



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: ORML2465

Natural Resources Wales

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

Dear Marc Murray,

Marine Licence Application - ORML2465 Llyr 1 Floating Offshore Wind Project

I am writing to advise you that the NRW Marine Licensing Team (MLT), on behalf of the Welsh Ministers, as the Licensing Authority, is in the process of determining your application, duly made submitted on 01 November 2024 for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.

In accordance with Part 4, Chapter 1, Regulation 67 (4) of the Marine and Coastal Access Act 2009, the MLT require further information to continue with the determination of the aforementioned application.

The consultation responses received during determination have been shared with you and you will note a number of concerns which should be addressed and/or clarified. It is strongly recommended that you review and look to respond accordingly to the points raised by the various consultees. It is strongly recommended that further engagement is sought with relevant consultees as you look to address comments made.

Specific attention is given to a number of clarification points and requests for further information below, of which many will need to be addressed before the marine licence process can progress further. However, please note that this list is not exhaustive, and reference should be made to all the consultee comments. A clear signposting document or matrix should be provided showing how requested information has been provided and each consultee comment has been considered and/or addressed.

Further Information Requested

1. National Security

Significant concerns have been raised by the Ministry of Defence (MoD) who have objected to the project. This is due to the export cable route running through Danger Areas D113A and D113B. Policy DEF_01 of the Welsh National Marine Plan (WNMP) states that *'consent for such proposals will only be granted where the MoD is satisfied that the proposal will not cause unacceptable risk to defence and national security interests'*, which includes the use of exercise areas.

Given the concerns raised by the MoD, we strongly recommend you discuss the comments made with them directly and provide evidence of a working position. Due to the Safeguarding policy DEF_01 of the WNMP, we would be unable to proceed if the MoD objection to the project remains.

2. Offshore

2.1 General comments

There are a number of inconsistencies across some of the application documents that require clarification and / or amendment. Such discrepancies potentially result in confusion as to the exact measures that have been assessed, and measures that are to be secured as part of the project mitigation/monitoring. It is important that all relevant documents are consistent and contain accurate reference to all proposed mitigation, monitoring and plans as described in the application documents, and intended to be secured. Further details of these inconsistencies are summarised below, but please ensure you also review the individual consultation responses.

2.2 Physical Processes

NRW Advisory (NRW A) have raised concerns and points of clarification regarding the method or approach to specific impact assessments which are summarised below. However, additional comments and clarification requests have been raised in their advice which we request you review and address in your response.

Horizontal Directional Drilling (HDD)

Further information and assessment of the construction phase for the HDD exit pits is required. Clarification is sought regarding details of the construction methods that impact the assessment, such as the proposed material planned to be left on the seabed post-construction. NRW A also indicates that there are potential impacts to waves and currents during the construction phase of the HDD exit pits and that this should be assessed on its own, independently from the operation and maintenance assessment. NRW A requests evidence that a 3 m depth is sufficient for HDD exit pits to remain buried without the requirement for additional cable protection throughout the operation and maintenance phase, taking into consideration the impacts of storm events over the lifetime of the project. If there is a possibility that

the HDD exit pits could become exposed, the MLT seeks clarification on the proposed plans or mitigation measures that would be used.

Modelling Parameters

NRW A have stated that insufficient information has been provided with respect to the methodology of the empirical modelling approach applied. NRW A request a methodology statement or technical note, outlining the details of the proposed project-specific assumptions used in the empirical Suspended Sediment Concentration (SSC) plume model. Without an understanding of the hydrodynamic and sediment characteristics applied to the model, NRW A cannot appropriately assess the SSC impact and the environmental assessments based on the modelled results.

Worst-case Scenario

NRW A notes that there are inconsistencies in the reporting of project design details, for example, in relation to the location for the HDD exit pits or the impacts associated to the export cable protection around Turbot Bank. NRW A have concerns that the worst-case scenario may not have been assessed and therefore clarification is sought on this matter.

Cumulative Impact Assessment

NRW A considers that further assessment is needed in relation to: the cumulative impact assessments of the SSC plume generation, the potential secondary impacts to hydrodynamics and sediment transport processes as a result of cable protection measures and sand wave levelling activities during construction, maintenance and operation phases.

