From:	[redacted]
To:	Mona Offshore Wind Project
Cc:	[redacted]
Subject:	Deadline 6 - JNCC Responses for submission under Deadline 6 - IP 20048439
Date:	20 December 2024 13:58:25
Attachments:	image001.png JNCC response to Benthic Mitigation and Monitoring IP 20048439.pdf JNCC response to Cumulative and Incombination IP 20048439.pdf JNCC response to MMD to MMs and Rafting Birds IP 20048439.pdf JNCC response to Submission 5 Docs Relating to MMs IP 20048439.pdf

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Dear Sir/Madam,

Please find attached JNCC's responses (four attachments) to:

- Cumulative and In-Combination Assessments (Ornithology)
- JNCC response to Deadline 5 submissions relating to marine mammals
- Measures to Minimise Disturbance to Marine Mammals and Rafting Birds
- Update to Benthic Mitigation and Monitoring

Kind regards,
Richard

[redacted] | **Offshore Industries Adviser | JNCC**
Inverdee House, Baxter Street, Aberdeen, AB11 9QA | [redacted]@jncc.gov.uk | Tel: [redacted]
Working pattern: Monday to Friday
Website **X/Twitter** **Facebook** **LinkedIn**

[redacted]

Office: Quay House, 2 East Station Road, Fletton Quays, Peterborough, PE2 8YY
https://jncc.gov.uk/

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

Application by Mona Offshore Wind Limited for an Order Granting Development Consent for the Mona Offshore Wind Farm (Ref. EN01037)

Submission for Examination

Deadline 6

20 December 2024

Joint Nature Conservation Committee (JNCC):

JNCC response to the Cumulative and In-Combination Assessments (Ornithology)

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

1 Summary

We agree with the Applicant's conclusions regarding the significance of impacts at a cumulative scale to all species besides great black-backed gull. For great black-backed gull we are unable to rule out a significant adverse impact cumulatively. We agree with the Applicant's conclusions regarding no Adverse Effect on Integrity (AEoI) in-combination to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro Special Protected Area (SPA). We strongly recommend that the information informing the updated cumulative and in-combination assessments are brought together in one place for clarity and accessibility for future projects.

In giving this advice we have reviewed the following documents alongside previous submissions by the Applicant:

- Offshore ornithology additional supporting in-combination assessment information in line with SNCB advice (REP5-074)
- Offshore Ornithology Additional Supporting Cumulative Assessment Information in line with SNCB Advice (REP5-075)

2 Updating the Environmental Statement (ES) and the Habitats Regulations Assessment (HRA) documents

We note that the predicted abundances and collision estimates for each offshore wind project included in the cumulative and in-combination assessments are now located across multiple documents:

- Figures for projects with quantitative data available from their submissions are included in the updated 'Offshore Ornithology ES Chapter' REP4-007
- Figures for the gap-filled historical projects are available in the 'Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Technical Note' REP4-028
- Updated figures for Morgan Generation and Morecambe Generation Assets are included in Table 1-1 of REP5-075
- Figures included for Llŷr 1 are located in the relevant species tables within REP5-075;
- The updated figures for Burbo Bank Extension and TwinHub for herring gull and lesser black-backed gull respectively are located in Tables 1-17 and 1-18 of REP5-075, respectively.

We would therefore strongly recommend that by the end of the examination the Applicant either: submits updated Offshore Ornithology chapters that includes full cumulative and in-

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

combination abundance and collision tables including the quantitative impacts for each project in the cumulative and in-combination assessments, or alternatively a standalone Environment Impact Assessment (EIA) cumulative document and a HRA in-combination document that brings all of this information, project by project, together for each species. This is in order to bring all the numbers into the cumulative and in-combination assessments into one place that is readily and easily accessible for future projects to utilise this information.

3 Approaches taken

We thank the Applicant for providing updated cumulative and in-combination assessments incorporating all Statutory Nature Conservation Bodies (SNCB) advice.

We agree with the approach taken in REP5-074 and REP5-075 to the consideration of projects which have submitted consent applications since the in-combination assessment for the Mona Offshore Wind Project was undertaken (namely Morgan Generation Assets, Morecambe Generation Assets, and Llŷr 1 Floating Offshore Wind Farm).

