



# **Awel y Môr Offshore Wind Farm**

## **Applicant's Response to Written Representations**

### **Deadline 2**

**Date: 09 November 2022**

**Revision: A**

Document Reference: 2.2

PINS Reference: N/A



REVISION	DATE	STATUS/ REASON FOR ISSUE	AUTHOR	CHECKED BY	APPROVED BY
A	November 2022	Deadline 2	GoBe	RWE	RWE

[www.awelymor.cymru](http://www.awelymor.cymru)

RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB

T +44 (0)8456 720 090

[www.rwe.com](http://www.rwe.com)

Registered office:

RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

# Contents

1	Introduction.....	4
2	Applicant's response to Written Representations .....	6
2.1	REP1-055 – Conwy County Borough Council. ....	6
2.2	REP1-063 – Gwynedd Archaeological Planning Service (GAPS) .....	32
2.3	REP1-068 – Isle of Anglesey County Council .....	53
2.4	REP1-070 – Maritime and Coastguard Agency (MCA) .....	62
2.5	REP1-071 – National Grid Electricity Transmission PLC (NGET) .....	65
2.6	REP1-075 – National Trust.....	66
2.7	REP1-080 – Natural Resources Wales (NRW).....	79
2.8	REP1-081 – Eversheds Sutherland (International) LLP on behalf of Network Rail Infrastructure Limited .....	158
2.9	REP1-085 – North Hoyle Wind Farm Ltd .....	162
2.10	REP1-088 – Rhyl Flats Wind Farm Limited .....	165
2.11	REP1-090 - Royal Society for the Protection of Birds .....	172
2.12	REP1-095 – Trinity House.....	214
2.13	REP1-101 - Davis Meade Property Consultants on behalf of Mr G and Mrs ME Hughes .....	215
2.14	REP1-103 - Davis Meade Property Consultants on behalf of Mr JB and Mrs E Evans .....	217
2.15	REP1-093 - Joint LPA Response to LVIA and SLVIA.....	223
3	References .....	247

# 1 Introduction

- 1 At Deadline 1 of the Examination of Awel y Môr Offshore Wind Farm ('AyM'), interested parties were invited to submit Written Representations (WRs) into the examination. Awel y Môr Offshore Wind Farm Ltd ('the Applicant') has taken the opportunity to review each of the WRs received from interested parties (IPs). Details of the Applicant's response to each of those WRs received are set out in the subsequent sections of this document.
- 2 For ease of referencing and to facilitate future cross-referencing, the Applicant has included references for the WRs:
  - Where WRs were broken down into numbered paragraphs or sections by the respondent, the Applicant has retained the existing references (e.g. paragraph 2.3 from the Conwy County Borough Council WR becomes REP1-055-2.3); and
  - Where these were not available, the Applicant has created a reference for each response by itemising the WR into paragraphs and subparagraphs and giving these unique identifiers (e.g. REP1-071-1.2.a).
- 3 A total of 14 WRs were submitted at Deadline 1. Some IPs also submitted answers to the Examining Authority's First Written Questions (ExQ1) (PD-009), which the Applicant has commented on in Document 2.3 of the Applicant's Deadline 2 submission.
- 4 Denbighshire County Council submitted a local impact report (LIR) into the examination at Deadline 1. The Applicant has responded to this LIR in Document 2.4 of the Applicant's Deadline 2 submission.
- 5 In some cases, additional documents were submitted by IPs alongside WRs at Deadline 1. The Applicant has responded to these in document 2.5 of the Applicant's Deadline 2 submission.

- 6 A Joint LPA response specific to SLVIA and LVIA was submitted by Snowdonia National Park Authority on behalf of a group of seven North Wales Local Planning Authorities. This response has been responded to in this document. Alongside this Joint LPA response, the joint LPAs also submitted a review of SLVIA/LVIA documents undertaken by the LUC which the Applicant has responded to in Document 2.6 of the Applicant's Deadline 2 submission.

## 2 Applicant's response to Written Representations

### 2.1 REP1-055 – Conwy County Borough Council.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-1.1	<p>1. Summary</p> <p>This page provides a summary of the Council's Written Representation, as requested in the Examining Authority's Rule 8 letter.</p>	<p>This background and context are noted by the Applicant. Responses to the specific points raised by CCBC are provided below.</p>
REP1-055-1.2	<p>This representation by Conwy County Borough Council (the Council) relates to the application for Development Consent Order (DCO) by Awel-y-Mor Offshore Windfarm Ltd (the Applicant) to construct the Awel-y-Mor Offshore Windfarm (AMOWF).</p>	
REP1-055-1.3.i	<p>The Council fully supports the principle of developing renewable energy, and has worked with developers in securing the delivery of renewable energy generation projects which are proportionate to their context. However, the Council considers that the AMOWF would generate disproportionate adverse impacts, and therefore objects to AMOWF for the following reasons:</p> <p>i. The scale and extent of the AMOWF, in itself and in combination with other windfarms, would have significant detrimental and harmful effects on seascape, landscape and visual impacts, including effects on the setting of the Great Orme Heritage Coast and other coastal landscape features;</p>	<p>The Applicant acknowledges that Awel y Môr Offshore Wind Farm (AyM OWF) further referenced as 'AyM' would have some significant, adverse seascape, landscape and visual effects on receptors within Conwy.</p> <p>Following comments received during the Section 42 consultation the proposed development was reviewed and revised through a 11% reduction in the array area (26% reduction from the scoping stage offshore site area) and the maximum number of turbines proposed (91 at PEIR reduced to 50). The west to east extent of the array area was reduced from 25.8 km to 16.4 km (a reduction of 36% from scoping) providing a clear reduction in its extents in views from parts of Conwy located to the south. In addition, measures to mitigate the impacts of necessary turbine lighting were also identified and have also been included to reduce night-time effects.</p> <p>The assessment of landscape character effects for Landscape Character Assessment (LCA) C10 - Great Orme and Creuddyn Peninsula is set out from paragraph 1139 of the SLVIA (AS-027). This LCA includes both the Great Orme and Little Orme. The assessment considers the value and thereafter the sensitivity associated with the designation of different geographical areas of LCA C10 as a Sensitive Landscape Area and Heritage Coast.</p> <p>The assessment found that during the latter stages of construction, operation and the early stages of decommissioning the effect would be</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>Moderate (Significant) adverse, at the coastal edge between the north-west point of Great Orme and Little Orme and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of Little Orme. Elsewhere within the LCA the effect was found to be Moderate-Minor to Minor (Non-significant). The geographical extents of the significant and Non-significant effects would also apply to the Great Orme and Little Orme where they are concurrent with the Sensitive Landscape Area.</p> <p>The SLVIA primarily assesses the effects on the seascape character of the Great Orme and Little Orme in relation to Seascape Character Area A: Conwy Bay from paragraph 1165 (AS-027). The assessment finds that MDS A would have significant effects on this Seascape Character Area.</p> <p>Significant effects on landscape character and seascape character that are coincidental with the Great Orme Heritage Coast have been assessed from paragraph 1224 of the SLVIA (AS-027) at the coastal edge between the north-west point of Great Orme and the toll booth and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of Little Orme.</p> <p>The Great Orme and Little Orme would remain as key characteristics of views where these features are appreciated.</p> <p>The Applicant notes that the SLVIA for the Gwynt y Môr Offshore Wind Farm also identified significant seascape, landscape and visual effects on receptors within Conwy, which were deemed to be acceptable in the granting of consent for that project.</p>
REP1-055-1.3.ii	<p>ii. Tourism forms an important feature of the local economy, which contributed £996.18m to the local economy in 2019. The seascape, landscape and visual impacts identified above could potentially harm the attractiveness and viability of coastal destinations, including Llandudno, which relies to a significant degree on its character as a traditional Victorian resort;</p>	<p>The available evidence (as set out in ES Volume 3, Chapter 4: Tourism and Recreation (APP-065)), suggests that there is a small risk that the Proposed Development could have a negative impact on the local tourism sector (which needs to be balanced against the equal possibility of it having a positive impact in terms of attracting visitors). The evidence of impacts on tourism are set out in more detail in the responses below.</p>
REP1-055-1.3.iii	<p>iii. The seascape, landscape and visual impacts would also harm the character and appearance of the Llandudno Town Centre and Seafront Conservation Area, including the setting of numerous listed buildings. Most of the buildings fronting onto Llandudno's North Shore consist of hotels and guest houses. Any</p>	<p>The significant effect identified within the Tourism Assessment upon the volume and value of the tourism economy at the Great Orme and Llandudno would be short term, indirect and reversible in nature</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>adverse impact on tourism expenditure could result in less frequent maintenance of those buildings, thereby resulting in a gradual deterioration to the built fabric, and thereby causing further detriment to the character and appearance of the Conservation Area and to the features of special architectural and historic interest of the listed building.</p>	<p>occurring in the latter stages of construction and at the start of operation (up to 2 years).</p> <p>The heritage assessment within (APP-069) acknowledges the potential effects of the proposals upon the character and appearance of Llandudno Conservation Area and the significance of the listed buildings through change within their settings. This has been assessed as a minor adverse effect which is not significant in EIA terms, based upon professional judgement. It is noted that the Conservation Area is itself much more extensive than the frontage along the promenade and bay, with significant numbers of Listed Buildings within the town centre which have no frontage to the sea, nor any direct association with it. The conclusion of a minor adverse effect simply recognises that the AyM turbines constitute a noticeable new addition to the views from and along the promenade, albeit views in which the turbines of the existing Rhyl Flats Offshore Wind Farm and GyM are already prominent. The assessment clarifies that the ability to understand the significance of the Listed Buildings within the Conservation Area, in terms of their architectural details, and historic association as part of the planned coastal/leisure evolution of the town, will not be compromised. The character of the Area will still be understood as primarily related to the seaside resort with landward supporting infrastructure (shops/arcades, etc.). The appearance of the Area will not be changed throughout the full extent of the designated area, although it is acknowledged that the proposed turbines will form an additional component of views along the seafront/promenade. This effect is one of change in degree rather than kind, given the existing Rhyl Flats and GyM turbines as noted above. Taking the above into account, it is not considered that the proposals represent any significant threat to the preservation of the heritage significance of the listed buildings within the conservation area, nor the role of the conservation area as a setting for those buildings.</p> <p>There are opportunities for AyM to manage the risks of a negative short-term impact on tourism due to construction activity and to potentially deliver a positive benefit to the tourism sector within Llandudno and Great Orme area, such as those suggested by CCBC within its Written Representation (see also the Applicant's response to REP1-055-5.4.i).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-1.4	<p>Whilst the Council does not object to the AMOWF on the basis of construction impacts, it considers that the draft DCO does not contain adequate provision for the protection of residents' amenity during offshore piling works, and is engaging in dialogue with the Applicant on this matter.</p>	<p>The Applicant's discussions with the Council are with regards to Requirement 4 contained in the DCO, which provides a noise limit of 50dB(A) <math>L_{eq,T}</math> for offshore construction works during onshore weather conditions at a specified location between the hours of 07:00 and 23:00. The DCO requirements also state that to determine compliance with this limit, associated noise monitoring needs to be undertaken.</p> <p>The noise limit within DCO R4 has been derived by the Applicant in conjunction with the measured baseline ambient sound levels (during neutral weather conditions) and the relevant guidance contained in BS5228:2009+A1:2014.</p> <p>The Applicant is in ongoing discussion with CCBC to clarify the full results of the Jan 2022 noise monitoring and calculation of the proposed threshold presented in the dDCO. The Applicant will continue to discuss this issue with CCBC environmental health department and is confident that agreement can be reached on appropriate measures to put in place during any night time piling activity.</p>
REP1-055-2.1	<p>2. Context</p> <p>Conwy County Borough covers an extensive area within the central part of North Wales. The resident population in June 2020 was estimated to be 118,200 people, which was the fourth highest among the six unitary authorities in North Wales. The population is heavily concentrated along the coast, including both of its largest Colwyn Bay (25,650 residents) and Llandudno (20,600 residents). Other coastal towns include Conwy (18,050 residents), Abergele (11,100 residents), Towyn and Kinmel Bay (8,350 residents). Inland, the area is rural in character, with strong agricultural and tourism sectors</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-055-2.2	<p>Around a third of the County Borough's area is in the Snowdonia National Park. Outside the National Park, the Great Orme forms a distinctive headland designated as a Heritage Coast, which complements the varied pattern of headlands and bays that continue to the east and west, and which contributes to the setting of the Anglesey and Clwydian Hills Areas of Outstanding Natural Beauty further afield.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-2.3	The Council is an unitary authority, and is the local planning authority for the whole of its area outside the National Park. The Conwy Local Development Plan was adopted in 2013, and covers the whole of the area for which the Council has planning jurisdiction.	
REP1-055-2.4	At a national level, the development plan consists of Future Wales. This document identifies two extensive areas in Conwy as 'Pre Assessed Areas for Wind Energy' (PAWE) on a fairly broad scale, with Area 1 extending close to the coastal settlements.	
REP1-055-2.5	Over the years, Conwy has experienced significant investment in renewable energy, including the Clocaenog Forest wind farm (96MW), Kinmel Solar Farm (24MW permitted capacity), Teyrdan Solar Farm (12MW), and a replacement pipeline to serve Dolgarrog Hydro-Electric Power Station (27MW). The Council is fully committed to facilitating an expansion of renewable energy generation from a range of resources, whilst also safeguarding its landscape, heritage, biodiversity and tourism economy.	
REP1-055-3.1.i	<p>3. Previous representations</p> <p>Section 42 consultation response</p> <p>3.1 Section 42 consultation response 3.1 On 27th August 2021, the Council was consulted on the proposal and Preliminary Environmental Information Report (PEIR) pursuant to Section 42 of the Planning Act 2008 ("the PEIR Scheme"). The Council and other North Wales local planning authorities appointed LUC as its landscape advisor on the applicant's Seascape, Landscape and Visual Impact Assessment (SLVIA) comprised in the PEIR. The Council's response of the 8th October 2021 focused on four main areas of concern:</p> <p>i) Seascape, landscape and visual receptors;</p>	
REP1-055-3.1.ii	ii) Impacts on tourism and recreation;	
REP1-055-3.1.iii	iii) Impacts on the built environment, including indirect impacts resulting from reduced tourism investment;	
REP1-055-3.1.iv	iv) Construction impacts from noise relating to the offshore wind turbines.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-3.2	<p>Other Engagement</p> <p>The Council's Officers have actively contributed to meetings of the SLVIA Expert Topic Group, including the identification of additional viewpoint locations to address concerns identified in its Section 42 consultation response in relation to cumulative effects on the A55.</p>	
REP1-055-3.3	<p>The Council's Officers have been in discussions with the applicant's noise consultant regarding the identification of suitable noise monitoring locations.</p>	
REP1-055-3.4	<p>Relevant Representation</p> <p>On 9th June 2022, the Council submitted a Relevant Representation outlining its concerns raised in its Section 42 consultation response, and noting that the Council would be reviewing that representation in the light of the submitted application and ES.</p>	
REP1-055-3.5	<p>The Council has now reviewed the submitted application and ES. The Council continues to raise concerns on the following matters and objects to the Application on that basis.</p>	
REP1-055-4.1.i	<p>4. Seascape, landscape and visual impacts</p> <p>The Council's response to the Section 42 consultation raised four broad areas of concern:</p> <p>i) The scale of the individual Wind Turbine Generators (WTGs) and the extent of the array as a whole;</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>to procure turbines and/or make the project economically unviable. This principle is captured within 2.6.210 of NPS EN-3, where it is noted that, 'Neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines. Therefore, the IPC [Secretary of State] should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible.'</p> <p>With respect to the array area the array boundary has progressively and iteratively been reduced in response to feedback received during the EIA Scoping, through the Evidence Plan Process, and PEIR consultation, from an overall area of 107 km<sup>2</sup> during Scoping to 88 km<sup>2</sup> in the PEIR, and 78 km<sup>2</sup> for the final application design; a total reduction of 27%. The useable array area is already less than that of Gwynt y Môr (GyM) OWF, which is considered to be a densely packed array (at 8.5 MW/km<sup>2</sup>) when compared with more recently built and designed projects the Applicant has involvement in (Triton Knoll at 5.93 MW/km<sup>2</sup> and Sofia at 2.54 MW/km<sup>2</sup>). It is not possible to meaningfully further reduce the array area without a significant reduction in the capacity of the scheme and its benefits.</p>
REP1-055-4.1.ii	ii) impacts on the setting of coastal features including the Great Orme Heritage Coast;	<p>The Applicant acknowledges that AyM would have some significant, adverse seascape, landscape and visual effects on the setting of coastal features, including the Great Orme Heritage Coast.</p> <p>Following comments received during the Section 42 consultation the proposed development was reviewed and revised through a 11% reduction in the array area (27% reduction from the scoping stage offshore site area) and the maximum number of turbines proposed (91 at PEIR reduced to 50). The west to east extent of the array area has reduced from 25.8 km to 16.4 km (a reduction of 36% from scoping) providing a clear reduction in extents in views from coastal parts of Conwy.</p> <p>The assessment of landscape character effects for Landscape Character Assessment (LCA) C10 - Great Orme and Creuddyn Peninsula is set out from paragraph 1139 of the SLVIA (AS-027). This LCA includes both the Great Orme and Little Orme. It considers the value and thereafter the sensitivity associated with the designation of different</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>geographical areas of LCA C10 as a Sensitive Landscape Area and Heritage Coast.</p> <p>The assessment found that during the latter stages of construction, operation and the early stages of decommissioning the effect would be Moderate (Significant) adverse, at the coastal edge between the north-west point of Great Orme and Little Orme and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of Little Orme. Elsewhere within the LCA the effect was found to be Moderate-Minor to Minor (Non-significant). This geographical extent would also apply to the Great Orme and Little Orme where they are concurrent with the Sensitive Landscape Area.</p> <p>The SLVIA primarily assesses the effects on the seascape character of the Great Orme and Little Orme in relation to Seascape Character Area A: Conwy Bay from paragraph 1165 (AS-027). The assessment finds that MDS A would have significant effects on this Seascape Character Area.</p> <p>Significant effects on landscape character and seascape character that are coincidental with the Great Orme Heritage Coast have been assessed from paragraph 1224 of the SLVIA (AS-027) at the coastal edge between the north-west point of Great Orme and the toll booth and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of Little Orme.</p> <p>The Great Orme and Little Orme would remain as key characteristics of views where these features are appreciated.</p>
REP1-055-4.1.iii	iii) sequential and in-combination cumulative effects with other offshore wind farms;	<p>OWFs are an acknowledged feature of the seascape character off the North Wales coast. SLVIA Figure 25 (APP-227) illustrates that there are few areas within Conwy where AyM would be theoretically visible where existing offshore wind farms are not already theoretically visible. Many of the areas shown to have theoretical visibility of only AyM (such as locations within the settlements of Deganwy, Penrhyn Bay and Conwy and inland sections of the A55) would not have actual visibility of it due to intervening features such as vegetation and buildings that are not included in the bare ground ZTV analysis. This suggests that the change would be incremental rather than a complete change, although it is acknowledged that the scale of the proposed WTGs proposals is larger</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>than those of the existing OWFs and the overall spread of OWFs would be increased.</p> <p>The varying climatic conditions off the coast frequently change the range of visibility out to sea and the prominence of the existing offshore WTGs. AyM would not always be the closest wind farm to the shore from the Conwy coast. From Little Orme, Rhyl Flats OWF is the closest at approximately 8 km, with other OWFs currently visible beyond. This suggests that, from Little Orme, Rhyl Flats OWF would be more frequently visible than AyM, whilst from the Great Orme, Rhyl Flats and AyM would be visible at similar distances so may be visible over a similar duration.</p> <p>The addition of AyM OWF to the operational offshore wind farms is considered in the SLVIA (AS-027) and this accumulation accounts for some of the significant effects identified such as where the addition of AyM results in the horizontal extent of a view becoming predominantly 'filled' with offshore wind farm development.</p>
REP1-055-4.1.iv	iv) inadequate cumulative assessment in respect of future onshore wind farms.	<p>As described in Section 10.13 of the SLVIA chapter (AS-027), PINS Advice Note Seventeen sets out the criteria for defining the level of cumulative assessment required where projects are at pre-scoping or scoping stage and for policy areas such as that identified in Future Wales: The National Plan 2040.</p> <p>There is a high level of uncertainty associated with the potential onshore wind farm development within the Pre-assessed Areas for Wind Energy (PAWE) (geographical extent and location of WTGs as well as their height and number). There is also no actual development to consider in the cumulative assessment of AyM.</p> <p>Following a review of the information available at this time it has been determined that policy areas such as this are considered to have Tier 3 level of certainty within the Planning Inspectorate Advice Note Seventeen and as such, whilst it is recognised that onshore wind farms may come forward within the PAWE areas no quantifiable assessment is included within the assessment chapter. Where onshore wind farm developments do come forward within the PAWE areas, the applications would have to include AyM within their cumulative LVIA's.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-4.2	The following paragraphs provide an amplification of the Council's concerns on these matters, including an updated assessment following changes to the PEIR Scheme:	This is noted by the Applicant.
REP1-055-4.3	<p>Scale and extent</p> <p>The Council welcomes the reduction in the extent of the turbine array and in the number of turbines proposed under both Maximum Design Scenarios (MDS) since the PEIR Scheme. However, it notes that the extent of the turbine array is still very extensive, representing 88.6% of the area identified in the PEIR Scheme. The AMOWF would occupy an area similar to that of the Gwynt-y-Mor Offshore Windfarm, effectively doubling the area occupied as a continuous block of WTGs.</p>	<p>Following comments received during the section 42 consultation, the proposed development was reviewed and revised through a 11% reduction in the array area (27% reduction from the scoping stage offshore site area) and the maximum number of turbines proposed (91 at PEIR reduced to 50). The west to east extent of the array area has reduced from 25.8 km to 16.4 km (a reduction of 36% from scoping) providing a clear reduction in extents in views from coastal parts of Conwy.</p> <p>As set out in the Applicant's response to ExQ1.17.19, the scale of the Proposed Development, including, and in particular, the array area, cannot be further reduced to mitigate seascape, landscape and visual effects without a significant reduction in the Project's output. The array boundary has progressively and iteratively been reduced in response to feedback received during EIA Scoping, through the Evidence Plan Process, and PEIR consultation, from an overall area of 107 km<sup>2</sup> during Scoping to 88 km<sup>2</sup> in the PEIR, and 78 km<sup>2</sup> for the final application design; a total reduction of 27%.</p>
REP1-055-4.4	Furthermore, the applicant has not revised either the height or the rotor diameters under MDS A since the PEIR. The Awel-y-Mor WTGs would each have a height of 2.4 times that of the Gwynt-y-Mor WTGs.	With respect to individual WTG sizes, the Applicant has set out the rationale for the size of individual turbines in the WTG Size Technical Note (APP-299). The size of individual turbines has increased over time, and smaller models, such as those used for Gwynt y Môr, Rhyl Flats and North Hoyle, are no longer available on the market. The WTG sizes (in terms of rotor diameter and maximum tip height) that are described in MDS A and MDS B represent the Applicant's view on the anticipated range of size of WTGs that will be available in the timeframe that AyM will be delivered. This principle is captured in 2.6.43 of NPS-EN3, which states that 'In accordance with Section 4.2 of EN-1, the IPC should accept that wind farm operators are unlikely to know precisely which turbines will be procured for the site until some time after any consent has been granted.' The Applicant is therefore unable to reduce the size of the individual WTGs representing the WTG envelope as it would create a

