit	Description
GW	Gigawatt
kg	Kilogram
m	Metre
SPL _{pk}	Peak Sound Pressure Level

1 Unexploded Ordnance Clearance Position Statement

1.1 Introduction

- 1.1.1.1 Mona Offshore Wind Limited (hereafter referred to as ‘the Applicant’) submitted a Development Consent Order (DCO) application for the Mona Offshore Wind Project on 22 February 2024 and an application for a standalone Natural Resources Wales (NRW) marine licence (NRW ML) in April 2024.
- 1.1.1.2 The DCO and marine licence applications included assessment of and licencing of Unexploded Ordnance (UXO) clearance. This is controlled by Condition 21 in Schedule 14 (deemed marine licence (dML)) of the draft DCO (dDCO) (Document Reference C1)) and a similar condition is expected to be secured in the NRW ML (see the Marine Licence Principles Document (J9 F04) which sets out what the Applicant expects the NRW ML to secure).
- 1.1.1.3 The Joint Nature Conservation Committee (JNCC) have submitted a number of representations to the Mona Offshore Wind Project examination and through consultation on the NRW ML advise that UXO clearance should not be included as a licensable activity within the dDCO and NRW ML. Further detail of the Applicant’s understanding of the JNCC’s position is presented in section 1.2 below.
- 1.1.1.4 This position statement sets out the Applicant’s position on UXO clearance and justification for its inclusion as a licensable activity (using both high and low order clearance methods) in the dDCO and NRW ML. The Applicant has referred to this position statement in responding to JNCC’s most recent representations.

1.2 Summary of the Applicant's understanding of the JNCC’s position

- 1.2.1.1 The Applicant understands the JNCC’s position is that whilst they support the inclusion of the assessment of UXO clearance within the Environmental Statement to ensure a holistic assessment of the Mona Offshore Wind Project’s predicted effects, they do not support the inclusion of UXO clearance within the dDCO, specifically the dML. Their concerns relate to (in no particular order):
 - 1. The level of information and certainty regarding the number of UXOs to be cleared and the method of clearance.
 - 2. Uncertainty whether the Maximum Design Scenario (MDS) for the assessment of impacts on marine mammals of 22 UXO to be cleared is a realistic and sufficiently precautionary worst case.
 - 3. The worst-case assumption that all 22 UXOs would need to be cleared using high detonation techniques, which, in the JNCC’s view, would go against the Department for Environment, Food & Rural Affairs (Defra) Joint Position Statement (2022) and may lead to disturbance to harbour porpoise (*Phocoena phocoena*).
- 1.2.1.2 In its response to Q1.17.9 (as part of JNCCs response to ExQ1 (REP3-084)), JNCC states that they would support UXO clearance remaining in the deemed Marine Licence if it is specified that “*all UXO clearance is restricted to low-noise methods only, and that should high order clearance be required, it would be subject to a separate marine licence application*”.

1.3 The Applicant's position on UXO clearance

1.3.1 Assessment of UXO Clearance in the Mona Environmental Statement – robustness of the Maximum Design Scenario and assessment