We agree with the approach taken in REP5-074 to age-class proportions during the breeding season.

4 Cumulative assessment

We provide our conclusions regarding the EIA cumulative assessment on each relevant species below.

4.1 Atlantic puffin

The predicted 648 mortalities annually (displacement at 70% displacement and 10% mortality) due to the project alone represents a 0.25% increase in baseline mortality. Therefore, we agree with the conclusion of a minor adverse impact, even under the worst-case impact scenario.

4.2 Black-legged kittiwake

The predicted cumulative 2,346.10 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 162.87 mortalities annually, represents a 1.65% increase in baseline mortality. The Population Viability Analysis (PVA) suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.997. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions, even under the worst-case impact scenario. Therefore, we agree with the conclusion of a minor adverse impact.

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

4.3 Common guillemot

The predicted cumulative 7,799 mortalities annually (displacement at 70% displacement and 10% mortality), of which Mona contributes 558 mortalities annually, represents a 5.15% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.992. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions, even under the worst-case impact scenario. Therefore, we agree with the conclusion of a minor adverse impact.

4.4 Manx shearwater

The predicted cumulative 2,491 mortalities annually (displacement at 70% displacement and 10% mortality), of which Mona contributes 89 mortalities annually, represents a 1.05% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.997. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions, even under the worst-case impact scenario. Therefore, we agree with the conclusion of a minor adverse impact.

4.5 Northern gannet

The predicted 860.87 mortalities annually (collision and displacement at 80% displacement and 10% mortality) due to the project alone represents a 0.674% increase in baseline mortality even under the worst-case impact scenario. Therefore, we agree with the conclusion of a minor adverse impact.

4.6 Razorbill

The predicted cumulative 1,394 mortalities annually (displacement at 70% displacement and 10% mortality), of which Mona contributes 176 mortalities annually, represents a 1.34% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.997. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions, even under the worst-case impact scenario. Therefore, we agree with the conclusion of a minor adverse impact.

4.7 Great black backed gull

As previously stated, we are unable to rule out a significant adverse impact on great black-backed gull from cumulative collision mortality at an EIA scale (REP4-098). The Applicant has subsequently incorporated the Llŷr 1 Floating Offshore Wind Farm, updated abundance and collision estimates for the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Wind Farm: Generation Assets, and removed the collision estimates from the West of Orkney Offshore Wind Project. This now results in 163.51 annual mortalities cumulatively (REP5-075), compared to 162.87 annual mortalities submitted at

Joint Nature Conservation Committee

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

Deadline 3 (REP3-044), on which we based our conclusion of significant adverse impact (REP4-098). The predicted cumulative 163.51 mortalities annually, of which Mona contributes 4.83 mortalities annually, represents a 9.70% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.990. For the reasons stated in REP4-098 we do not agree with the conclusion of a minor adverse impact. We are unable to rule out a significant adverse impact.

4.8 Herring gull

The predicted 293.24 mortalities annually due to the project alone represents a 0.790% increase in baseline mortality. Therefore, we agree with the conclusion of a minor adverse impact.

4.9 Lesser black-backed gull

The predicted cumulative 291.17 mortalities annually, of which Mona contributes 1.92 mortalities annually, represents a 1.00% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.999. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions. Therefore, we agree with the conclusion of a minor adverse impact.

5 In-combination assessment

We note that the Applicant has updated the population estimates used in the in-combination assessment (REP5-074, Section 1.4.1) to the most recent counts, which for all species considered except Manx shearwater are counts from 2024. Whilst we appreciate this represents the most up to date information on populations at relevant colonies, they are not contemporaneous with the baseline surveys carried out in order to calculate estimated mortalities. It is important to use contemporaneous data in order to be comparing like-for-like impacts against populations. This is particularly crucial should there be a large change in the population at a colony after baseline surveys being carried out. For instance, the Highly Pathogenic Avian Influenza (HPAI) outbreak caused large numbers of mortalities in 2022 and 2023. Northern gannet at Grassholm were particularly severely affected, with a 52% reduction in nesting pairs from 2022 to 2023 (Johnstone *et al.*, 2022). This is reflected in Seabird Monitoring Programme counts showing 78,584 adults in 2009 and 72,022 in 2015, then just 32,964 in 2023 and 39,398 in 2024. Therefore, comparing mortalities associated with offshore wind farm development calculated using data collected pre-HPAI against colony counts post-HPAI is not appropriate, and is likely to overestimate relative impacts. Therefore, we recommend the most contemporaneous colony counts to baseline surveys are used within impact assessments. Having said that, using the most recent colony counts doesn't make a substantial difference to the results of the in-combination assessment with

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

regard to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA compared to using contemporaneous colony counts. Therefore, whilst we would not recommend the most recent colony counts in favour of contemporaneous colony counts, we do remain in agreement with the Applicant's in-combination assessment of Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA.