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>significant risk that the Applicant is unable to procure turbines and/or make the project economically unviable. This principle is captured within 2.6.210 of NPS EN-3, where it is noted that, 'Neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines. Therefore, the IPC should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible.'</p> <p>Divergence in WTG scale between older and newer WTGs is apparent within the north Wales seascape with the Burbo Bank Extension OWF WTGs being approximately 1.75 times the height of those of North Hoyle OWF.</p> <p>As set out above, the development of new OWFs (with larger WTGs) in the context of operational OWFs with smaller WTGs will inevitably result in a divergence of WTG scale that will become increasingly more commonplace.</p>
REP1-055-4.5	Under MDS B, both the height and rotor diameters have actually increased since the PEIR Scheme. The Awel-y-Mor WTGs would each have a height of roughly double that of the Gwynt-y-Mor WTGs.	This is noted by the Applicant and did not materially alter the conclusions of the SLVIA between PEIR and ES. The increase was based upon the Applicant's refined understanding of the anticipated range of WTG sizes that will be available within the timeframe that AyM is expected to be delivered. The evolution of wind turbine design scenarios necessitating this increase of the smaller turbine scenario between PEIR and ES is set out in APP-299.
REP1-055-4.6	The submitted visualisations in the SLVIA illustrate the comparative scale of both the WTGs and the arrays of the Gwynt-y-Mor Offshore Windfarm and AMOWF, and how the latter would form a significantly more dominant feature of seascapes and coastal landscapes.	The Applicant acknowledges that the taller WTGs of AyM makes them more prominent than those of Gwynt y Môr Offshore Windfarm in views from Conwy. It is not considered by the Applicant that the taller WTGs of AyM would be dominant but that the contextual intervening seascape and the coastal features of the Great Orme and Little Orme as well as the long, sweeping bays would remain as key characterising features.
REP1-055-4.7	Impacts on the settings of coastal features The Council has significant concerns over the proximity of the Awel-y-Mor array to significant coastal features, in particular, to the Great Orme and the Little Orme.	<p>The reduction in the Array Area as set out in the Applicant's response to REP1-055-4.1.i provides a clear reduction in the horizontal extent of AyM in views from coastal parts of Conwy including from the Great Orme and the Little Orme.</p> <p>Such mitigation was considered to have more overall benefit than would have been achieved by reducing the southerly extent of the array area,</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		as would be required to increase the distance to the coastal features of Conwy, in particular, to the Great Orme and the Little Orme.
REP1-055-4.8	<p>The Great Orme forms a discrete Aspect Area in NRW's Landmap Visual and Sensory evaluation. Landmap provides the following summary description for the Great Orme Aspect Area<sup>1</sup>:</p> <p>"Dramatic, steeply rising rugged whale backed peninsula with rocky slopes, rising to 207m AOD, with a highly prominent skyline which encloses the sweep of Llandudno Bay to the east and the Conwy estuary to the south. The hill is covered in an open mosaic of limestone moorland/coastal heath, gorse, rough grassland &amp; scrub, with some small scale pasture fields in places. Settlement is limited to the south eastern slopes and south western coastal fringe- the houses enjoying a spectacular view of Snowdonia across the bay. A large cemetery at St Tudno on the northern slopes has a distinctive character. There is a substantial amount of tourist infrastructure indicating the popularity of the area including mountain railway, overhead cable car, country park, carpark and associated facilities from which there are views. There is also a one way toll road around the edge of the landform which also allows scenic views in all directions. Some areas are degraded by former quarries. The Great Orme forms a distinctive landmark and a backcloth to the coast and natural limits to the otherwise sprawling settlement of Llandudno. The offshore wind farms to the north east and east are apparent in clear weather conditions."</p> <p>(1 - reference redacted)</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-055-4.9	Landmap evaluates the Great Orme as being Outstanding in respect of Character, on the basis of its very strong sense of place, and High in respect of Scenic Quality, Rarity and Overall Evaluation. The Aspect Area is evaluated as being Moderate in respect of Integrity.	
REP1-055-4.10	In respect of Q28 (Trend), Landmap assesses the Great Orme Aspect Area as being Declining and notes that "the offshore wind farms may be seen to reduce attractiveness of sea views".	The Applicant notes that this is what LANDMAP states but that the note could be construed as subjective in relation to Decline. Some people may not agree that offshore wind farms reduce the attractiveness of sea views.
REP1-055-4.11	In respect of Q32, one of the recommendations in the Landmap assessment is to "discourage further wind development in the sea and remove when operational period is complete".	The Applicant notes that it is a Requirement of the DCO to develop a Decommissioning Programme in line with the Energy Act 2004. The