- 1.3.1.1 To allow for a robust assessment of UXO clearance and inclusion of this licensable activity in the dDCO and NRW marine licence, the Applicant commissioned a site-specific study to establish the potential for UXO presence at the Mona Offshore Wind Project. This study considered multiple aspects, such as past UXO quantities seen on similar projects, geophysical data available for the project, the historical and present use of the project area and the location of landfalls and ports/harbours. A risk assessment for the project was carried out based on this information to establish the MDS for UXO clearance for assessment, where relevant, in the Environmental Statement. This risk assessment took a highly precautionary approach to ensure the MDS identified represented a robust worst-case scenario. Therefore, the Applicant considers this to provide a robust site-specific baseline of potential UXOs. The design envelope for UXO clearance is described in Table 3.2 of Volume 1, Chapter 3: Project description (APP-050).
- 1.3.1.2 Volume 2, Chapter 4: Marine mammals (APP-056) and Volume 2, Chapter 3: Fish and shellfish ecology (APP-055) assessed the MDS of up to 22 UXOs to be cleared within the Mona Array Area and Offshore Cable Corridor and Access Areas. For the purpose of assessment there is a small risk that high order clearance may be required, or a low-order clearance could result in high-order detonation of UXO. Indeed, even following UXO ground-truthing and confirmation of low-order as the clearance methodology, a high-order clearance may be required if the low-order clearance attempt fails. Therefore, the assessments considered both high-order and low-order techniques. In line with the MDS approach, the absolute maximum UXO size was assumed to be 907 kg, although the most likely (common) scenario (as was determined from the site-specific study) was clearance of UXO with a net explosive quantity (NEQ) of 130 kg and the smallest size of 25 kg representing the bottom end of the range. The Applicant considers that detonation of the MDS of 22 x 907 kg UXO clearances is extremely unlikely and therefore the assessment is precautionary.
- 1.3.1.3 The assessments assumed a maximum of one UXO clearance per day during daylight hours and good visibility, which is general best practice for UXO clearance. Whilst it may be necessary to make multiple attempts at clearance of UXOs, the Applicant highlights that such attempts are expected to be made within the same clearance operation and that appropriate mitigation measures will be in place to ensure animals are outside the injury zone throughout the clearance process (as secured through the MMMP under condition 21 of the dDCO (C1 F05)). Therefore, it is unlikely that the number of days on which detonations could occur would be extended (highlighting also that each event results in a very short term (1 second) elevated sound pressure field)..
- 1.3.1.4 In relation to all UXO clearance, mitigation will be applied by the Applicant as set out within the Outline marine mammal mitigation protocol (APP-207) (Outline MMMP). The Applicant's approach to implementing the mitigation set out within the outline MMMP would be the same if UXO clearance was subject to a standalone ML.
- 1.3.1.5 The Applicant has committed to the mitigation hierarchy with respect to UXO clearance. This is centred on a staged approach (see paragraph 1.4.3.1 of the Outline MMMP), in line with the Marine environment: unexploded ordnance clearance joint interim position statement (Defra, 2022)). (which states '*low noise methods of*

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clearance should always be prioritised with high order clearance only to be used in exceptional circumstances) that follows:

- Avoid UXO.
- Clear UXO with low order techniques.
- Clear UXO with high order techniques.

1.3.1.6 The Applicant has committed to prioritising low noise clearance methods and using high order clearance only where necessary (in line with the Joint Position Statement which states '*it is acknowledged that high order detonation may be needed in some limited instances as a contingency, where low noise alternatives are not feasible, or where pre-planning is not a viable option*' - see paragraph 1.4.3.2 of the Outline MMMP). The final MMMP will be developed in accordance with the Outline MMMP, including the adherence to the mitigation hierarchy and is secured within the deemed marine licence in Schedule 14, Condition 21 and is expected to be secured within the NRW ML.

1.3.1.7 For marine mammals (Volume 2, Chapter 4: Marine mammals (APP-056)), the high order clearance of the maximum UXO size (907 kg) yielded the largest auditory injury ranges (Permanent Threshold Shift (PTS)) for all species, with the greatest injury range (15,370 m) seen for harbour porpoise (using the SPL_{pk} metric) leading to up to 206 animals predicted to be injured. Clearance of the most likely (common) 130 kg charge sees this injury range reduce (8,045 m) for harbour porpoise (using the SPL_{pk} metric). UXO sizes up to 130 kg can be mitigated for all species via measures detailed in the Outline MMMP (APP-207). For high order clearance of the maximum 907 kg UXO, there was a residual risk of PTS to a number of harbour porpoise. Therefore, the Applicant conservatively assessed the magnitude as medium, as it would lead to some changes at an individual level but not at a population level, and subsequently concluded an adverse significant effect for harbour porpoise as a result of injury from UXO clearance for both the project alone and cumulatively with other plans or projects in the absence of mitigation. Appropriate mitigation is secured through the development and implementation of an Underwater Sound Management Strategy (UWSMS) in accordance with the outline UWSMS (APP-202) (as secured through Condition 20 of Schedule 14, dDCO) to manage underwater sound levels associated with the Mona Offshore Wind Project in order to reduce the magnitude of impacts such that there will be no residual significant effect. No significant effects were predicted for behavioural disturbance from the Mona Offshore Wind Project alone or cumulatively with other plans and projects.

1.3.1.8 For fish and shellfish (Volume 2, Chapter 3: Fish and shellfish ecology (APP-055)), modelling of injury ranges was undertaken for the same varying orders of detonation, and the maximum injury range was 985 m for higher order clearance of the maximum 907 kg UXO. This reduced to 514 m for the most likely (common) 130 kg UXO. Therefore, no significant effects were concluded for fish and shellfish from UXO clearance.