The relevant seabird features of Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA are:

- European storm petrel
- Manx shearwater
- Atlantic puffin
- Lesser black-backed gull
- Seabird assemblage

In summary, our conclusions on Likely Significant Effect (LSE) and Adverse Effect on Integrity (AEoI) to each feature in Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA are presented in the table below.

Feature	**LSE concluded?**	**AEoI concluded?**
European storm petrel	No	N/A
Manx shearwater	Yes	No
Atlantic puffin	Yes	No
Lesser black-backed gull	Yes	No
Seabird assemblage	Yes	No

We provide further detail on our conclusions regarding LSE and AEoI to each feature below.

5.1 European storm petrel

We agree with Table 1.68 of the HRA Stage 1 Screening (REP2-012) that there is no Likely Significant Effect to European storm petrel.

5.2 Manx shearwater

The predicted in-combination 1561.38 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 66.14 mortalities annually, represents a 1.32% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

Counterfactual of Growth Rate is 0.998. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions. Therefore, we agree with the conclusion that AEoI from the project alone and in-combination with other Plans and Projects can be ruled out, even under the worst-case impact scenario.

5.3 Atlantic puffin

We agree with the information provided in Sections 1.5.1.3 to 1.5.1.4 of REP4-030 which, through the calculation of more than 0.0 apportioned mortalities (REP4-030, Table 1-8), the Applicant has effectively concluded a Likely Significant Effect to Atlantic puffin. We consider that AEoI from the project alone can be ruled out on the basis that these mortalities constitute less than a 1% increase in baseline mortality (REP4-030, Table 1-8). We also consider that AEoI from the project in-combination with other Plans and Projects can be ruled out for these SPAs on the basis that these mortalities constitute less than a 0.05% increase in baseline mortality (REP4-030, Table 1-8), even under the worst-case impact scenario.

5.4 Lesser black-backed gull

We agree with the information provided in Sections 1.5.2.13 to 1.5.2.15 of REP4-030 which, through the calculation of more than 0.0 apportioned mortalities (REP4-030, Table 1-17), the Applicant has effectively concluded a Likely Significant Effect to lesser black-backed gull. We consider that AEoI from the project alone can be ruled out on the basis that these mortalities constitute less than a 1% increase in baseline mortality (REP4-030, Table 1-17). We also consider that AEoI from the project in-combination with other Plans and Projects can be ruled out for these SPAs on the basis that these mortalities constitute less than a 0.05% increase in baseline mortality (REP4-030, Table 1-17).

5.5 Seabird assemblage

Seabird assemblage with an estimated 394,260 individuals in total at designation, and the main components are razorbill, common guillemot, black-legged kittiwake, Atlantic puffin, lesser black-backed gull, Manx shearwater, and European storm petrel. The Applicant has made individual assessments of the impact of the Project on each assemblage component:

5.5.1 Razorbill

PVA input log not provided.

The predicted in-combination 35.40 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 3.04 mortalities annually, represents a 2.27% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.997. This suggests that even at the worst-case scenario of 70% displacement and 10% mortality there will be only a small impact on the growth rate in comparison to baseline conditions. The Applicant's preferred rates of 70% displacement

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

and 2% mortality indicates a lower impact on growth rate than the worst-case scenario, and the population is likely to continue to grow under an impacted scenario. The latest seabird census indicates that the population has increased since 2000, by 110% at Skomer, 169% at Skokholm, and 129% at Midland Island (Middleholm) (Burnell *et al*., 2023), and annual data suggests a fluctuating population (Seabird Monitoring Programme).