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		Applicant also highlights that it is necessary to develop offshore wind in order to meet UK climate change and renewable energy targets.
REP1-055-4.12	<p>The SLVIA considers that the operational impacts of the AMOWF from Viewpoints 13 and 15 on the Great Orme would be moderate-major. A similar effect is recorded in relation to Section L of the Wales Coast Path, which runs along the north coast of the Great Orme. The Council suggests that the impact on the character and qualities of the Great Orme Heritage Coast should also be recorded as moderate-major (rather than moderate) since the views from extensive areas of the Heritage Coast designation would be similar to those from the selected viewpoints and Section L of the Wales Coast Path, and the appreciation of those views is critical to the character and qualities of the Heritage Coast.</p>	<p>AyM would occur within the setting of the Great Orme and would therefore affect views from it as part of its context, which also includes many other components including operational OWFs and a large expanse of open sea. The Conwy County Borough Council 2011-2016 Great Orme Country Park and Local Nature Reserve Management Plan particularly notes views of Snowdonia as being important and these would be unaffected by AyM: 'The views out to sea from the Great Orme are one of its characterising features'. Landscape character is defined in GLVIA 3 as 'A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another'. The other defining characteristics and qualities of the Great Orme such as those set out in LANDMAP and referenced in REP1-055-4.8 which include its steeply sloping whale-backed form, the cemeteries and tourist infrastructure and its role as a landmark and natural limit of the sprawl of Llandudno would remain unaffected by AyM.</p> <p>Landscape character is the 'distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another' (GLVIA 3, 2013). The effects of AyM on the character of the Great Orme would not physically change 'the pattern of elements' but would occur as part of its context, which contains many contextual features.</p> <p>This ensures that the magnitude of change to the characteristics of the landscape of the Great Orme Heritage Coast itself are slightly lower when compared with those that consider only visual impact on visual receptors in relation to views in a single direction as has been found to be the case in the SLVIA.</p>
REP1-055-4.13	<p>The Little Orme is situated on the eastern end of Llandudno's North Shore and forms a distinctive break along the coastline. Landmap includes the Little Orme and other hills within the Creuddyn Peninsula within the Coastal Hills Aspect Area, and provides the following summary description:</p> <p>"Dramatic, steeply rising rugged coastal hills with rocky summits, rising to 360m AOD, with prominent skylines which enclose the surrounding gently sloping</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>lower land and coastal edge . They are covered in an open mosaic of moorland/coastal heath, gorse, rough grassland &amp; scrub, with some small scale pasture fields in places. Mature deciduous woodland is found on the more sheltered inland facing slopes. Settlement is small scale and scattered and includes highlights like Bodysgallen Hall. Some areas are degraded by former quarries. The hills form the backcloth to the coast and natural limits to the otherwise sprawling settlements of Llandudno, Llandudno Junction, Rhos-on-Sea and Deganwy, although housing is encroaching in parts. Public access allows views over the coastal area and the areas form important local landscapes.”</p> <p>(2 - reference redacted)</p>	
REP1-055-4.14	<p>Landmap evaluates the Coastal Hills Aspect Area as being High in terms of Scenic Quality, Character, Rarity and Overall Evaluation and Moderate in respect of Integrity.</p>	
REP1-055-4.15	<p>The impact of the AMOWF on the setting of views towards, and from, the Great Orme and Little Orme is illustrated in particular in the following images in the SLVIA:</p> <ul style="list-style-type: none"> <li>▲ Figures 38c, 38d and 38e: Llanfairfechan (22.353km)</li> <li>▲ Figure 39b: Conwy Mountain (17.3km)</li> <li>▲ Figures 40c, 40d and 40e: Great Orme summit (11.89km)</li> <li>▲ Figures 42c, 42d and 42e: Great Orme café (11.294km)</li> <li>▲ Figures 45c, 45d, and 45e: Llandudno paddling pool (11.878km)</li> <li>▲ Figures 46b and 46c: Rhos-on-Sea (12.424km)</li> <li>▲ Figure 47c: Bryn Euryn (13.428km)</li> <li>▲ Figure 48b: Mynydd Marian (16.246km)</li> <li>▲ Figure 64b: Cefn Coch stone circle (23.895km)</li> <li>▲ Figure 67c: Above Capelulo (19.13km)</li> <li>▲ Figure 75c: Pen Dinas (11.792km)</li> <li>▲ Figure 78b: Footpath above Cilgwyn Mawr (16.936km)</li> <li>▲ Figure 81c: Little Orme (11.258km)</li> <li>▲ Figure 82b, 82c and 82e Llandudno promenade – lifeboat slipway (12.051km)</li> <li>▲ Figure 83c, 83d and 83f: Foel Lus (19.599km)</li> <li>▲ Figure 84c and 84h: Llandudno Promenade near Venue Cymru (12.174km)</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>▲ Figure 85b, 85d and 85e: Great Orme – Marine Drive (11.465km)</li> <li>▲ Figure 86c: A55 at Penmaenmawr (20.772km)</li> <li>▲ Figure 87c: A55 at Puffin roundabout, Dwygyfylchi (19.073km)</li> <li>▲ Figure 88b: A55 Jetty north of Penmaenrhos (15.417km)</li> </ul>	
REP1-055-4.16	<p>Cumulative effects (Offshore)</p> <p>In its Section 42 consultation response, the Council expressed concerns that the PEIR under-assessed the significance of impacts on the A55. In particular it raised concerns that the addition of the AMOWF could give rise to the possibility of significant sequential (and potentially, in combination) impacts. Similarly, it expressed concerns that westbound receptors on the A55 between Llanddulas and Colwyn Bay would be subject to in-combination effects of the AMOWF with the existing offshore windfarms.</p>	<p>The assessment of the effects on the A55 is set out in Section 10.11.6 of the SLVIA (AS-027). In preparing the SLVIA chapter of the ES the assessors considered the Council's section 42 consultation response.</p> <p>The findings of the SLVIA are set out in paragraphs 1100 and 1101 of the SLVIA (AS-027). The assessment found that during operation of MDS A there would be Moderate-Minor to Minor effects (Non-significant), adverse, long term, reversible from approximately 11.5 km of the route and Minor effect (Non-significant) adverse, long term, reversible or No effect from the remainder of the A55 through Conwy.</p> <p>Such effects are most likely to occur in views from the A55 obtained by eastbound road users west of the Creuddyn Peninsula and by westbound travelers on the A55 to the east of it.</p> <p>The assessment takes into account the existing views of the operational OWFs.</p>
REP1-055-4.17	<p>Following that response, the Council entered into discussions with the Applicant's landscape consultants with a view to identifying additional viewpoints. It suggested the inclusion of Viewpoints 6 (Figures 86) and Viewpoint 64 (Figures 87) as being representative for westbound receptors in the Penmaenmawr area, and Viewpoint 65 (Figures 88) as a suitable location for both westbound and eastbound receptors along the A55 to the east of Colwyn Bay. Whilst seaward views from Viewpoint 65 are partly obscured by Raynes Quarry Jetty, this Viewpoint was suggested on the basis that the North Wales Path and the A55 are almost at identical levels at this point and hence provided a safe place for photographer to capture the images.</p>	<p>The Applicant included the additional viewpoints requested by the Council and considered these in the assessment of the effects on the A55 is set out in Section 10.11.6 of the SLVIA (AS-027).</p>
REP1-055-4.18	<p>Cumulative effects (Onshore)</p> <p>In its response to the Section 42 Consultation, the Council raised concerns that the PEIR had not assessed cumulative effects with regards to potential windfarm development in the PAWEs identified in Future Wales.</p>	<p>Refer to response to REP1-055-4.1, iv.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-055-4.19	The Planning Inspectorate's Advice Note 17 advises that cumulative effects with other projects should be assessed on a 3-tier system, with projects "identified in the relevant Development Plan ... recognising that there will be limited information available on the relevant proposals" assigned to Tier 3.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-055-4.20	Paragraph 1498 notes of the ES notes the uncertainty associated with the potential offshore wind farm development within the PAWE areas (geographical extent and locations of WTGs as well as their height and number). It notes that there is no actual development to consider in the cumulative assessment of AMOWF other than that considered previously.	
REP1-055-4.21	Whilst the Council acknowledges the uncertainty in relation to the location and nature of development within the PAWE areas, it notes that Policy 17 of Future Wales sets a presumption in favour of large-scale wind energy development in these areas. Furthermore, criterion a) of Policy 18 (relating to unacceptable adverse impacts on landscape) does not apply to sites within the PAWE areas. In combination, Policies 17 and 18 provide a high degree of probability that large-scale wind energy development within PAWE areas will be approved. Given this policy context, and the proximity of PAWE Area 1 to the North Wales coast, the Council considers that cumulative impacts of such development with the AMOWF should be acknowledged as being potentially significant.	<p>The extent of development that may or may not come forward in the PAWE areas is unknown. As context, the extent of onshore wind farm development within Area A in Welsh Assembly Government (2005) Planning Policy Wales Technical Advice Note 8: Planning for Renewable Energy (TAN 8), which was one of the Strategic Areas previously promoted for onshore wind farm development in Wales, is not widespread.</p> <p>Following a review of the information available at this time it has been determined that policy areas such as this are considered to have Tier 3 level of certainty within the Planning Inspectorate Advice Note Seventeen and as such, no assessment is included within the assessment chapter. Where onshore wind farm developments do come forward within the PAWE areas, the applications would have to include AyM within their cumulative LVIA's.</p>
REP1-055-4.22	Should Development Consent be granted, the North Wales Authorities' therefore consider it necessary to secure a package of landscape contributions secured by legal agreement, in consideration of the harm caused by the significant adverse effects identified.	The Applicant is engaging with relevant interested parties, including North Wales LPAs, to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-055-5.1.i	<p>Tourism</p> <p>The Tourism and Regeneration Project Officer submitted the following response to the Section 42 consultation:</p> <p>i) The majority of tourists who come to Conwy County come for the beaches. This is evidenced in the May 2020 and April 2021 visitor surveys which we undertook. In the May 2020 survey, 69% of respondents rated the beaches as</p>	<p>Volume 3, Chapter 4: Tourism and Recreation (APP-065) presents a detailed and comprehensive review of the evidence of the relationship between wind farms and tourism. It finds limited evidence that wind farm developments have a negative impact on the local tourism economy.</p> <p>The Applicant recognises that Conwy's beaches are one of its main visitor attractions. However, the Applicant is not aware of any evidence</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>their top attraction in Conwy County. In the April 2021 survey, 75% of respondents indicated the beaches were their top attraction. The construction of AMOWF may force these visitors to visit other unspoiled beaches in a different area which would be a huge loss of tourism in Conwy County.</p>	<p>showing that people (including day visitors and those staying longer) who visit for this reason, are likely to be discouraged by offshore wind farms or that AyM would spoil the experience of Conwy's beaches.</p>
REP1-055-5.1.ii	<p>ii) There is evidence to suggest that smaller wind farms generate a less negative response from tourists. Awel y Môr is due to consist of between 48 – 91 turbines at 250-330m (subsequently revised). This is in addition to the existing Gwynt y Môr Wind Farm and Rhyl Flats development, so we would be concerned about the impact the additional AMOWF will have on tourism.</p>	<p>It is the Applicant's understanding that the point raised here concerning the scale of the wind farms refers to evidence relating to onshore wind farms. Similar evidence does not exist for offshore wind farms. There is therefore no evidence to suggest that the larger size of the turbines of the Proposed Development will have a negative effect on visitor numbers or expenditure.</p> <p>It is also possible that the larger scale of the project's turbines may be an attraction in their own right, especially if opportunities to build this into destination marketing and promotion are pursued. For example, there are opportunities to promote Conwy's 'energy coast' as part of a low carbon transition theme.</p>
REP1-055-5.1.iii	<p>iii) We would be concerned about the impact of any light pollution from the wind farm affecting dark skies.</p>	<p>Lighting mitigation measures have been included following Section 42 consultation (see Condition 30 of the Marine Licence Principles (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission)).</p> <p>The lights on AyM would generally be seen from Conwy in the context of existing OWF and oil and gas platform lights and from locations where lighting is a feature of the night time environment.</p> <p>Night time effects are assessed in Section 10.12 of the SLVIA (AS-027). The night-time effects on views from the summit and north-eastern parts of the Great Orme (Viewpoint 13) where light levels are lower, but the areas are also relatively accessible during twilight and at night, are assessed as being Moderate (Significant).</p> <p>It should also be noted that Conwy County Borough Council 2011-2016 Great Orme Country Park and Local Nature Reserve Management Plan does not mention dark skies as being a characteristic and therefore of policy importance.</p>
REP1-055-5.1.iv	<p>iv) Conwy County Borough Council has submitted its expression of interest to become the UK City of Culture 2025 under the title Conwy 2025. Being connected to communities, culture and a place's heritage are all important</p>	<p>As noted within the ES, Volume 3, Chapter 4: Tourism and recreation (APP-065), there are opportunities to promote Conwy's 'energy coast' as</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>aspects of the bid. We would be concerned about whether the AMOWF development would prevent us from acquiring this title.<sup>3</sup></p> <p>(3 - In the event, the Council was unsuccessful in its expression of interest to become UK City of Culture 2025. However, the matter is still relevant to the Council's representation in the event of future applications for City of Culture or similar status.)</p>	<p>part of a low carbon transition and this would align with any future bid for City of Culture status.</p>
<p>REP1-055-5.1.v</p>	<p>v) The majority of tourists to the area are aged 45+. This is evidenced in both the May 2020 and April 2021 visitor surveys. In Chapter 4: Tourism and Recreation, it states 'There is a need to be cautious in generalising but the evidence base (see for example Devine-Wright, 2007) points towards a tendency for younger people and those in higher socio-economic groups to be more accepting of wind farm development ...'. So the construction of AMOWF is more likely to be viewed negatively by the majority of tourists to our area.</p>	<p>The available evidence suggests that how offshore wind farms influence different types of visitors is poorly understood. For example, ClimateXChange in their comparative review of methodologies for assessing wind farm impacts on tourism note that one of the main research gaps concerns the potential impact of wind farms on different kinds of tourists, including socio-demographic background (Climate Xchange and The James Hutton Institute, March 2015). Whilst noting this weakness in the evidence, the evidence which is available suggests it is the older age group (65 years plus) that are slightly less positive about wind energy (Northumberland University (on behalf of Northumberland County Council), October 2014), rather than the larger 45+ age group. Furthermore, the following important points should be borne in mind:</p> <ul style="list-style-type: none"> <li>▲ The evidence noted above is based on ex-ante opinion surveys rather than ex-post studies examining the actual impact of wind farm development on visitor behaviour. The evidence in APP-065 suggests that there is a marked difference between the opinions of visitors pre development and their actual behaviours post development – that is, the small minority that suggest they are less likely to visit an area due to the proposed development does not occur in practice.</li> </ul> <p>The general public's awareness of the climate emergency has increased significantly over the last decade, as has their support for offshore wind with factors such as the conflict in Ukraine making the issue of energy security more prominent. This includes significant increases on both factors amongst the over 65 year-olds. Paragraph 193 of APP-065 notes the evidence from a long-term tracker survey of public opinion of energy related topics undertaken by the UK government department of Business, Energy and Industrial Strategy (BEIS, 2012-2021). The percentage of adults aged over 65 that oppose renewable energy has fallen from 10% to 1% over this period. In terms of opposition to offshore wind farms, the percentage aged over 65 that are opposed has fallen from 14% to</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		5%. The tracker also reveals that 80% of over-65s are now concerned about climate change; up from 56% in 2012.
REP1-055-5.1.vi	vi) The presence of wind farms could have an effect on the frequency and duration of visits.	<p>As noted above, the weight of evidence suggests that there will be no or very limited impacts on the visitor economy.</p> <p>In addition, over the period in which Gwynt y Môr offshore Wind Farm was constructed and subsequently been operating, the local tourism economy has grown steadily (although data for the latest covid and post-covid period is not yet available). Tourism employment in North Wales' main coastal resorts from which the wind farm is visible has increased (from around 4,000 FTE jobs in the year period to development to 5,000 FTE jobs in 2018) (see APP-124). CCBC also notes the 7% increase in visitor volume and value between 2018 and 2019, despite the continued presence of these wind farms off the coast of North Wales. Whilst this evidence does not suggest causation between the wind farm development and growth of the tourism economy (and it should be noted that tourism volume and value can fluctuate from one year to another), it nevertheless suggests that these seaside towns have grown their tourism employment during and after construction of this major offshore wind farm.</p>
REP1-055-5.1.vii	vii) The evidence base points towards potential for greater impacts to occur where wind farms or other infrastructure are sited in areas of high landscape value. In our May 2020 and April 2021 surveys, the top reason for people visiting Conwy County was because they love visiting and it is a beautiful location. The proposed AMOWF could have a very negative effect on our tourism industry since visitors may perceive the area as less beautiful. The SLVIA assesses the magnitude of change as being 'Medium High' from the Great Orme, Llandudno Paddling Pool and Colwyn Bay Promenade, and as 'Medium' or 'Medium Low' for the other viewpoints (Llanfairfechan promenade, Bryn Eurn, Mynydd Marian, Abergele promenade and Cefn Coch stone circle).	<p>The evidence presented in Volume 3, Chapter 4: Tourism and recreation (APP-065) does indicate that there are certain areas which are at greater risk of negative effects on the tourism economy, including those which attract older visitors and those in areas with high landscape value. As such, the assessment finds that the addition of Proposed Development could potentially have a negative impact on visitor numbers in certain locations such as Great Orme. However, these impacts are expected to be low in magnitude and short-term in nature.</p> <p>The Applicant would also reiterate some of the points raised above which are also relevant here, namely:</p> <ul style="list-style-type: none"> <li>▲ The evidence base referred to in REP1-055-5.1.vii is based mostly on ex-ante opinion surveys rather than ex-post studies of visitor behaviour.</li> </ul>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>▲ Attitudes to climate change are changing rapidly and becoming more supportive of offshore wind farms (including among older age groups). Alongside demographic effects, these changes are likely to decrease the number of people who would choose not to visit an area due to the presence of a wind farm over time.</p> <p>There is no evidence that the local tourism economy on the North Wales coast or in Conwy have been negatively affected by the construction and operation of Gwynt y Môr, with the number of visitors and tourism jobs increasing over time.</p>
REP1-055-5.1.viii	<p>viii) Regular visitors to an area may be more likely to oppose developments. Frankal and Kunc (2011) found that regular visitors to a particular tourism area may be more likely to oppose wind farm developments (although no conclusions were drawn about the extent to which this might be reflected in their visiting behaviour). This reflects the findings of wider research into reactions to wind farms amongst residents where a theme of people's attachment to a particular place is an important factor which influences their responses to developments (see for example Devine-Wright, 2012). A huge proportion of responses in the visitor survey were from people who regularly visit the area. To put into perspective, in 2019 we had 2.57 million staying visitors who contributed £644.19m to the economy which is a 6.4% increase on 2018. We also had 7.22 million day visitors who contributed a total of £351.99m to the local economy. This is a 7.1% increase on 2018.</p>	<p>As noted above, the weight of evidence suggests that there will be no or very limited impacts on the visitor economy. The Applicant recognises that Conwy has a large number of repeat visitors, but this does not alter the findings of the assessment. The Applicant would also reiterate the point above that the development of Gwynt y Môr did not prevent the growth in tourism employment between 2012 and 2019 and also visitor numbers and expenditure between 2018 and 2019 which is cited in REP1-055-5.1.viii.</p> <p>Although not a robust source of evidence, an analysis of the reviews of visitors to Llandudno on Google Maps indicates the offshore wind farms which are visible from Llandudno and the Great Orme only feature in a very small minority of reviews (and then mainly just noting that it is visible). The main negative comment concerns the seagulls and the cost and service of the tram. This suggests the presence of the wind farms are not a concern of the visitors, either positively or negatively.</p>
REP1-055-5.1.ix	<p>ix) Llandudno is a key tourist resort in the county with 15,000 bed spaces. It is a holiday accommodation zone meaning that there is a policy protecting holiday accommodation. The change of use of holiday accommodation is not permitted. These businesses could suffer by price reductions as a result of the construction of AMOWF if the wind turbines are deemed an eyesore by visitors. Any perceived reduction in the attractiveness of the landscape or wider effect on the tourism experience could reduce visitor demand to such an extent that it results in reduced prices.</p>	<p>The Tourism and Recreation assessment in Volume 3, Chapter 4 (APP-065) recognises that Llandudno is a key tourist resort and that the profile of visitors means there is potentially a small risk of some visitors being deterred from visiting the town. However this needs to be balanced against the possibility of the wind farm having a positive impact in terms of attracting visitors. The available evidence suggests that any effects will be low in magnitude and temporary in nature.</p>
REP1-055-5.1.x	<p>x) Tourism is a priority sector in Conwy which contributes £996.18m annually to the local economy. This has increased every year and our aim is to increase this to £1 billion by 2027. If the construction and development of AMOWF discourages visitors then this may prevent us from achieving our target of</p>	<p>The Applicant recognises the importance of tourism to Conwy's economy. As noted above, the weight of evidence suggests that there will be no or very limited impacts on the visitor economy overall. The fact that the tourism sector has continued to grow despite the construction</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	increasing the economic impact of tourism to £1 billion by 2027 as set out in the Conwy Economic Growth Strategy.	and operation of Gwynt y Môr offshore Wind Farm is evidence that wind farms have had limited impacts on the visitor economy.
REP1-055-5.3	The Applicant has responded to the Council's concerns in Table 4 of Chapter 4, Volume 3 of the ES. Whilst the Applicant maintains its earlier conclusion that the impact on the visitor economy of the Great Orme and Llandudno would be Low in the short-term and Negligible in the longer term, it acknowledges that there is an element of uncertainty in this conclusion. The Council acknowledges that the extent of the array has been reduced since the PEIR stage; however, that reduction has not allayed fears of potential harm to the tourism sector.	The Applicant recognises the importance of the tourism sector locally. However, the available evidence presented in the ES and the responses set out above to CCBC suggests that there is a small risk that Proposed Development could have a negative impact on the local tourism sector in certain locations (which needs to be balanced against the possibility of it having a positive impact in terms of attracting visitors).
REP1-055-5.4.i	Notwithstanding its objection to the proposal, the Council would be willing to enter into discussions with the Applicant for the provision of a tourism fund to ensure that the tourism industry is in a favourable position to attract new visitors to replace any displaced visitors. Such a fund could include, for example: i) Improvements to public realm e.g. promenades, shelters, public toilets;	<p>The Applicant would welcome further discussion with CCBC on this matter. In particular the Applicant would welcome further details of i) the specific improvements that CCBC would wish to fund, ii) any relevant evidence about why the investments are needed and iii) details of the expected benefits of these improvements.</p> <p>In addition, the Applicant and CCBC may wish to explore how new visitor interpretation facilities relating to the Proposed Development could be provided as part of a wider set of mitigation measures.</p> <p>The Great Orme would be one of the obvious locations given the numbers of visitors and extent of the views from this location. However, there would also be merit in some form of further complementary visitor interpretation for the wind farm on the seafront in Llandudno, given the greater number of visitors in this location and fact that not all of these visitors will choose to visit the Great Orme. Whilst the theme could be broadly the same in both locations (i.e. climate change, renewable energy and the Proposed Development's contribution to addressing these), there would need to be differentiation in the presentation at each location, possibly with the interpretation at Llandudno being a taster for more extensive provision at the Great Orme.</p> <p>This could play a role in attracting new and repeat visitors. It will achieve this (alongside the other suggested actions) through providing an additional attraction that communicates to visitors the significant role that this area is playing in addressing the climate (and indirectly the biodiversity) emergency. It will say much about how one of the most important seaside resorts in Wales can successfully balance its rich</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		heritage with the major challenges of climate change. Inclusion of these measures should be sufficient to reduce the temporary moderate effect to minor, which is not significant.
REP1-055-5.4.ii	ii) Works to refurbish/modernise visitor centres;	Works to refurbish visitor centres could, in principle, be an appropriate mitigation action. However this will depend on the exact measures and resources agreed (see the response to REP1-055-5.4.i) and the scope to link this to new interpretation facilities.
REP1-055-5.4.iii	iii) Marketing campaigns.	Marketing campaigns could, in principle, be an appropriate mitigation action. However this will depend on the exact measures and resources agreed (see the response to REP1-055-5.4.i) and the scope to link this to the area's role in addressing the climate emergency but should be sufficient to reduce the temporary moderate effect to minor which is not significant.
REP1-055-6.1	<p>Built environment</p> <p>The seafront extent of Llandudno Town Centre and Seafront Conservation Area extends over most of the built frontage along North Shore, including the Pier at its Western extremity<sup>4</sup>. A large number of buildings, particularly along the Promenade, are listed as being of special historic or architectural interest. These are identified with green stars. (CCBC provided a figure on page 13 of its WR)</p> <p>(4 - <a href="https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Conservation-and-Regeneration/Conservation-Areas/Assets/Documents/Llandudno.pdf">https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Conservation-and-Regeneration/Conservation-Areas/Assets/Documents/Llandudno.pdf</a>)</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-055-6.2	<p>The Landmap Visual and Sensory Evaluation recognises the impacts of existing windfarms on the character of the Llandudno Aspect Area. This is included in the summary description<sup>5</sup>:</p> <p>"The town is the major coastal resort on the north Wales coast with a promenade and grid iron pattern with a consistency of elegant Victorian built form in its core and seafront. The settlement is orientated towards Ormes Bay with its beach and promenade and pier, both of which have essentially maintained their integrity. There are many hotels and leisure uses. The town expands to the south, east and west in housing estates on gently undulating land but is constrained by the Great Orme and other coastal hills which from a positive backcloth. Superb views are possible out to sea framed by the Ormes.</p>	The Llandudno Conservation Area and setting of the listed buildings which lie within it and their relationship to their surroundings is described in (APP-069 paragraphs 248-250) and is broadly in agreement with the description provided here.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Gwynt y Mor offshore wind farm is apparent on the horizon depending on weather conditions."</p> <p>(5 – Reference Redacted)</p>	
REP1-055-6.3	<p>Landmap assesses the Llandudno Aspect Area as being High in respect of Scenic Quality, Integrity, Character, Rarity and Overall Evaluation. It concludes that:</p> <p>"The promenade allows superb views of the bay and the built form is pleasing in its composition. The promenade and core has a strong character and integrity with coherent and the consistent form of a Victorian seaside resort with fine buildings. The rest of the town has a weak, incoherent character. The resort is rare in its cores coherence and condition. Therefore the core and promenade are high while the rest of the town is low value."</p>	<p>The potential effect on the heritage significance of this Aspect Area has been considered in relation to the place of Llandudno as part of the Creuddyn and Conwy HLW, as well as in respect of the Conservation Area designation covering much of the town. An assessment for the HLW and the Llandudno Conservation Area was presented in (APP-069).</p>
REP1-055-6.4	<p>In respect of Q28 (Trend), Landmap assesses the Llandudno Aspect Area as Declining and notes that "Offshore wind farms including Gwynt y Mor are apparent diminishing the attractiveness of the sea views."</p>	<p>See Applicant's response to REP1-055-4.10</p>
REP1-055-6.5	<p>In respect of Q32, one of the recommendations provided in the Landmap assessment is to "discourage further wind turbine development in the sea and remove when operational period is completed."</p>	<p>See Applicant's response to REP1-055-4.11</p>
REP1-055-6.6	<p>The Council's Conservation Officer (appointed since the Section 42 response) has made the following representation:</p> <p>"I agree with the council's prior comments, that the assessment of effects presented as minor and not significant are a conservative assessment of the magnitude and significance of the impacts. The numerous ViewPoint Visualisations show that the development will be seen and experienced in numerous heritage assets within the authority. This includes Conwy Castle, Gwrych Castle, and the Llandudno Town Centre and Seafront Conservation Area. It will be especially apparent and experienced in Llandudno. The impact on tourism, which the mentioned heritage assets above, rely on, will be adversely impacted by the proposed development.</p> <p>"The ES has assessed the magnitude of the indirect impact on the Llandudno Conservation Area as Minor Adverse, with Minor Adverse residual effect. It has assessed the indirect impact on Llandudno Pier as Moderate Adverse, with a</p>	<p>Llandudno Conservation Area is an area designation covering the historic planned development of the seaside resort containing a variety of structures and views which contribute to its significance. The effects assessed take into account the character and appearance of the conservation area as a whole which includes areas away from the sea front, which do not draw their significance from connections to the coast. The conservation area draws its significance from the role it plays as the setting for the buildings and spaces within it. The Area is an asset of medium heritage significance. The assessment presented in APP-069 acknowledges the addition of the AyM WTGs in view from and along the promenade, but takes into account the existing presence of the Rhyl Flats and GyM WTGs which are prominent in views across the bay from this edge of the Area. It is considered that the outward views from the Conservation Area seaside edge are important (clearly) to understanding the historic, leisure focus of activity here; however, the</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Moderate Adverse residual effect. I am unsure how the impact could have been assessed differently. The magnitude of the indirect effect is likely to be the same in the CA as it is for one building (pier) within the CA. It is a conservative assessment of the magnitude and significance of the impacts of the development."</p>	<p>ability to understand and appreciate the architectural interest in individual buildings and the general historic planned arrangement of the core of the town (and the seaward edge) is not jeopardised by the presence of WTGs (including the Rhyl Flats and GyM turbines) in views along the seafront or along the street leading to or from the interior of the core of the town.</p> <p>Conversely the assessment of the pier is focused upon this structure in particular which is Grade II* listed and of high heritage significance. The structure extends out into Llandudno Bay and the assessment describes what is important to this structure in terms of its architectural interest rather than as part of the conservation area as a whole. The assessment of a moderate and therefore significant (In EIA terms) effect upon the pier reflects the specific circumstance of the pier, where the proposed WTGs would be juxtaposed with the deck of the pier, appearing as a modern and incongruous vertical extension to that structure, in specific views (in which the existing Rhyl Flats and GyM turbines would not necessarily feature). This was considered to significantly affect the particular architectural interest in the pier, and the significance of the effect reflects the high level of designation afforded to this asset.</p> <p>The effects assessed as moderate adverse to the pier and minor adverse to the conservation area are based upon professional judgement.</p>
<p>REP1-055-6.7</p>	<p>An additional concern relates to the potential impact of a reduction in tourism expenditure on the maintenance of buildings within the Conservation Area. A high proportion of buildings in the Conservation Area (and especially, those fronting the Promenade) constitute hotels and guest houses. These buildings typically have painted external walls, slate roofs, traditional dormers and timber windows, requiring expensive and frequent maintenance. The Council is concerned that any reduction in visitor numbers or expenditure could have a detrimental impact on such maintenance, which would over time, result in a gradual deterioration of the built fabric and hence the character and appearance of the Conservation Area and its constituent buildings. As previously mentioned, Llandudno has 15,000 bed spaces and is designated in the Conwy Local Development Plan as a holiday accommodation zone meaning that there is a policy protecting holiday accommodation in the town.</p>	<p>The significant effect identified within the Tourism Assessment (APP-065) upon the volume and value of the tourism economy for the Llandudno and Great Orme area would be short term, indirect and reversible in nature occurring in the latter stages of construction and at the start of operation (up to 2 years).</p> <p>There are opportunities for AyM to manage the risks of a negative short-term impact on tourism due to construction activity and to potentially deliver a positive benefit to the tourism sector within Llandudno and Great Orme area, such as those suggested by CCBC within its Written Representation.</p> <p>The heritage significance of the individual assets from which the Area derives is significance is not considered (with the exception of the pier) to be adversely affected, and the Area itself is not considered to suffer any adverse significant effect. The heritage assessment (APP-069)</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>acknowledges the addition of the AyM WTGs will have some effect on the seascape in views along the coast on the seaward edge of the Area, but it should be noted that the Rhyl Flats and GyM WTGs are already prominent in views from this side of the Area along the coast and across the bay, so that the visual change is one of degree rather than kind. The heritage assessment did not consider that the ability to appreciate or understand the historic evolution of the town as a planned leisure resort from the middle of the Nineteenth Century, or the architectural interest in the buildings within the Area would be significantly affected (and certainly not in the core of the town, away from the immediate coastal facing space along the promenade. It is not considered that the proposed development would therefore jeopardise the long-term preservation of the special interest and heritage significance of buildings within the Conservation Area at Llandudno.</p>
REP1-055-7.1	<p>Other Matters and Conclusions</p> <p>The Council is concerned that the night-time noise limit provided in Requirement 4 of 50dB(A) Leq,T does not provide for a satisfactory level of amenity to residents and visitors from offshore piling works. The Council is in active discussions with the Applicant over the wording of an alternative requirement.</p>	<p>Requirement 4 contained in the DCO provides a noise limit of 50dB(A) Leq,T for offshore construction works during onshore weather conditions at a specified location. The DCO requirements also state that, to determine compliance with this limit, associated noise monitoring needs to be undertaken.</p> <p>The noise limit within DCO R4 has been derived by the Applicant in conjunction with the measured baseline ambient sound levels (during neutral weather conditions) and the relevant guidance contained in BS5228:2009+A1:2014.</p> <p>The Applicant is in ongoing discussion with CCBC to clarify the full results of the Jan 2022 noise monitoring and calculation of the proposed threshold presented in the dDCO (Document 2.14 of the Applicant's Deadline 2 submission). The Applicant will continue to discuss this issue with CCBC environmental health department and is confident that agreement can be reached on appropriate measures to put in place during any night time piling activity.</p>
REP1-055-7.2	<p>The Council would welcome the provision of an additional requirement in respect of the submission, approval and implementation of an Employment and Skills Plan.</p>	<p>The updated dDCO submitted at Deadline 1 (REP1-008) included a new Requirement securing a Skills and Employment Strategy, to be approved by the relevant LPA (DCC) in accordance with the outline Skills and Employment Strategy.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		The Applicant is currently engaging with relevant IPs and other bodies on the content of the outline Skills and Employment Strategy, including North Wales Local Authorities, and will submit the outline strategy into the DCO examination once suitably advanced.
REP1-055-7.3	As noted in Section 5 of this response, the Council would welcome the establishment of a tourism fund to ensure fund to ensure that the tourism industry is in a favourable position to attract new visitors to replace any displaced visitors. Such a fund could either operate independently of, or in conjunction with, the fund for landscape works identified in Section 4.	As noted in REP1-055-4.22, the Applicant is engaging with relevant interested parties, including North Wales Local Authorities, to understand the basis for and structure of a possible landscape enhancement scheme. The Applicant expects the matters raised by CCBC in relation to a tourism to form a separate discussion to the landscape fund discussions.
REP1-055-7.4	The above contributions and requirements are suggested without prejudice to the Council's objection to the Application.	This is noted by the Applicant.
REP1-055-7.5	The Council fully supports the principle of developing renewable energy, and has worked with developers in securing the delivery of renewable energy generation projects which are proportionate to their context. However, the Council considers that the impact of the AMOWF would cause disproportionate impacts on seascape, landscape and visual amenity; to the built heritage; and potentially, to the viability of the tourism industry which is critical to the County Borough's economy. For these reasons, the Council therefore objects to the Application.	There is no evidence to suggest that AyM would affect the viability of the tourism industry in Conwy or the wider North Wales area. The growth in the North Wales tourism sector alongside offshore wind farm development that is highlighted by CCBC reinforces this. The tourism assessment does note the risk to the tourism sector of a short-term and temporary low magnitude of impact on volume and value of the sector in Llandudno and the Great Orme, but there is no suggestion that the development of the wind farm would threaten the overall viability of the sector.

