

Dyddiad/Date: 21 May 2025

Er sylw / For the attention of: **Peter Morrison – Lead Specialist Officer, Marine Licensing**
By email: peter.morrison@cyfoethnaturiolcymru.gov.uk
Cc: marinelicensing@cyfoethnaturiolcymru.gov.uk

Annwyl / Dear Peter,

MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING

ORML2429T: Marine Licence Application for works associated with the construction and maintenance of the Transmission Assets of the Mona Offshore Windfarm project located in the East Irish Sea

Thank you for re-consulting Natural Resources Wales Advisory (NRW (A)) on the Marine Licence application for the works associated with the construction and maintenance of the Transmission Assets of the Mona Offshore Windfarm, as per your consultation letter and email dated 30 April 2025.

NRW (A) welcomes the information provided by the Applicant and NRW MLT. The following advice is offered by NRW (A) to assist NRW MLT in reaching a view on the significance of the works in relation to the following legislation:

- European Sites in the context of Regulation 63 of the Conservation of Habitats and Species Regulations 2017
- European Protected Species in the context of Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2017
- Section 7 species and habitats, and Biodiversity Duty, in the context of the Environment (Wales) Act 2016
- Marine Conservation Zones in the context of Section 126 of the Marine and Coastal Access Act Part 5: Nature Conservation, and;
- The EU Water Framework Directive (Directive No. 2000/60/EC)
- Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000

The statutory purpose of NRW is set out by the Environment (Wales) Act 2016. In the exercise of its functions NRW must pursue sustainable management of natural resources in relation to all of its work in Wales and apply the principles of sustainable management of

natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty (in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015) is to carry out sustainable development. This means, in general terms, looking after air, land, water, wildlife, plants, and soil to improve Wales' well-being, and provide a better future for everyone. NRW are also advisors to the Welsh Government on the natural heritage and resources of Wales and its coastal waters.

NRW is also an Appropriate Nature Conservation Body (ANCB) under the Conservation of Habitats and Species Regulations 2017.

NRW's submissions to the Mona application are therefore provided in the context of NRW's statutory purpose, functions, powers and duties. For the avoidance of doubt, the advice and comments provided in this response relate to NRW in its capacity as advisor and / or consultee.

We note NRW MLT's position with respect to deferral of the Environmental Impact Assessment (EIA) consent decision to the Secretary of State for Energy, as part of the determination processes for a Development Consent Order (DCO) under the Planning Act 2008. NRW (A) has engaged extensively with the Applicant and Planning Inspectorate (PINS) Examination process for the Mona Offshore Windfarm where we have provided comments on additional aspects of the EIA and HRA.

NRW (A) considers it helpful to draw NRW MLT's attention to NRW (A)'s Written evidence submitted to PINS as part of the DCO examination process. We advise that NRW MLT reads this consultation response in conjunction with the written responses that have been provided in to the DCO examination for the project. All responses can be found at the PINS website [here](#). This response should also be considered alongside our previous responses to the initial ML consultation on the Mona Transmission Assets dated 29 August 2024 and 04 March 2025.

Overall, NRW (A) considers that the application, as submitted, has addressed the majority of the key issues identified throughout the DCO examination process and the Marine licensing process. We welcome the work undertaken by the Applicant to resolve issues and to proactively work with NRW (A). However, there are some minor outstanding matters which would benefit from further consideration by the Applicant. These matters are explained herein. NRW (A) will continue to work with the Applicant on all relevant project matters as required and post-consent.

Please note that the comments provided herein are made without prejudice to any further comments /advice we may wish to make in relation to this application and related future consultations whether in relation to the Environmental Statement (ES) and associated documents, or other evidence and documents provided by Mona Offshore Wind Limited ('the Applicant'), NRW MLT, or other key stakeholders. They are also made without prejudice to any (further) advice NRW (A) may need to give, or decisions NRW (A) may need to take, in a project specific context should different circumstances or new information emerge that NRW (A) will need to take into account.

Please do not hesitate to contact Emma Lowe (emma.lowe@cyfoethnaturiolcymru.gov.uk), Nia Phillips (Nia.Phillips@cyfoethnaturiolcymru.gov.uk) and Siôn Williams

(Sion.M.Williams@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding this consultation response.

Yn gywir / Yours sincerely,

A handwritten signature in dark ink, appearing to read 'A Winterton', written in a cursive style.

Andrea Winterton
Marine Services Manager
Natural Resources Wales

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1 MARINE ORNITHOLOGY

1. NRW (A) are content that in regard to Marine Ornithology, the Applicant has addressed all outstanding concerns and have no further comments to make.
2. As we have not yet been presented with an updated Habitats Regulations Assessment (HRA), we wish to reiterate that our comments previously provided in reference to the assessment in our submission dated 04 March 2025, still stand.

2 MARINE MAMMALS

3. NRW (A) note that whilst most comments have largely been addressed by the Applicant, there remain minor unresolved matters regarding the previously requested update to Volume 2, Chapter 4: Marine mammals.