5.5.2 Common guillemot

The predicted in-combination 677.46 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 6.77 mortalities annually, represents a 27.82% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.981. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions. The Applicant's preferred rates of 70% displacement and 2% mortality indicates a lower impact on growth rate than the worst-case scenario, and the population is likely to continue to grow under an impacted scenario. The latest seabird census indicates that the population has largely increased since 2000, by 95% at Skomer, 409% at Skokholm, and declined by 7% at Midland Island (Middleholm) (Burnell *et al*., 2023), and annual data suggests a fluctuating population (Seabird Monitoring Programme).

5.5.3 Black-legged kittiwake

The predicted in-combination 19.03 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 0.31 mortalities annually, represents a 4.15% increase in baseline mortality. Whilst the PVA suggests a declining population after 35 years of operation, as indicated by a growth rate below 1, the Counterfactual of Growth Rate is 0.933, with the other scenarios modelled by the Applicant (collision and displacement at 30% displacement and 3% mortality, and collisions only) showing a lower level of impact. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions. The latest seabird census indicates that the population has declined by 36% since 2000 (Burnell *et al*., 2023), however, annual data suggests a fluctuating population (Seabird Monitoring Programme). The Applicant has further demonstrated that whilst the NatureScot method apportions a certain level of breeding season mortalities to the Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA, GPS tracking studies as collated in Trevail *et al*. (2019) and Trevail (2019) show that in reality only small numbers of black-legged kittiwake breeding within the SPA are likely to forage in the area occupied by the proposed project (recognising the uncertainty as a result of the small sample size of birds breeding in the SPA in those studies, and that only birds from Skomer were tracked).

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

5.5.4 Atlantic puffin

We agree with the information provided in Sections 1.5.1.3 to 1.5.1.4 of REP4-030 which, through the calculation of more than 0.0 apportioned mortalities (REP4-030, Table 1-8), the Applicant has effectively concluded a Likely Significant Effect to Atlantic puffin, but has demonstrated very low levels of impact on this species (less than 1 mortality per annum apportioned to the SPA (REP4-030, Table 1-8).

5.5.5 Lesser black-backed gull

We agree with the information provided in Sections 1.5.2.13 to 1.5.2.15 of REP4-030 which, through the calculation of more than 0.0 apportioned mortalities (REP4-030, Table 1-17), the Applicant has effectively concluded a Likely Significant Effect to lesser black-backed gull, but has demonstrated very low levels of impact on this species (less than 1 mortality per annum apportioned to the SPA (REP4-030, Table 1-17).

5.5.6 Manx shearwater

The predicted in-combination 1561.38 mortalities annually (collision and displacement at 70% displacement and 10% mortality), of which Mona contributes 66.14 mortalities annually, represents a 1.32% increase in baseline mortality. The PVA suggests an increasing population after 35 years of operation, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.998. This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions, even under the worst-case impact scenario.

5.5.7 European storm petrel

We agree with Table 1.68 of the HRA Stage 1 Screening (REP2-012) that there is no Likely Significant Effect to European storm petrel.

5.5.8 Seabird Assemblage Conclusion

In conclusion, razorbill, common guillemot, and black-legged kittiwake all show fluctuating populations, and the Applicant has demonstrated that the growth rates of these Seabird Assemblage components are unlikely to be significantly affected over the lifetime of the project. Similarly, the Applicant has demonstrated that the populations of the other main Seabird Assemblage components are unlikely to be significantly impacted and continue to be stable or increasing. There is therefore an extremely low risk that any of the main component species would become locally extinct as a result of impacts from the proposed project, or that the overall population abundance of the Seabird Assemblage qualifying feature would significantly decline over the lifetime of the project. Therefore, we agree with the conclusion that AEoI from the project alone and in-combination with other Plans and Projects can be ruled out.