## 2.2 REP1-063 – Gwynedd Archaeological Planning Service (GAPS)

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063- Summary 1.1	<p>Introduction</p> <p>Gwynedd Archaeological Planning Service (GAPS) is an autonomous section of the Gwynedd Archaeological Trust. Through service level agreements, GAPS provides impartial, specialist archaeological advice on planning and development management matters for Isle of Anglesey County Council, Gwynedd County Council, Snowdonia National Park Authority and the part of Conwy County Borough Council west of Penrhyn Bay.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063- Summary 1.2	The geographical limit of GAPS' curatorial remit is the Mean Low Water Mark of Ordinary Tides. All construction elements and ancillary works for the proposed scheme are located either offshore or in Denbighshire. GAPS therefore has no role in relation to physical impacts on the marine or terrestrial historic environment that may arise from the proposed development.	The Applicant agrees, physical impacts to archaeological remains onshore will solely be located within Denbighshire.
REP1-063- Summary 1.3	Our written representation provides comment on the effects on the onshore historic environment, specifically through change to the setting of registered and designated assets, within north-west Wales.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063- Summary 2.1	<p>Review of Environmental Statement</p> <p>The relevant section of the Environmental Statement is Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (Revision B, April 2022; application reference 6.3.8).</p>	
REP1-063- Summary 2.2	The statutory and policy context, consultation log, and scope and methodology for assessment are agreed.	The Applicant notes and welcomes the agreement to statutory and policy context, consultation log, and scope and methodology for assessment.
REP1-063- Summary 2.3	<p>Assessment of indirect impacts on onshore historic assets from the offshore array has been undertaken for sixteen assets or groups of assets within north-west Wales. Our comments are summarised in Table 2-1 below.</p> <p>TABLE PROVIDED ON PAGE 3</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063- Summary 2.4	It is unlikely to be possible to alter the design or layout sufficiently to allay concerns about the effects on Penrhyn Castle Registered Historic Park and	The assessment presented within (APP-069) reported a negligible effect to Penrhyn Castle and its Historic Park and Garden. A minor adverse effect was identified for Llandudno Conservation Area and a moderate