1.3.2 Inclusion of UXO Clearance in the dDCO – securing of appropriate controls and mitigation measures

1.3.2.1 The DCO regime, as set out within the Planning Act 2008, is designed to remove the need for Applicants for nationally significant infrastructure projects to obtain multiple consents from various authorities. Instead, the necessary consents, powers and rights can be included within the DCO as a 'one-stop shop', including a dML. A separate ML

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is required for the transmission elements of the offshore works as they are not located wholly outside Welsh inshore waters. The Environmental Statement, outline MMMP and outline UWSMS are applicable to both the generation and transmission infrastructure. In respect of construction of the generation assets, they are secured under Schedule 14, Conditions 20 and 21 of the DCO (in respect of UXO clearance) and are expected to also be secured within the NRW ML to control activities relating to the transmission elements, as presented in the Marine Licence principles document (J9 F04) submitted with the application for consent. The Applicant is providing the same information to licence UXO clearance through the dDCO and NRW ML as it would to licence UXO clearance through a standalone ML. Requesting that the Applicant apply for a separate marine licence for UXO clearance activities, particularly when such activities have been assessed within the Environmental Statement and suitable controls already included within the dML, is contrary to the intended purpose of the DCO regime.

- 1.3.2.2 As currently drafted, the dML does not permit any UXO clearance activities to be undertaken without the requirements of Conditions 20 and 21 in the dML first being complied with.
- 1.3.2.3 Condition 20 requires a final UWSMS in accordance with the Outline UWSMS (APP-202) to be submitted to and approved in writing by the licencing authority in consultation with the JNCC
- 1.3.2.4 Condition 21 requires the following to be approved by the licencing authority in consultation with the JNCC and, for the UXO method statement only, the Maritime and Coastguard Agency (MCA):
- a method statement including methodologies for the identification and investigation of potential unexploded ordnance targets, clearance of unexploded ordnance and removal and disposal of large debris, a plan showing the area in which clearance activities are proposed to take place and a programme of works;
 - a specific offshore written scheme of investigation and protocol for archaeological discoveries (which must accord with the details set out in the outline offshore written scheme of investigation and protocol for archaeological discoveries); and a MMMP in accordance with the outline MMMP (APP-207), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the JNCC.
- 1.3.2.5 UXO clearance activities are, therefore, considered appropriately controlled through the measures set out in the dML in respect of generation assets and in relation to transmission assets are expected to be secured in a similar condition in the NRW ML (see the Marine Licence Principles Document (J9 F04)). As outlined in Condition 20(2) and 21(1), no detonation of unexploded ordnance can commence until the UWSMS, UXO method statement and MMMP have been submitted to and approved in writing by the licensing authority in consultation with the statutory nature conservation bodies.

1.3.3 Post-consent Process Related to UXO Clearance – validating the assumptions and conclusions of the Environmental Statement and finalising mitigation

- 1.3.3.1 In order to identify the location and nature of any potential UXO (pUXO), detailed UXO surveys within the offshore Order limits will be undertaken. This work has not been undertaken for the Mona Offshore Wind Project ahead of consent application because

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the detailed design work needed to confirm the nominal location of infrastructure is reliant upon the pre-construction site investigation surveys consented under the dDCO and NRW ML.