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

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Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

Application by Mona Offshore Wind Limited for an Order Granting Development Consent for the Mona Offshore Wind Farm (Ref. EN01037)

Submission for Examination

Deadline 6

20 December 2024

Joint Nature Conservation Committee (JNCC):

JNCC response to Deadline 5 submissions relating to marine mammals

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

JNCC reviewed the following documents submitted at Deadline 5 before providing this advice, which considers implications for marine mammal features:

- REP5-007: C1 Draft Development Consent Order F05_F06 (Tracked)
- REP-025: J10 Mitigation and Monitoring Schedule F04_F05 (Tracked)
- REP5-029: J16 Outline Underwater Sound Management Strategy F01_F02 (Tracked)
- REP5-031: J17 Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels F02_F03 (Tracked)
- REP-033: J21 Outline Marine Mammal Mitigation Protocol F01_ F02 (Tracked)
- REP-083: D5_33 Mona Comments on the Report on the Implications on European Sites (F01)

Unexploded ordnance (UXO) clearance in the Development Consent Order

We appreciate the Applicant's commitment to remove high order clearance of UXOs from the Development Consent Order (DCO). However, for the reasons provided at Deadline 5 (REP-5-096), our first preference is still that no UXO clearance activity using detonation is included as a licenced activity. We do agree that the identification/investigation surveys can be included.

We note that definitions of high and low order clearance have been added to the draft DCO and other documents submitted at Deadline 5. We provide below definitions used in the JNCC mitigation guidelines for UXO clearance in case useful for the Applicant. The guidelines are due to be published in January 2025 and these definitions have been developed in conjunction with the Institute of Explosive Engineers.

> **High order detonation:** Detonation at a velocity approaching the maximum stable velocity of detonation for the system. When a high order explosion is initiated, a very rapid exothermic chemical reaction occurs. High order explosives have a strong supersonic pressure wave, known as the blast wave or shock wave.
>
> **Low order detonation:** A detonation in which the charge is completely consumed but the velocity of detonation is well below its maximum value, and therefore its effect is lessened.

Outline Underwater Sound Management Strategy (oUWSMS) and outline Marine Mammal Mitigation Plan (oMMMP)

JNCC had sight of both of these documents pre-application and provided the Applicant with comments. We agreed in principle to both of these documents and some of our comments

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

were addressed prior to submission to the Examining Authority although not all. Our key outstanding concern during the examining process has been the use of noise abatement for piling and how it was referred to within these documents. Discussions with the Applicant on this matter have continued through the examination process and the Applicant submitted updated versions to both these documents at Deadline 5.

We now confirm we are content with how noise abatement is referred to in the outline documents, and that the final documents can be agreed post consent, should it be awarded. Generally, these documents provide sufficient assurances that appropriate mitigation measures are available and will be considered to reduce impacts to marine mammals from piling identified in the impact assessment. We also note (and agree with) the commitment to ensure the final documents are not restricted to mitigation currently available and will be adapted to reflect best practice at the time of operation. Regarding mitigation measures described for UXO clearance, we refer to our advice not to include UXO clearance in the DCO and the document supporting this submitted at Deadline 5 (REP-5-096). The lack of information available at this stage means we are unable to comment on the context of these documents with regards to UXO clearance.

We highlight that much work is still needed to both documents before we could approve the final versions, including:

- Current overlap/repetition between the two documents. For example, background information currently in the oMMMP regarding key species sensitivities (Section 1.2), legislation (Section 1.3), and results from the Environmental Statement (ES) impact assessment (Section 1.4) are not appropriate for inclusion in a mitigation plan. This information should be in the UWSMS and the MMMP should focus purely on mitigation requirements so it can be easily digested and applied in the field.
- Section 1.1.2 of the oUWSMS considers marine mammal sensitivities but only talks about two species. It is not clear whether the sensitivities being considered are residual impacts following consideration of mitigation or not. When considering sensitivities to noise, this strategy should consider them without mitigation, so it is clear how impacts predicted in the ES are being addressed.
- It is claimed the oUWSMS considers injury and disturbance to marine mammals, but the mitigation measures highlighted (and considered in the oMMMP) are for injury only.
- How mitigation measures are described in the context of the IEMA 2024 guidelines needs discussing. For example, the use of marine mammal observers and acoustic monitoring ahead of piling is currently described as tertiary measures. The IEMA guidance describes tertiary measures as those required regardless of Environmental Impact Assessment, as imposed for example, because of legislative requirements. While following the JNCC mitigation guidelines is considered standard practice in the UK, their

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

employment is because a risk of injury has been identified in the impact assessment, not because there is a legislative or other requirement.

- Much more detailed information on the activities to be undertaken is required, and changes since the ES, and how such changes affect assessment results presented in the ES will need discussing.