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	Garden, Llandudno Conservation Area and Llandudno Pier whilst remaining economically viable.	adverse effect identified for Llandudno Pier. Only one of these is a significant effect in EIA terms and all amount to either no harm or less than substantial harm when equated with policy and guidance. NPS EN1 states that any harm should be weighed against the public benefits of the development. As acknowledged by GAPS, a further reduction in the array area would make the project economically unviable.
REP1-063-Summary 2.5	Further reduction of the array area could reduce the impact on the Tower and Remains of Church and Monastic Settlement on Puffin Island to a non-significant level and may reduce the impact on the setting of Bangor Pier, Beaumaris Castle and Menai Suspension Bridge.	The assessment has identified a negligible effect to the Tower and remains of the church and monastic settlement on Puffin Island, Beaumaris Castle, Bangor Pier and Menai Suspension Bridge. As acknowledged by GAPS in REP1-063-2.4 above, a further reduction in the array area would make the project economically unviable. Any perceived harm would need to be weighed against the public benefits of the development.
REP1-063-1.1	<p>Introduction</p> <p>Gwynedd Archaeological Planning Service (GAPS) is an autonomous section of the Gwynedd Archaeological Trust. It is part of the regional curatorial service that maintains the Historic Environment Record and provides heritage management advice to a variety of stakeholders. Through service level agreements, GAPS provides impartial, specialist archaeological advice on planning and development management matters for the local planning authorities of north-west Wales (that is, Isle of Anglesey County Council, Gwynedd County Council, Snowdonia National Park Authority and the part of Conwy County Borough Council west of Penrhyn Bay)</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-1.2	<p>Gwynedd Archaeological Trust is a Registered Organisation with the Chartered Institute for Archaeologists (CIfA). The advice provided by GAPS accords with all CIfA regulations including the Code of Conduct<sup>1</sup> and relevant standard and guidance documents<sup>2</sup>.</p> <p>(1 - Code of Conduct: professional ethics in archaeology, Chartered Institute for Archaeologists, Reading, 2014, rev. October 2022)</p> <p>(2 - Standard and guidance for archaeological advice by historic environment services, Chartered Institute for Archaeologists, Reading, 2014, rev. October 2020)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-1.3	The geographical limit of GAPS' curatorial remit is the Mean Low Water Mark of Ordinary Tides. All construction elements and ancillary works for the proposed scheme are located either offshore or in Denbighshire. GAPS therefore has no role in relation to physical impacts on the marine or terrestrial historic environment that may arise from the proposed development.	
REP1-063-1.4.i	The Rule 6 letter Annex C (Examination document EN0110112-000627-AYMO, 23rd August 2022) identifies the following in the Initial Assessment of Principal Issues for the Historic Environment:  (i) Effects on the onshore historic environment, including archaeology and setting of designated assets (including but not limited to listed buildings and world heritage sites)	
REP1-063-1.4.ii	(ii) Effects on the intertidal and offshore historic environment	
REP1-063-1.4.iii	(iii) Future archaeological investigation, monitoring and supervision	
REP1-063-1.4.iv	(iv) Adequacy of archaeological surveys undertaken (including interpretation of survey results)	
REP1-063-1.4.v	(v) Adequacy of mitigation measures and monitoring	
REP1-063-1.5	This written representation provides comment on item (i), insofar as it concerns the historic environment of north-west Wales.	
REP1-063-2.1	Review of Environmental Statement  Assessment of the indirect impact of the offshore array on onshore historic assets is contained in Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (Revision B, April 2022; application reference 6.3.8).	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.2	<p>Statutory and policy context</p> <p>Section 8.2 and Table 1 set out the relevant national legislation and policy context for this topic. This is agreed to be correct.</p>	<p>The Applicant notes and welcomes the agreement that the relevant national legislation and policy context presented within the ES is correct</p>
REP1-063-2.3	<p>Consultation</p> <p>We have been a member of the Seascape, Landscape and Visual Impact and Cultural Heritage Expert Topic Group (SLVIA/CH ETG) since its inception. We have previously commented on the proposed development at Scoping and PEIR stages, as well as during discussion on, for example, viewpoint selection. These consultations are included in the consultation record set out in Volume 3, Chapter 8, section 8.3 Table 2 and Volume 4, Annex 10.2. We confirm these to be a faithful record of the comments previously made and related discussions.</p>	<p>This is noted by the Applicant.</p>
REP1-063-2.4	<p>Scope and methodology</p> <p>Section 8.4 (introduction), Section 8.4.3, Section 8.5, Tables 3, 4, 5 and 8, and Volume 5, Annex 8.2 application reference 6.5.8.2) explain the methodology for assessment of significance of assets, for assessment of significance of impacts, and for selection of assets for detailed assessment in relation to indirect impacts. The scope and methodology are agreed to be appropriate.</p>	<p>The Applicant notes and welcomes the agreement that scope and methodology used are appropriate.</p>
REP1-063-2.5	<p>Assessment of Impacts</p> <p>Assessment of indirect impacts on onshore historic assets from the offshore array is set out in Sections 8.7-8.10 and 8.12. Assessment has been undertaken for sixteen assets or groups of assets within north-west Wales. These are discussed below in the order in which they appear in the text.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-063-2.6	<p>Beaumaris Castle World Heritage Site (Scheduled Monument AN001, Grade I Listed Building 5574)</p> <p>The impact upon Beaumaris Castle is assessed as negligible in magnitude and significance because its setting is not considered to extend as far as the development (paragraph 198), and its architectural, historic and archaeological values and the ability to appreciate them are considered to be unaffected. This is not agreed.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.7	<p>Cadw's guidance publication<sup>3</sup> provides a broad definition of setting, reiterated in the chapter glossary, as 'the surroundings in which [the asset] is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape'. The response to Cadw's Section 42 response in Table 2 (p.54) attempts to refine this, stating that "Setting, as it contributes to heritage significance and the ability to appreciate that heritage significance, does not always extend as far as can be seen".</p> <p>(3 - Setting of Historic Assets in Wales, Cadw: Welsh Government, Cardiff, 2017)</p>	
REP1-063-2.8	<p>The World Heritage Site Management Plan<sup>4</sup> states that where a significant view or arc of view is identified, "the entire view enclosed within the 'arc' is considered to be significant" (paragraph 2.4.2). In this case, as the application site is visible within an identified significant arc of view, it clearly forms part of the setting of the site.</p> <p>(4 - World Heritage Site Management Plan 2018–28, Castles and Town Walls of King Edward in Gwynedd World Heritage Site, Cadw: Welsh Government, Cardiff, 2018)</p>	<p>The Applicant is aware of the significant views and arcs of view identified in the WHS Management Plan, and VP44 (Volume 6, Annex 10.5 Fig. 71) was selected with this in mind. The Applicant notes that the arc of view in the management plan is well over 270 degrees, and cannot be encompassed in one view. The management plan talks of the "magnificent" views primarily in connection with the view across the straits and incorporating the hills and mountains of Snowdonia and elsewhere along the north Wales coast. The Applicant considers that it is the availability of near all-round views from the castle that is important, not specifically what may or may not be in view. The proposed WTGs add something to the view, but do not prevent the availability of views nor do they interrupt any specific designed visual relationship with any defined related asset. Certainly, the view extends well beyond the "essential setting" as defined in the Management Plan. The Applicant does not believe that everything that can be seen from the castle forms a part of its setting, in the sense that that setting makes a contribution to the ability to understand or appreciate the castle's special interest. As such, in no way is the ability to understand the design, function and form of the castle, nor is the Outstanding Universal Value for which it was designed jeopardised.</p>
REP1-063-2.9	<p>Throughout the chapter, in responses to consultee comments and in the main text, the assessment repeatedly make the argument that mere intervisibility does not necessarily result in an impact on significance. This is true, but a narrow approach is taken as to when and how visibility is relevant. It would have been helpful for the assessment to have included an analysis of the extent to which this part of the view contributes to the castle's significance.</p>	<p>The Applicant considers that the view to the east referred to here is not, in and of itself, key to understanding any of the attributes that contribute to the Outstanding Universal Value of this component part of the WHS. The Applicant contends that it is the availability of views in any given direction, not specifically what is within (or not) such views. The Applicant notes further that there is a ridge of higher ground to the east of the castle which to some extent limits the essential setting in this direction.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		The Applicant acknowledges that the proposed WTGS will be visible (at some 25 km) above this and in views from the highest parts of the castle but maintain that this simple intervisibility does not affect the OUV of the castle.
REP1-063-2.10	In relation to significant views, the World Heritage Site Management Plan states that "Inappropriate development or change is considered to be that which would obstruct or interfere with or distract from these views" (paragraph 2.4.2).	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-2.11	VP44 (Volume 6, Annex 10.5, Fig.71) illustrates the view from the castle with maximum visibility of the proposed development. Volume 2, Chapter 10 SLVIA Table 6 notes that the proposed development would occupy approximately 12 degrees of the view. The impact is assessed as moderate (non-significant), taking account of factors including other aspects of the castle's setting and the opinion that this segment of view is not a specific focus. This is the same as at PEIR.	
REP1-063-2.12	Chapter 8 considers that the visibility of turbines in this view does not affect the functional relationship of the castle with the sea or the ability to appreciate this relationship. At PEIR, the proposed Awel y Môr wind turbines extended across the width of the sea horizon, creating a 'fenced in' effect that detracted from the sense of dominance of the castle in this view and thereby reduced the contribution made to its significance by its landscape setting. This was highlighted by consultees as a significant concern.	The concern raised by consultees that the array area would create a 'fenced in' effect was taken into account and the array area was reduced thereby lessening the potential for any significant effect.
REP1-063-2.13	The reduction in the array area has lessened this effect, so that while offshore wind farms are present across the sea horizon, the immediate perception is of a gap between Awel y Môr and the Great Orme, as existing turbines appear distant, considerably smaller and recessive. It is considered that this has reduced the significance of the impact such that it does not unacceptably impair the appreciation of the past and present relationship of the castle with the sea.	The Applicant agrees that the reduced array area will not unacceptably impair the appreciation of the past and present relationship of the castle with the sea. Paragraph 196 of the ES chapter (APP-069) outlines the importance of the relationship between the castle and the sea to the significance of the castle. In the assessment of the effect paragraph 197 (APP-069) summarises that 'it is clear that the ability to appreciate the intended functional relationship of the castle in terms of supply (via the Seagate protected by the Gunners Walk) will not be affected'.
REP1-063-2.14	However, the turbines will be a conspicuous intrusion of modern infrastructure within an identified significant view of a World Heritage Site. Having regard to the very high significance of the monument and the scale and nature of the development, it is difficult to see how this can be regarded as a negligible	The effect is regarded as a negligible change as the interests which make up the significance of the asset will remain intact. As mentioned above the intended functional relationship between the castle and the sea will remain unaffected. In addition the ability to appreciate the