2.3 Benthic Subtidal and Intertidal Ecology

Worst-case Scenario

NRW A request that the potential impact pathway of the Offshore Export Cable Corridor (OfECC) intersecting and impacting the Pembrokeshire Marine SAC Annex 1 Reef Feature is included in the assessments as this is a realist worst-case scenario. Nevertheless, NRW A agrees that the proposed mitigation will allow the avoidance of adverse effect on the integrity of the Pembrokeshire Marine SAC Annex 1 Reef feature, e.g., additional post-consent surveys proposed as part of the Cable Specification and Installation Plan and Cable Burial Risk Assessment, and the subsequent careful placement of the articulated cable in sensitive areas.

Decommissioning

The Joint Nature Conservation Committee (JNCC) points out that the impacts of decommissioning should be considered at this stage to understand the effects of the totality of the project and refers you to the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future. Please ensure these comments are reviewed and addressed in your response.

Additional comments and clarification requests relating to benthic ecology have been raised by NRW A and JNCC in their responses. Please ensure these comments are reviewed and addressed in your response.

2.4 Marine Water and Sediment Quality (MW&SQ)

NRW A are satisfied that appropriate impact pathways have been accounted for and that the relevant aspects of the marine environment have been assessed for impact. However, minor comments and clarification requests have been raised by NRW A in their response. Please ensure these comments are reviewed and addressed in your response.

2.5 WFD: Coastal and Transitional Water Bodies

Water Bodies

NRW A considers that Pickleridge Lagoon should be screened into the WFD assessment.

Protected Areas

NRW A considers that Lower Cleddau Shellfish Water Protected Area should be included in the WFD Compliance Assessment as it falls within the Zone of Influence. NRW A also advise that Marloes Sands, Dale, Sandy Haven, West Angle and Freshwater West Bathing Waters are included in the assessment and considered accordingly. Furthermore, Broadhaven South and Barafundle Bathing Waters should be considered for inclusion in the assessment.

Physical Processes

The WFD compliance assessment should be updated in line with the required changes on the evaluation of impacts around the HDD exits pits mentioned in section 2.2.

Water Quality

NRW A advise that further information is needed on the mitigation of potential effects of accidental bentonite breakout (e.g., increase turbidity and associated effects) on bathing waters during HDD operations. NRW A request that this is considered as part of a Bathing Water Mitigation Plan which will require approval post consent prior to works taking place on the foreshore and in the nearshore.

2.6 Fish and Shellfish

Sandeel and Herring

NRW A agrees that the proposed development alone will not cause significant adverse effects on fish receptors. However, NRW A raises concerns with regards to the potential in-combination impacts to sandeel and herring, and advise that quantification of the impacted areas of sandeel habitat and herring spawning is assessed (from construction and disturbance impacts from piling). This should be

carefully considered and robust relevant justification and/or additional information provided.

A series of additional comments and clarification requests have been raised by NRW A in their response. Please ensure these comments are reviewed and addressed in your response.

Baseline Environment

Concerns were also raised by National Federation of Fishermen's Organisations (NFFO) and the Welsh Fishermen's Association (WFA) with many of the data sources used to characterise the baseline environment within Chapter 20 of the Environmental Statement (ES). Please ensure these comments are reviewed and addressed in your response.

2.7 Marine Ornithology

Cumulative Impact Assessment

NRW A and JNCC are largely satisfied with the assessments carried out relating to ornithology. However, concerns have been raised by both NRW A and JNCC with regards to the cumulative and in-combination impact assessment. It is considered that additional work is needed on the cumulative and in-combination assessments. The cumulative and in-combination assessment should consider impacts from relevant projects within the population or the foraging range of the relevant bird features. NRW A refer you to the figures in the Mona deadline 7 submission. Please see detailed comments in section 1.7.2.6 of NRW A response for more information.

Additional comments and clarification requests have been raised by NRW A and by JNCC in their responses. Please ensure these comments are reviewed and addressed in your response.

Protected Sites

Please note that Royal Society for the Protection of Birds (RSPB) has objected to the project due to the potential damaging impacts on the populations of Gannets, Guillemots and Manx Shearwaters of nearby protected sites. This should be carefully considered and robust relevant justification and/or additional information provided.

2.8 Marine Mammals

Marine Mammal Mitigation Plan (MMMP)

NRW A and JNCC have concerns that the Report to Inform Appropriate Assessment (RIAA) and the EIA is overly reliant on the MMMP as well as the Construction Environmental Management Plan (CEMP), to avoid conclusions of significant impact for the project alone, cumulatively and in-combination. The current outline MMMP only provides an overview for mitigation. As such, NRW A are unable to agree with the overall conclusions of the assessments until more

information on the mitigation measures are provided. Detailed comments have been made on the MMMP throughout the response from JNCC and NRW A. Please ensure these comments are reviewed and addressed in your response.