The draft DCO includes a condition to submit the final versions of these documents to the licensing authority no later than four months before the activity begins. The applicant has also committed within these documents to engage with Statutory Nature Conservation Bodies (SNCBs) when developing the final versions. As offshore construction activities are currently planned to commence in 2026 (Section 3.8, APP-050), we strongly recommend the applicant engages with the SNCBs well in advance of this four month deadline to prevent potential delays to the approval process.

European Protected Species (EPS)

We note both the oUWSMS and oMMMP include reference to mitigation for geophysical surveys to support future EPS licence applications. We highlight that while the mitigation considered is appropriate for reducing the risks of injury from such surveys, they do not consider disturbance. SNCB guidance (JNCC 2010) states that for most cetacean populations in UK waters, deliberate disturbance in terms of the regulations is unlikely to result from single, short-term operations, e.g. a seismic vessel operating in an area for 4-6 weeks, or the driving of a dozen small diameter piles. Non-trivial disturbance, which would constitute an offence under the regulations would likely result from more prevalent activities in an area, chronically exposing the same animals to disturbance or displacing animals from large areas for long periods of time. For example, pile driving or geophysical surveys on one area for several months.

We also highlight that the information provided within these documents is not sufficient to support compliance with the three tests required when applying for an EPS licence. Additional information would be required to support any licence application.

Adverse effect on European Sites with marine mammal features

We note the Applicant has removed high order clearance of UXOs from the draft DCO as a licenced activity, and their response to questions in REP-083. While we still maintain that detonation of UXOs is not a licensed activity within the DCO, we agree an adverse effect on offshore Special Areas of Conservation (SACs) with marine mammal features can be excluded, both alone and in combination. This conclusion considers the removal of high order clearance from the design envelope and is conditional of the UWSMS and MMMP

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
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being secured in the consent. The closest European site relative to the proposed project is the North Anglesey Marine SAC for harbour porpoise.

We note in REP-083 the Applicant has listed several environmental concerns that can prevent low order clearance methods of UXO clearance from being used. This includes excessive/strong tidal currents and insufficient visibility to operate ROVs. Why these may be potential limitations generally, we note excessive/strong currents have not been identified at the project location and insufficient visibility was not an issue raised when undertaking baseline benthic surveys. We also highlight that if environmental conditions are such that visibility (or any aspect of a mitigation plan for any activity) is temporarily restricted, the activity being mitigated should be delayed until conditions are suitable. This should be made clear in final MMMPs, which for piling we are content can be finalised post consent (if awarded).

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

Application by Mona Offshore Wind Limited for an Order Granting Development Consent for the Mona Offshore Wind Farm (Ref. EN01037)

Submission for Examination

Deadline 6

20 December 2024

Joint Nature Conservation Committee (JNCC):

Measures to Minimise Disturbance to Marine Mammals and Rafting Birds

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

In providing this advice, we have had regard to the following documents provided by the Applicant:

- Measures to Minimise Disturbance to Marine Mammals and Rafting Birds F03 REP5-030
- E1.3 Part Three: Special Protection Areas and Ramsar sites Assessments APP-033
- Comments on the report on the implications for European sites REP5-083

And by Natural Resources Wales:

- Natural Resources Wales' Deadline 5 Submission REP5-098
- Natural Resources Wales' Response to The Examining Authority's Second Set Of Written Questions REP5-100

We welcome the extension of the seasonal restriction to low order unexploded ordnance (UXO) clearance within the Liverpool Bay/Bae Lerpwl Special Protected Area (SPA) during the sensitive period (1 November – 31 March inclusive) as set out in Section 1.3.1 of REP5-030. We note that high order clearance would need a separate licence application, and we would expect the principles established in REP5-030 with regard to the SPA to be applied to any high-order UXO clearance.

We note the assessment carried out of impacts of pre-commencement works on the non-breeding red-throated diver and common scoter qualifying features of the SPA, particularly with regard to visual disturbance from vessel movements, in APP-033 and revised in comments by the Applicant in response to Examining Authority question 3.3.9 (REP5-083).