Underwater Sound Management Strategy (UWSMS) and Marine Mammal Mitigation Protocol (MMMP)

4. NRW (A) welcomes the changes made to the project design envelope for Unexploded Ordnance Device (UXO) clearance as well as the reference to the new policies.
5. *Outline Underwater Sound Management Strategy, 1.1.1.3 and 1.1.1.4:* We welcome the Applicant's commitment to developing the Outline UWSMS in line with the most recent policy paper from Defra, noting that as per the [decision report of 6th March 2025](#) Welsh Government has agreed to develop a policy position on managing Marine Noise in-line with the similar policy position in England. Therefore, while the Defra 2025 policy does not currently apply within Welsh waters, this is likely to change in future, and will therefore require consideration by the Applicant.
6. While we welcome the Applicant's commitment to align the Joint Position Statement on UXO clearance (Defra et al 2025), by noting their commitment to the use of low order clearance as default in the UWSMS (e.g. 1.1.1.8, page 2) – we consider that there are still some differences in the language used / level of commitment used in other sections of the UWSMS and MMMP that would benefit from reviewing / rewording.
 - E.g. Par 1.6.2.7, page 20 of the UWSMS : *“Furthermore, the Applicant will not know what condition a UXO is in until it is investigated through the pre-construction site investigation surveys. Therefore, whilst the use of low order techniques is a potentially viable solution for clearance of UXO, (as per the UXO Position Statement), it is not possible to make a commitment to using them at this stage as it will not be known whether low order clearance is a feasible option until these surveys have been completed.”*
 - E.g. Par 1.4.3.2, page 13 – 14 of the MMMP: *“Therefore, where clearance of UXO is required (i.e. avoidance is not possible) the use of low order UXO clearance will be adopted where feasible and therefore clearance of UXO using low order techniques has been considered as a potential primary mitigation.”*

7. We note that the Morgan and Morecambe projects have agreed to an inclusion of a condition relating to the UWSMS that notes that: *“Where driven or part-driven pile foundations are proposed to be installed, the underwater sound management strategy submitted under sub-paragraph (1) must include details of the noise reduction measures or noise abatement system (or both) that will be utilised to manage sound from those piling activities.”*. Whilst we recognise that the development of, and adherence to, a UWSMS is committed to by the Applicant, we encourage the Applicant to also consider the above in further developing the UWSMS.

Mona Responses to Further Consultation document

8. Paragraphs 25 – 27: In our previous responses throughout the examination and Marine Licencing processes we provided our advice and opinion with respect to elevated underwater sound due to vessel use, along with our opinion on the appropriateness of presenting number of animals disturbed by repeated events from a moving vessel source based on a static impact radius.
9. In response, the Applicant has stated that they *“were not aware that NRW (A) were seeking an update to Volume 2, Chapter 4: Marine mammals (F2.4 F02) and does not consider that this clarification merits an update to Volume 2, Chapter 4: Marine mammals (F2.4 F02) as it would not alter the outcome of the assessment”*. However, in paragraph 26 of our further consultation response NRW(A) stated that:

Per DCO deadline 6 submission [REP6-071] *“Mona and Natural Resource Wales (Advisory) Offshore SoCG F02 S_D1_12 F02 dated 20 December 2024, issue number NRW.MM.15 and DCO deadline 7 submission REP7-094 “Mona and Natural Resource Wales (Advisory) Offshore SoCG (F03) S_D1_12” dated 14 January 2025 “the Applicant agreed to include a clarification that the static radius approach used is a conservative assumption for a single point in time for a single vessel. Given this compromise, and the fact that the conclusions of the assessment are agreed, we can consider this matter closed. ”*

10. In addition, per Par 45 of DCO deadline 5 submission [REP5-098] we had previously stated:

“We acknowledge the Applicant’s response, and note that this issue was discussed at a meeting on Friday 8 November 2024, where it was agreed that for the purposes of the Statement of Common Ground (SoCG), the position status of this matter would be noted as “not agreed – no material impact,” with the Applicant agreeing to clarify that the estimates of the number of animals disturbed represent a conservative estimate at a single point in time from a single vessel (i.e. “a snapshot”).”

11. Furthermore, we note that the request for the clarification was not contingent on the outcome of the assessment, but rather on providing clarity and accuracy to future projects drawing down information from the Mona Environmental Statement (ES). As outlined in our Par 47 of our DCO deadline 5 submission [REP5-098]: *“however, we advised that the Applicant needed to be clear in the assessment that the estimate was a snapshot at a single point in time, otherwise it would be inaccurate to state that e.g. 0.02% of the harbour porpoise Management Unit (MU) will be disturbed, particularly so that future projects drawing down information from the Mona Offshore Windfarm ES application have access to the correct information.”* We therefore do not agree that the

Applicant was not made aware that NRW (A) were seeking an update to Volume 2, Chapter 4: Marine Mammals, nor that this clarification does not merit an update. As noted in our previous submissions to NRW MLT (most recently on 04 March 2025), whilst ideally this would be an amendment to the ES chapter, if this was not feasible, the amendment could be in the form of a short errata document. Finally, we note that updates to the relevant ES chapters regarding this issue were made by both the Morgan and Morecambe OWF projects.

3 FISH AND SHELLFISH

12. NRW (A) is content with the changes in the updated MMMP [J21, F03] in so far as they relate to fish. We therefore have no further comments.

Additionally, please refer to paragraph 5 above.

13. We are content with the updates made to the outline UWSMS (J16, F03) with regard to fish. We therefore have no further substantial comments at this stage.
14. In developing the UWSMS (J16, F03) post-consent, for ease of review we consider that it would be helpful if the Applicant amended the flow diagram at Figure 1.2 (*UXO programme of works*, page 20), clearly reflecting the hierarchy of clearance, highlighting the clearance process of three attempts at low order, before progressing onto applying for high order detonation. We acknowledge that this is stated within the text however we suggest that updating the diagram would be useful.
15. We have no further comments on the document titled Responses to Further Consultation (S_NRWML_11).

4 ALL OTHER OFFSHORE AND ONSHORE RECEPTORS

16. NRW (A) have no further comments or points to raise with regard to all other receptors.