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>change, and it is considered that the impact would be more appropriately graded as of low magnitude, minor to moderate significance, and not significant in EIA terms.</p>	<p>architectural arrangement of the castle in terms of defense and habitability as well as its strategic location will not be affected by the WTGs, even where these may be visible in distant views. The outstanding universal value of the castle as a masterpiece of military engineering and architecture as an expression of the political power of the Plantagenets is unharmed. Overall, the effect of the introduction of the array upon the significance of the castle and its outstanding universal value as part of the WHS is considered to be negligible.</p>
<p>REP1-063-2.15</p>	<p>Conwy Castle and Town Walls World Heritage Site (Scheduled Monuments CN004 and CN014, Grade I Listed Buildings 3250 and 3233)</p> <p>The impact upon Conwy Castle and Town Walls is assessed as negligible in magnitude and significance because its setting is not considered to extend as far as the development (paragraph 203), and its architectural, historic and archaeological values and the ability to appreciate them are considered to be unaffected. This is partly agreed.</p>	<p>The outstanding universal value of the castle and adjacent town is not affected or diminished, whether or not the AyM WTGs may be visible at distance. The castle remains as an outstanding masterpiece of military engineering and together with the town walls, continues to embody the political power of King Edward in confirming his rule in Wales. The authenticity and integrity of this component of the WHS, as expressed in the fabric of the castle and town walls is unaffected.</p> <p>It is noted in this regard, that the Development falls outside of the Conservation Area and "essential setting" of the castle (as defined in the management plan) and the "buffer" adopted by the Council.</p>
<p>REP1-063-2.16</p>	<p>As with Beaumaris Castle, because the development is partly visible within an identified significant arc of view, it does fall within the setting of the monument, and an explanation of why the arc of view is significant and what, if anything, this section contributes, would have been helpful.</p>	<p>As with Beaumaris, the assessor was aware of the "significant views" and VP 45 was selected with this in mind. As with the response given above for Beaumaris, the Applicant maintains the position that the significant view identified is analogous the availability of long and panoramic views and is consistent with the understanding of the defensive purpose of the castle (in particular) and the reason it is located where it is. Again, The Applicant is of the opinion that the proposed WTGs will not in any way prevent and understanding of the attributes that make up the OUV of the castle (and town). The extensive views already include significant modern infrastructure and development, and the turbines are not in any specific visual relationship with a defined related asset, not do they prevent the enjoyment of the panoramic views referred to.</p>
<p>REP1-063-2.17</p>	<p>The assessment focuses on views from the castle with no discussion of views from the town walls, and as such could be argued to be incomplete. VP45 from the Chapel Tower of the castle has been selected as representing the view from the castle with maximum visibility of the proposed development. The view</p>	<p>The Applicant agrees that VP can be taken as a representative visualisation for the highest point of the Town Wall. However, The Applicant considers that the setting of the town (encompassed by its walls) is very much related to the castle and the crossing point on the</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	in this direction from the highest point on the Town Walls, the Watchtower, is likely to be similar, and VP45 can therefore be taken as representative of the Conwy component of the World Heritage Site.	bay that it commands. In this regard, The Applicant does not consider the availability of long-distance views to be determinative in ascribing significance to the town itself.
REP1-063-2.18	<p>Volume 6, Annex 10.5, Fig.72b illustrates the visibility of parts of up to 16 turbines on the skyline in a dip between hills. This is part of an identified significant arc of view in the World Heritage Site Management Plan<sup>5</sup>, but is not identified as being of specific interest, in contrast to views along the estuary, for example. Nonetheless, the turbines are incongruous and detract from the aesthetic quality of this view. In relation to significant views, the World Heritage Site Management Plan states that "Inappropriate development or change is considered to be that which would obstruct or interfere with or distract from these views" (paragraph 2.4.2). As scenic quality in this part of the view acts to enhance the experience and appreciation of the World Heritage Site, rather than being of intrinsic importance, the turbines are considered to be a small distraction within the wider arc of view. Having regard to the very high status of the monument, it is considered that this constitutes an impact of negligible/low magnitude, minor significance and not significant in EIA terms.</p> <p>(5 - World Heritage Site Management Plan 2018–28, Castles and Town Walls of King Edward in Gwynedd World Heritage Site, Cadw: Welsh Government, Cardiff, 2018)</p>	Parts of up to 16 WTGs will be partially visible as blades and blade tips over intervening land in view to the east and north of the castle. The degree of visibility will be lower or further screened from elsewhere on the castle walls or turrets. Even where visible in long distance views the WTGs will not prevent the appreciation of the design of the castle, its close intended relationship with the sea as a supply route nor its relationship with the adjacent settlement. The effect has been assessed within the chapter as negligible and not significant in EIA terms.
REP1-063-2.19	However, it is considered that the assessment should have taken account of the fact that two of the four components of the World Heritage Site would be affected by the scheme, which may be a combined impact of higher significance.	The Applicant does not agree with this, as no adverse impact is assessed by the Applicant to either component.
REP1-063-2.20	<p>Penrhyn Castle (Grade I Listed Building 3659)</p> <p>The impact upon Penrhyn Castle is assessed as negligible in magnitude and significance because the contribution made by setting to its significance is undiminished. This is agreed.</p>	The Applicant notes and welcomes this agreement.
REP1-063-2.21	The assessment also considers that the contribution made by Penrhyn Castle and its parkland to the Slate Landscape of Northwest Wales World Heritage Site is unaffected. This too is agreed.	The Applicant notes and welcomes this agreement.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.22	However, despite the selected representative viewpoint being located on the eastern terrace, the assessment considers Penrhyn Castle Grade II* Registered Historic Park and Garden (PGW(Gd)40(GWY)) only as a setting for the castle. It is in fact an asset in own right with its own setting, and this should have been subject to assessment.	The Registered Historic Park and Garden at Penrhyn owes its existence entirely to the Estate and derives the majority of its significance as the designed setting for the Castle, in in this respect The Applicant believes it appropriate that it was considered primarily in reference to that asset.
REP1-063-2.23	The Register entry describes the "chief glory of the garden" as "its setting against the landscape of north Wales", referring to the extensive views from the terrace, including the coast, as "spectacular". It can be reasonably supposed that views from the terrace are intended to be appreciated as part of the estate design, and as such contribute to the aesthetic value of the asset.	It is acknowledged within the ES chapter (APP-069) that the Registered Historic Park and Garden provide the immediate setting for the castle with the wider setting visual setting comprising the availability of views to the higher ground to the east, south and west and views across the Menai Strait. It is acknowledged within the assessment that views across the Menai Strait and to the surrounding landscape form part of the wider visual setting of the asset. However, it is also acknowledged that it is the availability of these long-distance sea views that is important (and not necessarily what is in them) that adds to the asset. Furthermore, seaward views are not the only or even major contributor to the castle's significance in this regard, with the arguably more important landward views providing the backdrop of the castle within the parkland itself. The visualization shows that the WTGs will be visible within the view from the terrace in good conditions and at distance, however the presence of the WTGs in this view does not affect the availability of the view which is what is important here. The WTGs will result in an addition to the current sea view but this does not affect the ways in which the interests of the assets are understood, experienced and appreciated and how the assets relate to the wider surroundings both in the past and present (including the relationship of the castle to the port at Penrhyn as a specific seaward expression of the economic underpinning of the wider estate, and to the slate economy which funded the estate).
REP1-063-2.24	VP17 (Volume 6, Annex 10.5, Fig.44) illustrates this view and is discussed in Volume 2,Chapter 10 SLVIA Table 6. It is shown that the proposed development would extend offshore wind farm development within a framed view across the visible seascape skyline, with the Awel y Môr turbines noticeably taller and more prominent than existing developments. The SLVIA assesses the impact as moderate (significant), taking account of factors increasing the capacity of the view to accommodate new wind turbines, such as topography.	The SLVIA chapter of the ES (AS-027) makes an assessment against different criteria to that presented within the assessment in ES Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (APP-069). Chapter 8 is concerned with the effects of the proposed array upon the heritage significance (as the sum of its interests or values) or the ability to understand, appreciate or experience the significance of a heritage asset.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.25	Natural beauty and visitor experience influence the contribution of setting to significance principally in the case of designed and formal vistas. This is considered to be applicable here. The new wind turbines would be conspicuous and intrusive in the view from the terrace, drawing the eye away from the intervening grounds, reducing the prominence of the Great Orme headland, and removing the sense of openness of an undeveloped sea horizon. This would materially reduce the aesthetic value of this view and thereby the contribution that this part of the setting makes to the significance of the Registered Park and Garden. It is considered that this would be a medium impact of moderate significance.	Whilst this experience may be the case for the terrace (and the Applicant does not accept that there is any significant harm here), this is not representative of the whole of the experience within the grounds of the Registered Park and Garden. It is considered disproportionate to accord a significant level of harm for the whole of the extensive parkland, from a change in a single view. The position maintained by GAPS does not account for the role played in the park's setting by the other, landward aspect of that setting (which make up the greater extent of that setting), especially the hills to the south, east and west.
REP1-063-2.26	Volume 2, Chapter 8 Table 5 indicates impacts of moderate significance to be nonsignificant in EIA terms. This is inconsistent with the assessment of the impact on Llandudno Pier (see below) where moderate adverse impact has been assessed as significant for the purposes of EIA. The latter is considered to be more accurate in the context of this scheme and is applicable to the impact on the Registered Park and Garden.	It is assumed that this reference is made to Volume 3, Chapter 8; Onshore Archaeology and Cultural Heritage (APP-069). Table 5 does not indicate that impacts of moderate significance are not significant in EIA terms. The note beneath Table 5 states that 'Effects of moderate significance or greater are defined as significant with regards to the EIA Regulations 2017'. This is also further clarified in Paragraph 45 stating that 'Moderate or Major effects would be considered to be significant in EIA terms'. This is consistent with the moderate adverse effect to Llandudno Pier being assessed as significant in EIA terms.
REP1-063-2.27	Component Part 1: Penrhyn Slate Quarry and Bethesda, and the Ogwen Valley to Port Penrhyn – Slate Landscape of Northwest Wales World Heritage Site The impact on the World Heritage Site is assessed as of negligible magnitude and significance since none of the attributes, nor the ability to appreciate them, is affected. The reasoning is considered to be sound and the assessment of impact is agreed.	The Applicant welcomes this agreement.
REP1-063-2.28	Trwyn Du (Penmon) Lighthouse (Grade II* Listed Building 21615) The impact on the lighthouse is assessed as of negligible magnitude and significance, because its architectural and historic values and the ability to appreciate them are unaffected. This is agreed.	The Applicant welcomes this agreement.
REP1-063-2.29	Tower and Remains of Church and Monastic Settlement on Puffin Island (Scheduled Monument AN064, Grade I Listed Building 5528)	This appears to be a difference in the final judgement made upon the level of effect rather than a difference in the way that the methodology for the assessment of setting has been applied.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>The impact on the remains of the church and monastic settlement is assessed to be negligible in magnitude and significance, because the special interest of the remains and the ability to appreciate this are unaffected. This is not agreed.</p>	<p>The Applicant considers that the presence of the AyM WTGs at distance in views to the east will not affect the ability to appreciate or understand the built form or archaeological interest in the monument, nor its island location.</p> <p>This assessment is based upon professional judgement that although intervisible, the WTGs are not considered to affect the special interest in the remains nor the ability to appreciate them, which assesses this affect as negligible.</p>
<p>REP1-063-2.30</p>	<p>The assessment notes correctly that the setting of the monument includes its physical separation in an island location and the accompanying sense of isolation, which may have been factors in the choice of location for the monastery and contribute to understanding the significance of the monument.</p>	<p>The Applicant welcomes this agreement.</p>
<p>REP1-063-2.31</p>	<p>VP7 and VP8 (Volume 6, Annex 10.5, Figs.34 and 35) illustrate views towards Puffin Island.VP7 is a close range view in which the Awel y Môr turbines are clearly visible to either side of the island and considerably more prominent than the more numerous and distant existing offshore wind farms. The Awel y Môr turbines do not dominate the view and their visual influence has lessened as a result of the reduction in the array area since PEIR. Nonetheless, by creating a backdrop of modern development, they appreciably reduce the sense of removal from the secular world.</p>	<p>Despite the WTGs lying within the wider maritime setting of the asset (as acknowledged in paragraph 238), the presence of the WTGs at distance within views will not affect the ability to appreciate, experience or understand the built form, archaeological interest or isolated island location, which contribute to the significance of the asset. Furthermore, it is the separation of the island from the mainland which is important to the asset, in terms of understanding the location of the early Christian and monastic communities in respect of the desire for isolation from the temporal world as represented on the mainland (of Anglesey). The ability to appreciate this aspect, are not diminished by the presence of the WTGs. Whilst the proposed array does bring modern infrastructure closer to the island this does not affect the ability to appreciate this as an island. The ability to appreciate the design, form and fabric of the standing remains are not affected, nor is the archaeological interest harmed.</p>
<p>REP1-063-2.32</p>	<p>VP8 is a longer view from Beaumaris promenade. As described in the SLVIA, the Awel y Môr turbines are 'prominent elements on the horizon' in this view, flanking Puffin Island in such a way as to link it to mainland Anglesey and extending towards Great Orme, almost forming a visual connection. The scale of this change, from the existing vista across largely open water to the horizon, is greater than that at VP7 with a correspondingly greater effect on the value of the monument's setting.</p>	<p>The Applicant believes that the heritage values, and the attributes that make up the OUV of this component part of the Castles and Townwalls of King Edward in Gwynedd World Heritage Site, are not harmed. The relationship of the castle to the water is clear and still appreciable, both in respect of the wider maritime environment and more specifically, the Menai Strait immediately adjacent (and to which the castle once had direct access). The visibility (at distance of turbines to the east) does not</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		affect the ability to appreciate or understand this historic position along Anglesey's southern coast, and the specific relationship with the sea.
REP1-063-2.33	In this view, we would agree with the SLVIA that the reduction in array area has not been sufficient to alter the significance of the impact. The Awel y Môr turbines would be a large, unsympathetic intrusion that dominates the skyline and substantially reduces the perception of isolation of Puffin Island, a key attribute of the setting of the monastic settlement that is important for its understanding and appreciation. As such, this would significantly reduce the contribution of setting to the significance of the monument, which would be reduced as a result. It is considered that this would constitute a high adverse impact, of moderate impact on the significance of the monument, and thus significant in EIA terms.	The Applicant believes that the key aspect of this sense of isolation for the monastic community is in relation to the adjacent coast, both of Anglesey specifically, and North Wales more generally. The separation of the spiritual from the secular or temporal "realm" is better understood where these two "realms" are in counter-point. The Applicant agrees that the wider maritime aspect contributes to this, but that this is not determinative in the terms expressed above, and not so as to cause any significant effect. The Applicant further notes that the asset has other, equally important values and does not depend solely on the contribution made by setting to justify its heritage significance. In this respect, the ability to appreciate the design, form and fabric of the standing remains are not affected, nor is the archaeological interest harmed.
REP1-063-2.34	Puffin Island Telegraph Station (former) (Grade II Listed Building 5529) The impact on the former telegraph station is assessed as of negligible magnitude and significance, because its architectural, aesthetic and historic values and the ability to appreciate them are unaffected. This is agreed	The Applicant notes and welcomes this agreement.
REP1-063-2.35	Pen y Dinas Camp (Scheduled Monument CN039) The impact upon Pen y Dinas Camp is assessed as of negligible magnitude and significance, because its primary archaeological interest, and the ability to enjoy and understand it, is unchanged.	The Applicant notes and welcomes this agreement.
REP1-063-2.36	Whilst noting the influence of existing modern development (including offshore windfarms) within the setting of the hillfort, the assessment does not consider the cumulative impact of additional, larger wind turbines. VP52 (Volume 6, Annex 10.5, Fig. 75b) demonstrates that these would fill the current gap between existing offshore wind farms and the Great Orme headland and that, due to the difference in size, this change would be noticeable. It is also possible that appreciation of the strategic position of the hillfort from long-range views may be impeded (for example in VP12 from Conwy Mountain, Volume 6, Annex 10.5, Fig.39, where the turbines would overshadow the headland). However, the monument does not have a strong landscape expression at distance and it is difficult to argue that this has an appreciable detrimental effect on the	The Applicant notes and welcomes this agreement.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	significance of the monument or its setting. The assessment of negligible impact is therefore agreed.	
REP1-063-2.37	Llandudno Conservation Area The impact on Llandudno Conservation Area is assessed to be of low magnitude and minor adverse significance. This is not agreed.	This appears to be a difference in the final judgement made upon the level of effect rather than a difference in the way that the methodology for the assessment of setting has been applied. The assessment within ES Volume 3, Chapter 8: Archaeology and Cultural Heritage (APP-069) is based upon professional judgement, which assesses this affect as a minor adverse effect for the reasons given in the Chapter.
REP1-063-2.38	The assessment 44ecognizes the importance of sea views as part of the setting of the Conservation Area (paragraphs 249 and 250). As a historic seaside resort, Llandudno Conservation Area has strong aesthetic and communal values as well as architectural significance. Sea views are integral to its character, and important both for appreciating the reason for its establishment at this location and for contemporary amenity value.	The Applicant agrees. However, the Conservation Area is an extensive designation, the majority of which is not focused on the seafront, and with a significant proportion of the Conservation Area located on the landward side.
REP1-063-2.39	We disagree with the assertion that the development would not detract from appreciation of the Conservation Area and that the setting would remain effectively unchanged (paragraph 254). The assessment refers to the visibility of existing wind farms, implying that this lessens the impact of additional turbines. However, this does not address the substantial difference in size or the cumulative impact.	The assessment does not suggest that the presence of existing turbines will lessen the effect of the AyM WTGs. Paragraph 252 (APP-069) describes the existing environment into which the WTGs will be introduced. This is relevant baseline information which highlights the context within which the AyM WTGs will be seen. To dismiss the existing turbines would not be representative of the actual effects of the proposals. The difference in size between the existing and proposed WTGs is not mentioned in paragraph 252 as the description of the baseline environment does not form the crux of the argument for the level of harm anticipated. Cumulative effects of the proposed development with operational, consented and planned development of a similar type are presented within Section 8.13.2. Whilst the AyM WTGs were identified to form a new addition in views with the existing arrays, in no case were the AyM WTGs considered to cause additional or cumulative harm to the specific heritage interests or values of any heritage asset in such a way that their significance would be reduced.
REP1-063-2.40	SLVIA paragraph 1183 notes that the Awel y Môr turbines would be 'substantially more prominent' than operational offshore wind farms as a result of their size and the extent to which they occupy the fields of view from various viewpoints, including views framed by landforms. It notes further that this	The introduction of the AyM WTGs into sea views from the Conservation Area is acknowledged in paragraphs 251-252. Despite the introduction of the WTGs it will still be possible to appreciate the design and form of the planned development of the Conservation Area. The ability to