Report to Inform Appropriate Assessment (RIAA)

JNCC and have concerns with some of the information presented in the RIAA. JNCC disagree with the decision to scope out certain impact pathways for both the project alone and in-combination. Particularly, barrier effects from mooring lines and cables between platform and anchors, and entanglement with mooring lines and cables. In addition, JNCC have stated that the adverse effect due to noise disturbance within the sites has not been assessed correctly.

Effective Deterrent Ranges (EDRs)

JNCC and NRW A acknowledge your response to the fitness check in relation to the use of applying EDRs; however, they state that these have not been presented or used correctly.

Piling Duration

The worst-case scenario for impact piling duration assessed does not reflect what has been described for the proposed project. The design envelope describes the worst-case scenario of days piling as 20 days, whilst the worst-case scenario for impact piling assessed for marine mammal disturbance in the ES and the RIAA is for a maximum duration of 10 days. The project design envelope should be the level assessed for disturbance assessment; therefore, please confirm and assess the worst-case scenario for days of piling forming the project design. Additional points of clarification have been raised by NRW A relating to piling duration and are detailed within their response, please ensure these are reviewed and addressed within your response.

Noise and Disturbance

JNCC and NRW A have concerns with the assessment of magnitude of impact as no impact to the population (number of individuals) has been considered. Furthermore, noise impact assessment should be considered as a multiple event, as all the activities assessed will occur multiple times during the project.

JNCC considers that cumulative sound exposure levels (SELcum) together with the sound pressure level are best practice and further justification is needed to justify an alternative approach to determine mitigation requirements to reduce the risk of auditory injury. Furthermore, JNCC considers that noise abatement technology or the use of acoustic deterrents should be included as an option in the outline MMMP given some of the predicted injury ranges using the SELcum metric.

NRW A raises numerous concerns regarding the Underwater Noise Impact Study and requires clarification on M-weightings, logarithmic spreading model, magnitude criteria and piling among others. Please ensure these clarification requests are reviewed and addressed in your response.

NRW A consider the impact from individually smaller disturbance events (e.g. vessel noise) is being overlooked and underestimated due to a lack of consideration of the potential effects of repeated disturbance events over a long period on the same population. The assessment conclusions appear to have been based on numbers disturbed from fixed points in time only.

NRW A have noted that the Interim Population Consequences of Disturbance (iPCoD) modelling has not been carried out for disturbance of the bottlenose dolphin. NRW A disagree with the approach of using a disturbance threshold of 1% as a trigger for requiring iPCoD modelling of the population. Please ensure these comments are reviewed in full and addressed in your response.

Additional comments and clarification requests relating to noise and disturbance have been raised by NRW A and by JNCC in their responses. Please ensure these comments are reviewed and addressed in your response.

Entanglement

The impact of entanglement (primary and secondary) is considered minor/negligible based on mitigation and monitoring. However, JNCC and NRW A have concerns that the outline MMMP does not propose potential mitigation methods. JNCC and NRW A considers that the potential methods that could be applied to reduce the risk of entanglement should be included in the outline MMMP for assessment of their feasibility.

Cumulative Impact Assessment

NRW A have raised concerns that there are inconsistencies with respect to the cumulative effects assessments and that a review of the projects screened into the cumulative effects and in-combination assessments is needed ensuring consistency across receptors with similar impact pathways.

3. Onshore

3.1 European Protected Species Terrestrial

NRW A consider the assessment is insufficient in relation to impacts on bats, otters and dormice. There is not sufficient information in the ES to confirm there will be no detrimental impact to these species and the conservation status of their populations. Please ensure the comments made by NRW A are reviewed and addressed in your response.

3.2 Designated Landscapes

Concerns have been raised by NRW A that there has been the underestimation of some seascape and visual effects on receptors within the National Park. Further consideration is required regarding impacts to seascape views and also impacts of night-time lighting.

NRW A does not agree with the approach taken for the Seascape, Landscape and Visual Impact Assessment. NRW A considers that the effects have been under reported due to issues in the methodological approach as follows:

- the sensitivity or susceptibility of receptors is underestimated with insufficient evidence provided;
- the outcome of the assessment is lessened when combining judgement factors (e.g. high sensitivity and small magnitude of change should result in moderate rather than minor adverse effect)
- there is a lack of consideration of sensitivity differences when calculating the outcome of the assessment (e.g., high and low sensitivity receptors combined with small magnitude of change resulting in the same overall minor effect).