With the application of the seasonal restriction to works within the SPA to both export cable installation activities, UXO clearance, the other measures contained within REP5-030 to further reduce disturbance of rafting birds, and the low and temporary impact of remaining pre-commencement activities, JNCC is content that there would not be an Adverse Effect on Integrity of the non-breeding red-throated diver and common scoter qualifying features of the Liverpool Bay/Bae Lerpwl SPA, either from the project alone or in-combination with other plans and projects.

As such, given confirmation of the following measures are now confirmed;

- application of the seasonal restriction to works within the SPA to both export cable installation activities and UXO clearance
- other measures contained within REP5-030 are secured to further reduce disturbance of rafting birds
- and the above aspects subsequently resulting in low and temporary impact of remaining pre-commencement activities,

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Aberdeen, AB11 9QA, United Kingdom

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Tel: +44 (0) 1224 266550
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JNCC is now content that there would not be an Adverse Effect on Integrity of the non-breeding red-throated diver and common scoter qualifying features of the Liverpool Bay/Bae Lerpwl SPA, either from the project alone or in-combination with other plans and projects.

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Application by Mona Offshore Wind Limited for an Order Granting Development Consent for the Mona Offshore Wind Farm (Ref. EN01037)

Submission for Examination

Deadline 6

20 December 2024

Joint Nature Conservation Committee (JNCC):

Update to Benthic Mitigation and Monitoring

Inverdee House, Baxter Street,
Aberdeen, AB11 9QA, United Kingdom

Email: OIA@jncc.gov.uk
Tel: +44 (0) 1224 266550
jncc.gov.uk

After further reflection on JNCC's submissions at Deadline 5 relating to JNCC's 'Outstanding concerns for the offshore benthic environment' (REP5-094) and JNCC's 'Response to ExQ2 (REP5-097) with particular reference to Q2.17.9, we think it appropriate to be consistent in our advice that we provide across all industry sectors and provide an updated stance to the Examining Authority's Q2.17.9. In our response to Q2.17.9 of REP5-097, we stated that we were satisfied with the benthic subtidal ecology mitigation measures for the marine offshore environment (past 12nm). Currently the measures do not include any offshore (past 12nm) mitigation and monitoring measures for the benthic environment. However, in order to bring our advice on this project in-line with advice we provide to other industry sectors, we would request a change which we have detailed below.

Background

The Applicant's Deadline 4 submission, 'Response to JNCC ExQ1 Responses' (REP4-062; reference REP3-084.5) reported on the re-analysis of the magnitude of effect relating to the 'seapens and burrowing megafauna communities' IEF and concluded a low magnitude of impact for this updated impact area which JNCC agreed with (REP5-094). The Applicant's Deadline 4 submission (REP4-062; reference REP3-084.5) also corrected the sensitivity of the 'seapens and burrowing megafauna communities' IEF to 'High' which JNCC welcomed (REP5-094). This resulted in a significance of effect being reported as 'minor to moderate' with the Applicant concluding a minor significance of effect (REP4-062; reference REP3-084.5). As detailed in our Deadline 5 submission (REP5-094), JNCC would not agree with this conclusion as JNCC takes a worst-case scenario approach and where a range is presented, we would expect to see the higher value considered. In this instance, JNCC would consider the significance of effect to be 'moderate' for the 'seapens and burrowing megafauna communities' IEF.

JNCC's conclusion and suggested update

Based on the Applicant's re-analysis of the magnitude of effects and sensitivity, and the resulting significance of effects (REP4-062; reference REP3-084.5), which JNCC would consider to be a moderate adverse effect, we would suggest the following be added to the mitigation measures and conditions outlined in Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-054), the Mitigation and Monitoring schedule (APP-196), and the DCO.

> "*If seapens are noted during pre-construction surveys they should be avoided as much as practically possible during the subsequent proposed operations.*"

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Rationale and expectations

The above suggested wording brings our advice in line with all other offshore industry sectors and projects that we advise on where an IEF is present outside of a marine protected site.

We would not expect additional benthic surveys or detailed analysis to be undertaken. Instead, it would be sufficient for any information gathered from pre-construction surveys (for example, but not limited to, obstruction surveys for cable routing) that highlight the presence of seapens to be used.

We would not expect all seapens to be avoided during construction, operation, and decommissioning phases but rather request that where “practically possible” they are. Based on the Applicant’s benthic survey data not identifying any seapens in the area, we would not expect this to be an onerous task.