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>increases the characterising effect of the turbines on the seascape. Wind energy development would extend across approximately 83 degrees of the view at VP18 (Volume 2, Chapter 10 SLVIA Table 6 ); at VP59, the combined extent is approximately 62 degrees, leaving only 15 degrees of clear water along the horizon framed by Great and Little Orme. In the latter case, whilst turbines are partly hidden by the Pier, this is in itself a notable impact, discussed separately, but this also contributes to the overall impact on the Conservation Area as the Pier is a key component.</p>	<p>appreciate the historic association of the promenade with leisure and recreation will not be affected. Similarly, the ability to appreciate the architectural details and interest in the buildings will not be impeded. The pier as a focal point at the northern end of the bay will remain unchanged. The presence of WTGs in views from the Conservation Area will therefore not detract from an appreciation of the historic development of the town nor its historic recreational value in the past and present as a historic seaside resort.</p>
REP1-063-2.41	<p>In illustrations at these and other viewpoints (see for example Volume 6, Annex 10.5, Fig.42 viewpoint 15), the Awel y Môr turbines appear almost comically large in comparison to the existing infrastructure, appearing twice as tall at e.g. VP59 (Volume 2, Chapter 10 SLVIA Table 6). On the basis of these illustrations, it is difficult to regard this as anything less than a major adverse intrusion on the seascape setting.</p>	<p>VP59 has been used to inform the assessment of effects on the heritage significance of Llandudno Pier. It is acknowledged within this assessment that the AyM WTGs will be visible in combination with the Pier and in some views will appear to emerge from the Pier's deck. However, it is the effect to the heritage significance which is the subject of the assessment within Chapter 8 (APP-069) and whilst the visual presence of the WTGs is acknowledged this is not considered to affect the historic association of the pier with the town and its evolution as a historic resort. In the assessment this is presented as an effect of medium magnitude on Llandudno Pier. VP59 has also been used in the assessment of Llandudno Conservation Area and a summary of this has been provided above, this has been assessed as an effect of low magnitude upon the Conservation Area.</p>
REP1-063-2.42	<p>Llandudno Pier (Grade II* Listed Building 3641)</p> <p>Having regard to the magnitude of change and the importance of the seascape to the setting of the Conservation Area, it is considered that this would constitute a moderate impact on the contribution of setting, resulting in a medium impact on appreciation of the Conservation Area. This is considered to be a moderate impact on the significance of the asset, and significant in EIA terms.</p>	<p>Based upon the assessments outlined above, ES Volume 3, Chapter 8 (APP-069) has reported a minor adverse (not significant) effect to Llandudno Conservation Area and a moderate adverse (significant) effect to Llandudno Pier.</p>
REP1-063-2.42 (duplication)	<p>The impact on Llandudno Pier is assessed as of medium magnitude and moderate adverse significance (significant), as the turbines would detract from appreciation of the architectural interest of the pier in some views. This is agreed.</p>	<p>The Applicant notes and welcomes this agreement.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.43	Bangor Pier (Grade II* Listed Building 3987) The impact on Bangor Pier is assessed as of negligible magnitude and significance, because its architectural and historic interest, and the ability to appreciate them, are not adversely affected. This is partly agreed.	This is noted by the Applicant.
REP1-063-2.44	The assessment notes (paragraphs 267 and 268) that the function of the pier was historically as a landing stage for pleasure steamers and presently provides long views of the surrounding land- and seascape. Both the listing description and the SLVIA refer to structures and furniture indicating that appreciation of these views is intentional and part of its architectural design. Arguably, therefore, aesthetic or scenic quality of the setting can be said to contribute to the significance of the site as a destination for historic tourists and for appreciating its history.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-2.45	VP9 (Volume 6, Annex 10.5, Fig. 36) indicates that the proposed development would be a conspicuous alteration to the view, increasing the influence of modern infrastructure in an otherwise mainly rural setting. However, this does not detract materially from the architectural and historical interest of the pier and can be accommodated within the wider views experienced along the pier.	It is acknowledged within paragraph 238 (APP-069) that the WTGs will be visible within views to the east along the Menai Strait but that the function of the pier in providing these views will not be affected. Rather than affecting the availability of these views, the WTGs will form an addition to the view in one direction. Taking into account the distance, this addition will not harm the heritage value of the pier in terms of its interests.
REP1-063-2.46	It is therefore considered that the impact is of low magnitude and minor significance, and not significant in EIA terms.	As set out above the addition of the WTGs within the view in one direction will not harm the heritage value of the pier and as such the effect has been assessed within the chapter as being negligible and we agree the effect is in any case not significant in EIA terms.
REP1-063-2.47	Menai Suspension Bridge (Grade I Listed Building 4049 and 18752) The impact on the Menai Suspension Bridge is assessed as of negligible magnitude and significance, because its architectural, aesthetic, evidential and historic interests, and the ability to appreciate them, are not adversely affected. This is agreed.	The Applicant welcomes this agreement.
REP1-063-2.48	The bridge is an iconic structure, with the interest and drama of the surrounding landscape fortuitously contributing to its aesthetic value and appreciation. Its visual setting is experienced in both close and long range views, as well as views available when crossing the bridge, such as that illustrated by VP49 (Volume 6,	The proposals have responded to concerns raised as to the extent of the array. This was modified to reduce the concerns around a 'fenced in' effect within this view, and lessen the potential that any significant effect would arise.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	Annex 10.5, Fig. 73). In this view, the proposed turbines appear distant but noticeable, extending partway across the Menai Strait to overlap the more distant existing wind farms. At PEIR, the Awel y Môr turbines extended right across the Strait, creating a 'fenced-in' effect that detracted from this view. The reduction of the array area has reduced this effect, so that the contribution of this aspect to the significance of the structure is essentially maintained.	
REP1-063-2.49	<p>Creuddyn and Conwy Registered Landscape of Outstanding Historic Interest (HLW(Gw)5)</p> <p>The impact on the Registered Historic Landscape is assessed as of negligible magnitude and significance since the scheme would not affect the historic landscape value or the components that form the basis for its registration, and consequently does not threaten its status. This is not agreed.</p>	This is noted by the Applicant.
REP1-063-2.50	The assessment identifies that the sea "adds significantly to the character of [the Registered Landscape], defining the distinct headlands of Great and Little Orme..."(paragraph 283). The coastline is the most distinctive element of the Registered Landscape's setting, delimiting the Registered area. The Great Orme is a principal component of the historic landscape and a well-known landmark. It has intangible historic landscape value derived from the Norse origin of the place-name (meaning worm, serpent or dragon). This is thought to refer to the landform and is one of few Norse place-names within the region.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-2.51	There are multiple viewpoints in which the new wind turbines would be visible in combination with the headland (for example, VP11, VP12, VP60 and VP64). To a greater or lesser degree depending on location, this juxtaposition compromises the identity and aesthetic value of the headland. For example, in VP36 and VP37 (Volume 6, Annex 10.5, Figs. 63 and 64), the wind farm would be a conspicuous addition to the view, but being separated from the Great Orme by clear water and in the context of the wide panorama, the definition of the headland is maintained and there is negligible impact on the contribution of the seascape setting to the historic landscape or individual assets therein.	The Applicant acknowledges these observations.
REP1-063-2.52	In contrast, in VP11 (Volume 6, Annex 10.5, Fig. 38) and other, longer range views, the turbines would effectively extend the terrestrial/built landscape beyond the headland, impairing appreciation of its primary physical characteristic as the coastal edge. Similarly, in VP12, VP40 and VP60 (Volume 6, Annex 10.5, Figs. 39, 67 and 83) the turbines would appear on the skyline of the	The applicant acknowledges these observations.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	headland, as well as extending to one or both sides, reducing its aesthetic and landmark value.	
REP1-063-2.53	The presence of existing turbines in many views is noted in the assessment seemingly as a mitigating factor in the capacity of the seascape setting to accommodate the proposed scheme. However, this fails to consider the corresponding cumulative impact of increasing wind energy infrastructure in these views, and the impact of the difference in scale between the existing and proposed turbines (illustrated for example in VP40, VP61 and VP62). This makes the visual change greater than would be the case for new turbines of comparable height to the existing developments.	The reference to existing turbines within the area is not presented as a mitigating factor, but as a description of the baseline conditions within which the proposed array will be introduced. The cumulative effects of operational, consented and proposed arrays are presented separately in Section 8.13 of ES Volume 3, Chapter 8: Archaeology and Cultural Heritage (APP-069).
REP1-063-2.54	The assessment observes that individual assets within the historic landscape are not discernible at landscape scale, and neither their intrinsic interest that contributes to the Registered status nor the function of the Registered Historic Landscape in providing their setting would be affected. This is agreed with the exception of Llandudno Pier and Conservation Area (see above), as Llandudno is an important sub-character area. We would also note the likelihood that individual assets not scoped in for assessment would experience setting impact to a minor degree, which may collectively equate to a minor impact on the interest of the archaeological resource of the Registered Landscape. Irrespective of this, it is apparent that the encroachment of many, very large turbines in immediate visual proximity to the Great Orme will reduce the contribution of the marine setting to significance at a regional landscape scale.	The Applicant acknowledges the observations from GAPS and agree the effect would not be significant in EIA terms.
REP1-063-2.55	Although it is agreed this is not sufficient to alter the national significance of the Registered Historic Landscape, this does not mean that the impact is negligible. Rather, in light of the importance of the marine setting and the form of the Great Orme to the Registered Historic Landscape character, combined with the number and spread of views in which appreciation of the historic landscape would be affected, this is considered to be a moderate adverse impact on the contribution of setting, leading to a minor loss of significance of the Registered Historic Landscape. This is a minor impact, which is not significant in EIA terms.	The Applicant acknowledges the observations from GAPS and agree the effect would not be significant in EIA terms.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-2.56	<p>Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest (HLW(Gw)10)</p> <p>The impact upon the Registered Historic Landscape is assessed as of negligible magnitude and significance, as the seascape does not contribute significantly to the historic landscape character and views are incidental, with no loss of ability to appreciate those elements where there is a maritime connection (such as Porth Penrhyn). This is agreed.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-2.57	<p>North Arllechwedd Registered Landscape of Outstanding Historic Interest (HLW(Gw)12)</p> <p>The impact upon the Registered Historic Landscape is assessed as of negligible magnitude and significance, as the seascape does not contribute directly to the historic landscape significance. This is agreed.</p>	This agreement is welcomed by the Applicant.
REP1-063-2.58	<p>Penmon Registered Landscape of Outstanding Historic Interest (HLW(Gw)15)</p> <p>The impact upon the Registered Historic Landscape is assessed as of negligible magnitude and significance, as appreciation of the maritime context is not affected and the visibility of the wind turbines is not considered to affect key components or overall historic landscape value. This is not agreed.</p>	This is noted by the Applicant.
REP1-063-2.59	<p>The assessment notes that the new wind turbines would be visible either side of Puffin Island in VP7 (Volume 6, Annex 10.5, Fig.34) but are clearly separate and do not challenge the island for prominence (paragraph 302). As discussed above in relation to Scheduled Monument AN064 (Grade I Listed Building 5528), the juxtaposition of turbines in this view nonetheless reduces the sense of place as a remote monastic site, and this is even more stark from VP8. This impact was assessed as of moderate significance at an individual level.</p>	This is noted, however the Applicant does not accept that the Scheduled Monument receives any significant effect upon its heritage significance.
REP1-063-2.60	<p>Similarly, the assessment is consistent in maintaining that as there is no impact upon the significance of Beaumaris Castle nor its contribution to the Registered Historic Landscape. As discussed above, we would consider there to be a minor impact on the castle resulting from the change to its setting.</p>	This is noted by the Applicant, whilst disagreeing that there is any effect on the OUV of the Castle from change in its setting.
REP1-063-2.61	<p>As principal components of the Registered Historic Landscape, the impacts upon Beaumaris Castle and the Puffin Island group of assets do have some bearing on the implications for the Registered area. The assessment appears to acknowledge this, qualifying the assessment of significance by reference to the</p>	The Applicant, whilst disagreeing with the level of effect (which the Applicant assessed as negligible) accorded here by GAPS, agrees the effect is not significant for purposes of the EIA Regulations.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	visibility of the turbines in relation to these two assets (paragraph 307). The significance of the impacts discussed is lower in the context of the whole Registered Landscape. Taking account of the high status of the assets and the degree to which they are affected, it is considered that the proposed development would have a low impact on the contribution of setting to the Registered Landscape, of minor significance overall.	
REP1-063-3.1	<p>Mitigation</p> <p>No mitigation is proposed for setting-related impacts other than the embedded mitigation from reduction of the array area already implemented. It is widely acknowledged that there is no suitable mitigation for this type of impact other than design modification. This is particularly challenging for developments of this nature with very extensive visibility and multiple assets that may be affected, which may have competing concerns.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-3.2	Of the cultural heritage indirect impacts considered to be significant in EIA terms, it is unlikely to be possible to alter the design or layout sufficiently to allay concerns about the effects on Penrhyn Castle Registered Historic Park and Garden, Llandudno Conservation Area and Llandudno Pier whilst remaining economically viable. This is due to the large lateral extent of the proposal and the much taller scale of the turbines that the applicant anticipates will be available at the time of construction. These inherent properties of the scheme are the source of the identified impacts.	The Applicant agrees that design changes (of a scale that would not jeopardize the economic viability of the proposed scheme) are unlikely to materially affect the assessed levels of significance of identified effects on these assets. The Applicant restates that, with the exception of the identified effect on the Llandudno Pier, no significant effects were assessed to occur at the other named assets.
REP1-063-3.3	However, it is considered possible that further reduction of the array area could materially lessen the impact on the Tower and Remains of Church and Monastic Settlement on Puffin Island (Scheduled Monument AN064, Grade I Listed Building 5528). Whilst the development would still encroach on the sense of isolation of the island, removal of the outlying turbines to the right of the island in VP7 (Volume 6, Annex 10.5, Fig.34) and/or the turbines clustered around the island in VP8 (Volume 6, Annex 10.5, Fig.35) could reduce the impact to a non-significant level.	The Applicant accepts that reduction in the array area would lessen the visual presence of the proposed development. However, the Applicant notes that the assessment presented in (APP-069) did not identify any significant effects upon the Scheduled Monument arising from that visual presence.
REP1-063-3.4	The former would additionally benefit the impact on the setting of Bangor Pier, Beaumaris Castle and Menai Suspension Bridge	The heritage assessment within ES Volume 3, Chapter 8; Archaeology and cultural Heritage (APP-069) does not find any adverse impact upon the heritage significance of any of these assets, and hence there is no need to consider further mitigation in respect of these assets. The Applicant does not agree that the setting of any of the assets (even

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		were setting to be considered to extend so far as claimed) is so changed that the heritage significance is harmed.
REP1-063-4.1	<p>Conclusions</p> <p>We have reviewed the documentation relevant to the indirect impact of the offshore array on onshore historic assets, which principally comprises Volume 2 Chapter 10 – Seascape, Landscape and Visual Impact Assessment, and the associated information in Volume 4 Annexes 10.1-10.3, and Volume 6 Annexes 10.4 and 10.5; and Volume 3 Chapter 8 – Onshore Archaeology and Cultural Heritage Assessment, and the supporting reports in Volume 5, Annexes 8.1 and 8.2.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-063-4.2	We acknowledge that Chapter 8 has responded to the comments made at PEIR especially as regards assets requested to be scoped in to assessment.	This is noted and welcomed by the Applicant.
REP1-063-4.3	<p>There are some points of disagreement in the assessment of the significance of impacts. The majority of these are not significant in EIA terms. Impacts which are considered to be significant in EIA terms, which are not identified as such in the assessment, are:</p> <ul style="list-style-type: none"> <li>▲ Tower and Remains of Church and Monastic Settlement on Puffin Island (Scheduled Monument AN064, Grade I Listed Building 5528) – Moderate Impact</li> <li>▲ Llandudno Conservation Area – Moderate Impact</li> <li>▲ Penrhyn Castle Grade II* Registered Historic Park and Garden – Moderate Impact</li> </ul> <p>These are in addition to the Moderate Impact identified at the Grade II* listed Llandudno Pier, which is agreed.</p>	The Applicant notes the assets which GAPS considers to receive a significant effect and agrees that these are the assets where disagreement in the level of significance (significant or not-significant for purposes of the EIA Regulations) exists.
REP1-063-4.4	Assessment of indirect impacts is in part a matter of professional judgement. The points of disagreement stem chiefly from two factors: a generally narrow interpretation of the attributes of setting that can contribute to heritage significance and a tendency towards extremes of grading, in which anything other than fundamental harm is regarded as of negligible significance. This representation contends that the majority of impacts fall between these extremes.	The Applicant agrees on the points of contention here, and that these fall within the realm of professional judgement.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-063-4.5	<p>No mitigation is currently proposed to address indirect impacts on cultural heritage. It is felt that there may be opportunities to reduce the impacts identified through further reduction of the array area. Whilst it is recognised that the application presents a worst case scenario which may not be fully implemented, the principle of this approach seeks to establish that this worst case is acceptable. It is therefore considered reasonable to examine further the feasibility of additional design measures to overcome the more significant impacts as far as possible.</p>	<p>With respect to the array area the array boundary has progressively and iteratively been reduced in response to feedback received during the EIA Scoping, through the Evidence Plan Process, and PEIR consultation, from an overall area of 107 km<sup>2</sup> during Scoping to 88 km<sup>2</sup> in the PEIR, and 78 km<sup>2</sup> for the final application design; a total reduction of 27%. The useable array area is already less than that of Gwynt y Môr (GyM) OWF, which is considered to be a densely packed array (at 8.5 MW/km<sup>2</sup>) when compared with more recently built and designed projects the Applicant has involvement in (Triton Knoll at 5.93 MW/km<sup>2</sup> and Sofia at 2.54 MW/km<sup>2</sup>).</p> <p>The Applicant has considered both the scale of individual WTGs and the array area when considering the scale of the proposed development. The Applicant has provided consideration of Array area within the response to REP1-080-3.1.21.</p>