- 1.3.3.2 Following detailed design, the survey for identification of pUXO must be undertaken as close as possible to the start of construction activities, while allowing sufficient time to conduct a clearance campaign due to the potential for hydrodynamic forces to uncover UXO that may not have been detected in the UXO investigation surveys. The anticipated programme for Mona UXO surveys is for Q3 and Q4 of the year preceding the start of construction, as set out in A1.1 of the Applicant's response to Hearing Action Points (REP1-012).
- 1.3.3.3 Potential UXO targets identified during the UXO surveys will be further investigated to determine whether they are confirmed UXO (cUXO). This is referred to as UXO ground-truthing and can be achieved through more detailed geophysical surveys or, more commonly, using remotely operated vehicles (ROVs). If confirmed as a UXO, they can either be cleared or avoided. cUXO may be avoided through micro-siting of infrastructure, cleared through in-situ clearance, or potentially relocated or recovered for off-site disposal.
- 1.3.3.4 Once cUXO targets requiring clearance have been confirmed through UXO ground-truthing and as required under Condition 21 of the dDCO (and set out in section 1.3.2) the Applicant is required to submit a UXO method statement. This UXO method statement must include methodologies for the clearance of cUXO and removal and disposal of large debris, a plan showing the area in which clearance activities are proposed to take place and a programme of works. No clearance of cUXO can commence until this method statement is approved by the licensing authority in consultation with the statutory nature conservation body.
- 1.3.3.5 In addition to the method statement, the Applicant will also finalise the MMMP and UWSMS (in accordance with the outline MMMP (APP-207) and outline UWSMS (APP-202), respectively), based on the UXO ground-truthing and number and likely size and type of cUXO requiring clearance. The final MMMP and UWSMS will consider the Mona Offshore Wind Project's detailed design, other nearby project construction timelines, any development in the understanding of key environmental receptors and any developments in industry policy and guidance.
- 1.3.3.6 It is the Applicant's intention to consult with JNCC and NRW Advisory (NRW (A)) on the drafting of both the final MMMP and the final UWSMS before they are submitted to the licensing authority for approval. As described above, the formal approval process is set out within the dML and a similar process is expected to be set out in the NRW ML. UXO clearance activities will then take place shortly following the approvals of the final MMMP and UWSMS being confirmed. 1.3.2
- 1.3.3.7 The Applicant has committed to prioritising low noise clearance methods and using high order clearance only where necessary, in line with the Marine environment: unexploded ordnance clearance joint interim position statement (Defra, 2022). The UXO clearance hierarchy is secured in the MMMP which will be developed in accordance with the Outline MMMP (APP-207) and is secured within the deemed marine licence in Schedule 14, Condition 21 of the dDCO (C1 F05) and expected to be secured within the NRW ML. Schedule 2 of the dDCO (C1 F05) requires the Mona Offshore Wind Project to be constructed in accordance with the parameters assessed in the Environmental Statement. In addition, the final MMMP must be in accordance with the outline MMMP which provide the maximum number of UXO anticipated to be cleared. The Applicant, therefore, cannot clear greater than 22 UXO under the dML.

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In the unlikely event that the number of UXO requiring detonation is greater than 22 then an additional marine licence, or variation to the dML, would be applied for at that time.

1.3.4 Consideration of a separate ML (including for high order clearance only)

- 1.3.4.1 If UXO clearance is removed from the dML, the Applicant will be required to apply for a standalone ML for UXO clearance. The Applicant would anticipate applying for this standalone ML once the UXO ground-truthing surveys are complete. The information submitted with the standalone ML would be identical to that included in the UXO method statement and MMMP required under Condition 21 of the dDCO and consulted on with the statutory nature conservation body (i.e. JNCC). Whilst a separate ML application would be based on a more refined MDS, in terms of cUXO numbers to that considered in the Environmental Statement, the clearance methodology, location plan, clearance programme and MMMP in the ML application would contain the exact same information that will be provided through Condition 21 of the dDCO (C1 F05) and expected to be secured within the NRW ML. Additionally, whilst UXO ground-truthing would provide more certainty on the clearance methodology and ability to clear UXO with a low-order technique, the ability for high-order clearance would need to be retained should the attempt by low-order techniques fail. Therefore, the Applicant highlights that a separate ML would still rely on a MDS approach for UXO clearance that includes for high-order clearance as has been used in the DCO application.
- 1.3.4.2 The Applicant considers that high order UXO clearance needs to remain an option for the Project to ensure all necessary UXO clearance activities can take place without the need for separate consents to be sought and the potential for programme delay as a result of this. For this reason, high order clearance (alongside low order clearance) should continue to be included within the licenced marine activities within the dML of the dDCO.
- 1.3.4.3 Under the dDCO, the JNCC is a named consultee for the final MMMP and UXO clearance method statement in the same way as they would be consulted on a standalone ML. Therefore, the JNCC has the same level of engagement with the licencing authority and the Applicant if UXO clearance is consented through the dDCO and NRW ML as it would if it is consulted through a separate post-consent UXO clearance ML.
- 1.3.4.4 Further, the Applicant's commitment to developing the final MMMP and UWSMS in accordance with the outline MMMP (APP-207) and outline UWSMS (APP-202) would continue to be the method through which it would deliver appropriate mitigation for UXO clearance. The final MMMP and UWSMS will be developed taking account of the level of confidence in the assessment of UXO risk. The final MMMP and UWSMS will manage underwater sound levels associated with significant impacts from the Mona Offshore Wind Project, to reduce the magnitude of impacts such that there will be no residual significant effect.
- 1.3.4.5 Finally, the dDCO requires the licencing authority to approve the UXO method statement and final MMMP within four months of receiving them. This provides the Applicant and the Secretary of State with certainty that approval will not delay delivery of the Mona Offshore Wind Project. The standard approval time for marine licences is roughly 13 weeks however this is not guaranteed and may take significantly longer. This introduces risk to the delivery of the Mona Offshore Wind Project in the timeframes required to meet the UK governments ambition to generate 50 GW of clean, renewable energy from offshore wind by 2030.