Further detail is described within NRW A response along with additional comments and clarification requests. Please ensure these comments are reviewed and addressed in your response.

4. Shipping and Navigation

Responses were received from the Maritime Coastguard Agency, Trinity House and the UK Hydrographic Office. Numerous conditions have been requested to be attached to the licence, which includes the requirement to submit the following:

- Aids to Navigation Management Plan
- Cable Specs Installation and Monitoring Plan
- Emergency Response Co-operation Plan

These will need to be submitted for approval prior to commencement of any Licensed Activities. The MLT ask that you review their responses in order to ensure you can comply with the requested conditions and address any comments they have raised.

Following the removal of Llyr 2 from the application, and the realignment of Llyr 1 to be in keeping with the flow of navigational traffic, The Chamber of Shipping has stated that most of their concerns have been allayed. However, they have made comments on the Navigational Risk Assessment which you should address in your response.

The Royal Yachting Association has no objections to the project, however they have stated that the standard minimum blade tip clearance from the sea is set at 22m. There are inconsistencies in the ES between the 22m clearance being above Mean High Water Springs (MHWS) or Mean Sea Level (MSL). The proposal should ensure that the 22m clearance is maintained under all conditions for a floating structure.

5. Aviation and Radar

The proposed development has been examined by technical and operational safeguarding teams within NATS and have deemed that the impacts to Aviation and Radar to be unacceptable. Please review the response from NATS carefully, and if

necessary, engage with them directly, prior to providing your response. You may also wish to discuss this matter with the Civil Aviation Authority.

6. Commercial Fisheries

The NFFO and the WFA have provided a joint response on the impacts to commercial fisheries. They have raised specific concerns in the reduction or loss of access to established fishing grounds as well as the reduction in, or temporary loss of access to, established fishing grounds and displacement due to gear conflict. Please ensure these comments are reviewed and addressed in your response, including clarification on how the assessment of a complete exclusion from an area for the lifetime of the project changes the conclusions of the ES.

The NFFO and WFA welcome the commitment to the development of a Fisheries Liaison and Co-Existence Plan; however, they have concerns about the specific mitigation that will be included. We would advise that you produce and submit an outline Fisheries Liaison and Co-Existence Plan to address these concerns raised, given that it is their position that fisheries cannot co-locate with floating offshore wind farm developments.

7. Archaeology and Cultural Heritage

Since the cable export area has changed since the original survey work was completed, there is a section of the route for which survey and archaeological appraisal has not yet been undertaken. You may wish to consider carrying these surveys out prior to the licence being determined to ensure there is a suitable route to lay the cable within the corridor being applied for. Responses were received from Cadw, Welsh Archaeological Trust (Dyfed) and the Royal Commission on the Ancient and Historical Monuments of Wales who have requested numerous conditions to be attached to the licence. This includes the requirement to update and submit the following:

- Archaeological Exclusion Zones
- Protocol for Archaeological Discovery
- Written Scheme of Investigation

These will need to be submitted for approval prior to commencement of any Licensed Activities.

Please review their responses in order to ensure you can comply with the requested conditions and address any comments they have raised.

Once the above and the individual consultee responses have been reviewed, we strongly recommend you engage directly with the relevant consultee prior to providing your response.

When providing your response, we recommend you provide an addendum which clearly demonstrates how each point above and within the consultation responses has been addressed/responded to. Where documents require updating, we would also expect you

to submit a clean and track changed copy of the relevant document. We also request that an updated document list (continuation sheet 2) is submitted with the further information.

Please provide the information requested above within **6 weeks**, this date being **28 March 2025**. If the MLT has not received this information by this date, application ORML2465 will be treated as having been withdrawn. Please contact the MLT as soon as possible if additional time will be required to collate the necessary information.

Please note that further information must be publicised in accordance with the requirements stipulated in Regulation 16 of the Marine Works (Environmental Impact Assessment) (EIA) Regulation 2007 (as amended). Therefore, once the information is received by the MLT, you will be provided with a public notice to publish at your own expense in the same newspapers as the project was previously publicised. The public notice must be placed twice in the same publication a week apart. e.g., 1st notice published on a Tuesday, must be published on the following Tuesday in the same newspapers, with the 42 days starting from the first notice.

In the meantime, should you have any queries please do not hesitate to contact the MLT on marinelicensing@cyfoethnaturiolcymru.gov.uk.

Yours sincerely

Joe Thomas

Marine Licensing Team
Natural Resources Wales