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- 1.3.4.6 The Applicant considers that JNCC's concerns about the Project providing inadequate controls on UXO clearance are unfounded. It is clear that UXO surveys and UXO ground-truthing will allow the Project to identify all relevant information necessary to determine suitable clearance techniques for each UXO. Further, this information will be available for the development of the final MMMP and final UWSMS so those documents will be entirely tailored to the circumstances of the Project. The Applicant intends to consult with JNCC and NRW (A) during the development of the final MMMP and final UWSMS and those bodies will also be formally consulted through the discharges of Conditions 20 and 21, and as stated above it is expected that similar conditions will be applied to the NRW ML. Further, not only does condition 21 secure the approval of a final MMMP for UXO clearance but also a method statement for clearance (including high levels of detail around programme and clearance choices) and an offshore written scheme of investigation and protocol for archaeological discoveries.
- 1.3.4.7 The level of information which the Applicant is obliged to submit for approval, and for which the JNCC will be consulted on, is equivalent to that of a standalone marine licence application for that clearance. However, as the Applicant has already undertaken the assessment work necessary for that UXO clearance through the Environmental Statement there should be no other barriers to including the ability to clear UXO in the dDCO.
- 1.3.4.8 The Applicant has undertaken a robust assessment through its Environmental Statement and should be able to rely on that to deliver time-critical UXO clearance through the DCO process. On this basis, the Applicant does not consider that excluding UXO clearance entirely or in part from the dDCO and applying for a separate marine licence for UXO clearance activities to be necessary or reasonable.

1.3.5 Summary

- 1.3.5.1 To allow for a robust assessment of UXO clearance and inclusion of this licensable activity in the dDCO and NRW ML, the Applicant commissioned a site-specific study to establish the potential for UXO presence at the Mona Offshore Wind Project. Volume 2, Chapter 4: Marine Mammals (APP-056) and Volume 2, Chapter 3: Fish and shellfish ecology (APP-055) assessed the MDS of up to 22 x 907 kg UXOs to be cleared within the Mona Array Area and Offshore Cable Corridor and Access Areas.
- 1.3.5.2 The Applicant has committed to prioritising low noise clearance methods and using high order clearance only where low order clearance is not possible. The Applicant concluded that there is potential for an adverse significant effect for harbour porpoise as a result of injury from UXO clearance for both the project alone and cumulatively with other projects and plans. As such, the Applicant has committed to the development and implementation of an UWSMS to manage underwater sound levels associated with significant impacts from the Mona Offshore Wind Project, to reduce the magnitude of impacts such that there will be no residual significant effect.
- 1.3.5.3 The DCO regime, as set out within the Planning Act 2008, is designed to remove the need for Applicants for nationally significant infrastructure projects to obtain multiple consents from various authorities. The dML does not permit any UXO clearance activities to be undertaken without an UWSMS, a MMMP, a UXO method statement and an offshore written scheme of investigation and protocol for archaeological discoveries to be submitted to and approved in writing by the licencing authority in consultation with the statutory nature conservation body (i.e. the JNCC). UXO clearance activities are, therefore, considered adequately controlled through the

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measures set out in the dML and are expected to be secured as a similar condition in the NRW ML.

- 1.3.5.4 The Applicant cannot clear greater than 22 UXO under the dDCO. Should a greater number of UXO be recorded in the UXO investigation surveys and the Applicant considers that greater than 22 UXO need to be detonated then an additional marine licence would be applied for at that time.
- 1.3.5.5 The Applicant highlights that the UXO clearance method statement, MMMP and UWSMS would be finalised following UXO ground-truthing. However, whilst UXO ground-truthing would provide more certainty on the clearance methodology and ability to clear UXO with a low-order technique, the ability for high-order clearance would need to be retained should the attempt by low-order techniques fail. Therefore, the Applicant highlights that a separate ML would still rely on a MDS approach for UXO clearance that includes for high-order clearance as has been used in the DCO application
- 1.3.5.6 The Applicant does not consider that excluding UXO clearance entirely or in part from the dDCO and NRW ML and applying for a separate marine licence for UXO clearance activities to be necessary or reasonable. The Applicant has committed to suitable controls and has engaged with the JNCC on those throughout the Mona examination process. The Applicant would welcome further details from the JNCC on why they do not consider the approach taken is unsuitable or why the controls suggested are inadequate so the Applicant can seek to address those specific concerns.