## 2.3 REP1-068 – Isle of Anglesey County Council

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-068-1.1	<p>1. Seascape, Landscape and Visual Impacts</p> <p>Land Use Consultants (LUC) have been commissioned on behalf of the seven North Wales Local Planning Authorities to advise upon Seascape, Landscape and Visual impacts of the proposed development.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-068-1.2	<p>Snowdonia National Park Authority are the lead authority for the commission and will be submitting the 'LUC Awel y Môr Offshore Wind Farm Examination – Review of SLVIA Documents' (The 'LUC Review') to the Examining Authority on behalf of the seven North Wales Local Planning Authorities which includes the IACC. The IACC confirms that this submission forms its advice and position in relation to matters concerning seascape, landscape and visual impact and should be referred to by the appointed Planning Inspectors.</p>	This is noted by the Applicant.
REP1-068-1.3	<p>It should be noted that the LUC Review identifies a number of areas where there is a disagreement concerning the projects assessment of significant effects, and considers that the Authority areas of Anglesey, Gwynedd, Conwy, Snowdonia National Park and Denbighshire shall all experience adverse significant effects as a result of the offshore components of the proposed Awel y Môr windfarm development which cannot be further mitigated. These impacts are considered contrary to Planning Policy Wales (Edition 11, February 2021), Welsh National Marine Plan (November 2019) and Policy AMG1 of the Anglesey and Gwynedd Joint Local Development Plan.</p>	<p>As set out in the LUC Review (REP1-091) LUC notes that 'This review has examined the SLVIA and LVIA submitted with the DCO application for the proposed development. Overall, the Applicant finds that both assessments are thorough, detailed and grounded in good practice'.</p> <p>Appendix A of REP1-091 suggests there is broad agreement with the findings of the SLVIA. This is with the exception of a small number of receptors/viewpoints and minimal differences in the geographical extents of the receptors affected. There is also some disagreement regarding the threshold of significance with regard to moderate effects. Disagreements such as this are not unusual between landscape architecture practitioners and reflect minor differences in methodology and the application of the GLVIA.</p>
REP1-068-1.4	<p>The Awel y Môr ES assessment of Seascape, Landscape and Visual Effects (SLVIA) identifies significant effects on seascape, the designated landscape (Ynys Môn AONB) and visual receptors. The significant effects identified include harm to natural beauty, seascape as a setting to the AONB and three AONB special qualities.</p>	<p>The SLVIA Chapter (AS-027) considers 'that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty of the AONB associated with these'. It also assesses significant adverse effects on parts of seascape character areas around the Isle of Anglesey AONB.</p>
REP1-068-1.5	<p>Anglesey has a high value landscape with almost the entire coastline designated as an AONB. This valuable landscape and rich heritage sits within a</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	rural context offering a sense of peace and tranquillity creating a unique and special sense of place.	
REP1-068-1.6	<p>"In essence, within an area extending from Moelfre to Beaumaris, significant visual effects would be experienced to visual receptors such as users of the Wales Coast Path and settlements. Significant effects are predicted on landscape character within landscape character areas distinguished by their close relationship to the coast, much of it designated as AONB. Significant seascape effects would affect the AONB's setting, important to its designation on the coast.</p>	<p>Section 10.17.1 of the SLVIA (AS-027) provides a summary of the effects on Isle of Anglesey as follows:</p> <p>'The assessment of representative viewpoints has found there would be significant visual effects at viewpoints on or close to the east coast of Anglesey along sections of the coast including: VP 4: Moelfre Headland at sculpture (Daytime); VP5: Red Wharf Bay; VP6: Bwrdd Arthur - north of trig point; VP 7: Penmon Point - north-east of parking; VP 8: Beaumaris - Wales Coast Path; VP 14: Wales Coast Path near Penrhyn (Traeth yr Ora); VP 16: Benlech Bay View Road; and VP 28: Trwyn y Penrhyn parking layby.</p> <p>Some limited significant effects on views from properties within the settlement areas of Moelfre and Benlech have been identified. Effects on the views gained by people using the Wales Coast Path have been found to be significant along Sections C, D, E and F which covers the route between Point Lynas at the north-east corner of Anglesey to Beaumaris which is a total distance of 49 km (approximately 23% of the route round Isle of Anglesey). Such effects would mainly occur when moving south/east along the path.</p> <p>Significant effects on landscape character have been assessed as occurring along a coastal strip of up to approximately 1 km along the sections of the coast within the loA LCA 8: Dulas Bay Hinterland; loA LCA 9: Red between Moelfre headland and Benlech and south of Benlech and round Red Wharfe Bay to a point level with Ty-mawr north of Pentraeth Forest; loA LCA 10: Penmon and Puffin Island northerly exposed areas of the LCA; and loA LCA 11: Eastern Menai Strait in the north-easterly exposed areas to the north of Beaumaris and south of Viewpoint 28 – Trwyn y Penrhyn parking layby. These areas lie within the loA AONB.</p> <p>Significant effects on seascape character have been identified for parts of: SCA 3: Traeth Lafan; SCA 5: Penmon; SCA 6: Red Wharf Bay to Moelfre; and SCA 7: Dulas Bay.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>Effects on three Special Qualities of the IoA AONB have been assessed. These are: Expansive Views; Peace and Tranquillity; and Islands around Anglesey. Some significant effects have been found to occur on each of these Special Qualities although it should be noted that such effects would occur within relatively limited parts of the AONB.</p>
REP1-068-1.7	<p>"Despite the applicant including design refinements to the proposal since the PEIR, which it is acknowledged have reduced the extent of the horizontal and vertical fields of view and perceptible changes to the visualisations, there has been no reduction in the number or range of predicted significant effects between the PEIR and ES.</p>	<p>Section 10.9 of the SLVIA chapter of the ES (AS-027) sets out the further mitigation of SLV effects that have been included in the AyM MDSs following Section 42 consultation.</p> <p>A key factor when reviewing the potential for mitigation of SLV effects was to try to reduce the impacts on the purpose and special qualities for which the SNP and AONBs have been designated.</p> <p>Volume 1, Chapter 4: Site Selection and Alternatives (APP-044) sets out the consideration of alternatives and the rationale for the extent to which the SLV effects can be mitigated (or minimised) through a reduction in the AyM array area and WTG dimensions.</p> <p>The Applicant acknowledges that the design refinements set out in Section 9 of the SLVIA (AS-027) have not reduced the number or geographical extent of identified significant effects. However, as noted in the SLVIA (AS-027) at paragraph 1529 'The reduction in the AyM array area that has been included as mitigation of seascape, landscape and visual effects contributes to a lowering of the magnitude of change across parts of the IoA AONB (and SNP) as well as the numerous settlements and the Wales Coast Path that are located around the North Wales coast'.</p>
REP1-068-1.8	<p>It is not considered by IOACC that this proposal would conserve or enhance natural beauty and would detract from the purpose of the designation in the extensive area affected.</p>	<p>As noted at paragraph 561 of the SLVIA (AS-027) 'It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the AONB and that development of AyM would therefore not be consistent with objectives that seek to enhance the AONB. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.'</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>The SLVIA Chapter (AS-027) has assessed that there would be significant adverse effects on the settings of the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (SNP) as a result of visibility of AyM as part of the wider context. The effects are assessed in Section 10.11.3 and Section 10.11.5 respectively.</p> <p>The assessment of the effects on the landscape/ seascape character, views and Special Qualities of IoA AONB starts at paragraph 546.</p> <p>It is considered that there would be some perceived diminishment of (harmful effects on) three (out of fourteen) of the special qualities and the natural beauty of the AONB associated with these.</p> <p>The conclusions were that the associated impacts are not considered to occur to such a degree that they would affect the overall integrity of the AONB or its inherent natural beauty and therefore AyM is consistent with the AONB's primary purpose of conserving natural beauty.</p> <p>The assessment of the effects on the landscape/ seascape character views and Special Qualities of Isle of Anglesey AONB starts at paragraph 546 and concludes as follows:</p> <p>'Following consideration of the factors set out in the assessment it is considered that there may be some perceived diminishment of (harmful effects on) the Special Qualities of Diverse Views and Tranquillity but such effects are not considered to be significant and are therefore limited. There would also be some localised areas where significant adverse visual effects would arise. It is not considered that the SLV receptors within the SNP would be diminished to such a degree that it would affect the overall integrity of the SNP or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating alternative energy.'</p>
REP1-068-1.9	The significant effects on Seascapes predicted will affect the setting of the Ynys Môn AONB. It is not clear that effects on Seascapes have been minimised or that design mitigation is effective in avoiding significant adverse impacts.	As noted in section 6.4 of the Planning Statement (APP-298) the Applicant is constrained in its ability to apply a site selection process that would avoid all impacts, as a result of the 2017 Extensions round criteria. Notwithstanding this, the Applicant has sought, through consultation and iterative design, to minimise all environmental impacts as far as is practicable, whilst retaining an economically viable project. The Planning Statement (APP-298) provides a detailed breakdown of how

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		the project has aligned with the requirements of section 4.5 of NPS EN-1, notably with regards the site selection process (paragraph 4.5.4 of EN-1), and paragraph 5.9.8 of NPS EN-1 with regards consideration of landscape effects.
REP1-068-1.10	"The IACC has been party to discussions for a Landscape Conservation and Enhancement Contribution to be provided as part of the project. It is not considered that this will offset effects as predicted but presents an opportunity for landscape enhancements related to natural beauty, features and special qualities of the baseline landscape resource and compatible with Marine Plan policy. It would not make the predicted seascape, landscape and visual effects acceptable or less harmful, but is considered essential in consideration of the adverse effects predicted and likely, should the DCO be consented.	The Applicant is engaging with relevant interested parties, including North Wales LPAs, to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-068-1.11	The IACC also confirms that LUC have also provided answers on behalf of the seven North Wales Local Authorities including the IACC to the first set of written questions relating to matters concerning Seascape, Landscape and Visual impact and that these should also be referred to by the appointed Planning Inspectors as the IACCs response to the first set of written questions.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-068-2.1	<p>2. Socio-Economic Impact</p> <p>Future Wales acknowledges that large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities and that developers should explore how infrastructure improvements associated with a development be utilised by the host communities to bring additional, non-planning related benefits.</p>	This is noted by the Applicant.
REP1-068-2.2	The IACC has previously provided comments in its relevant representation with respect to matters concerning socio-economic impacts. These predominately related to the Environmental Statement Report Volume 3, Chapter 3: Socio – economics which presents the result of the assessment of the likely significant effects of the development with respect to matters concerning socio-economic including jobs and economic output.	
REP1-068-2.3	<p>-Skills and Employment</p> <p>As previously confirmed, the IACC considers that an outline Skills and Employment Strategy for the project should form part of the DCO application in order to identify the employment and training opportunities that will be</p>	This is noted by the Applicant. The Applicant has commented on specific points raised below.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	available both locally and regionally, demonstrating and confirming the potential local benefits arising from the project and how they will be maximised, promoted and achieved.	
REP1-068-2.4	The IACC notes that question 18.11 of the first set of written questions asks the applicant to explain their position with respect to the Skills and Employment Strategy. The IACC also notes that question 18.19 seeks confirmation as to whether the development will provide additional apprenticeships opportunities and training partnership with Coleg Llandrillo Menai and how will these be secured.	
REP1-068-2.5	Since our last representation, the IACC is pleased to confirm that during its further engagement with all relevant Local Authorities within the region, that the applicant has been working on establishing an outline Skills and Employment Strategy and have been engaging with local stakeholders to explore opportunities within the local area for skills and employment and apprenticeship opportunities. This is very much welcomed. The IACC considers that an Outline Plan should be made available during the examination of the DCO application and then the provision made within the DCO requirement for the final detailed plan to be approved.	<p>The Applicant can confirm that an outline strategy will be drafted and made available during the examination once an initial round of stakeholder engagement has been completed in order to inform the strategy.</p> <p>The Applicant has secured the requirement (R20) for a Skills and Employment Strategy within the updated DCO provided at Deadline 1 (REP1-008).</p>
REP1-068-2.6	The IACC confirms that in terms of drafting this plan, a range of stakeholders needs to be involved including (but not limited to) the Welsh Government, North Wales Regional Skills Partnership, Ambition North Wales, M-Sparc, local education providers (Grwp Llandrillo Menai and Bangor University) and relevant Local Authorities (including Economic Development Teams).	The Applicant has met with, and continues to arrange to meet with, the stakeholders referred to by IoACC, in order to inform the Skills and Employment Strategy.
REP1-068-2.7	<p>-Supply Chain Opportunities</p> <p>IACC considers it essential that local companies are made aware early of the potential supply chain opportunities that will be made available during all stages of the project to allow them to plan accordingly and ensure that they can capitalise on the opportunities presented.</p>	This is noted by the Applicant (see response to REP1-068-2.9 below).
REP1-068-2.8	The IACC notes that question 18.26 of the first set of written questions asks the developer for confirmation as to whether there is a commitment to a proportion of contracts to be provided through local supplies and how this would be secured, monitored and delivered.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-068-2.9	<p>As previously confirmed, the IACC considers that an Outline Supply Chain Action Plan should be made available during the examination of the DCO and then the provision made within the DCO requirement for the final detailed plan to be approved. This is to ensure that discussions in relation to supply chain opportunities take place early to ensure that local and regional companies are ready to fully benefit from the opportunities presented by the project.</p>	<p>As noted in 1.7 of the Applicant's response to Deadline 1 (REP-007) following receipt of a DCO and Marine Licence (requirements for entering a Contract for Difference (CfD) Allocation Round (AR)), the Applicant intends to apply for a CfD. Whilst all the rules governing ARs after AR4 (2022) are yet to be published, it is anticipated that the Project will be required to submit a Supply Chain Plan (SCP) in order to be eligible to apply for a CfD (this has been the case for previous ARs and is the case for AR5 in 2023). The range and quality of commitments within the SCP across the categories of Green (Business) Growth, Innovation, Skills &amp; Infrastructure will be assessed and approved by the UK Government via the Secretary of State and will include requirements for monitoring and reporting on progress regarding implementing commitments. Amongst a number of other criteria, within the category of 'Green Growth', it is expected the Applicant will be incentivised to maximise local content.</p> <p>A Supply Chain Action Plan would likely duplicate requirements under the CfD Supply Chain Plan. Duplication of requirements is something the Applicant is keen to avoid.</p>
REP1-068-2.10	<p>It is noted within Chapter 3 of the Environmental Statement (ES) that the jobs which are likely to be generated include port related activities, chartered and operation of non-specialist vessels and civil works related to installation of onshore infrastructure. The IACC would encourage the developer to consider these opportunities now and to identify how much of these skills are available locally and regionally in order to enable local people and companies to train or upskill to capitalise on these opportunities.</p>	<p>The Applicant is currently engaged in discussions with the offshore wind supply chain, but those discussions, and therefore the Applicant's understanding of the local supply chain's role, will evolve as the Project's detailed design progresses and as the supply chain itself evolves in response to opportunities in the local area and in response to the increased UK-wide offshore wind deployment targets.</p> <p>The Applicant is engaged directly, and through the Offshore Energy Alliance, with Welsh Government in mapping local supply chain capabilities and the gaps that may exist within those capabilities. This is primarily so that through the CfD Supply Chain Plan process (i.e. with preparation of that plan in mind), we can utilise the knowledge we have gained to ensure that our Supply Chain Plan commitments are both the correct ones for the region but also the ones that will add most benefit.</p>
REP1-068-2.11	<p>Given the potential for other major offshore wind projects to take place in North Wales such as the Mona Offshore Wind Farm, the IACC considers that there is</p>	<p>Please see the Applicant's response to RR-004-5 (REP1-001) in which the Applicant confirmed that any upgrades needed to port infrastructure would be delivered through separate consents and led by that</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	potential for collaboration in order to ensure that the potential socio-economic benefits are maximised for the region.	respective port (and not the offshore wind farm developer) as is standard practice within this sector. The Applicant welcomes ongoing engagement with relevant organisations, on Anglesey and elsewhere, regarding port opportunities for both construction and operation, and can confirm that since the DCO application was submitted, and on an ongoing basis, discussions are continuing. The details of which are commercial in nature.
REP1-068-2.12	-Construction and Operational Ports The IACC acknowledges that details with respect to a construction/operational port that will facilitate the project will not form part of either the DCO or Marine Licence application.	
REP1-068-2.13	The port selection has the potential to offer major socio-economic benefits for the North Wales region at all project phases.	
REP1-068-2.14	It is welcomed that the Port of Holyhead is included on the long list of ports that have been identified as part of the EIA process. Other ports on Anglesey which could support some parts of the project delivery include Amlwch Port.	
REP1-068-2.15	We are aware that the applicant has undertaken a port study in order to scope out project requirements against what is available and that they are in continuous discussions with Stena Line Ports. The IACC encourages this engagement to continue and is happy to contribute to any discussions as required.	
REP1-068-2.16	Furthermore, the Council considers that suitable land located close to the port of Holyhead could be available to support the construction, operation and maintenance of the Awel y Môr project. The IACC is happy to discuss these opportunities further directly with the developer in order to understand their requirements as the project develops.	
REP1-068-2.17	-Tourism The Isle of Anglesey is an unique and popular destination for both visitors and local people. The Island offers peace, tranquillity, adventure and experiences along with fantastic views and vistas, a distinct Area of Outstanding Natural Beauty (AONB) covering practically the whole coastline of the Island, UNESCO World Geo Park, Beaumaris Castle – UNESCO sites and a multitude of other attractions. Tourism contributes to local prosperity and quality of life in Anglesey.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-068-2.18	Anglesey's tourism industry currently attracts over 1.79million visitors annually with a total economic impact in excess of £362million. The sector also supports approximately 4000 jobs on the island and is now one of Anglesey's largest industries (Steam Final Trend Report for 2021, IOACC).	
REP1-068-2.19	The Tourism & Recreation ES Chapter 4 concludes that the impacts on the tourism economy within North Wales would be 'low' or 'negligible'.	
REP1-068-2.20	However, the SLVIA and LVIA notes that significant effects are identified for users of the Wales Coastal Path in sections C-F, covering Dulas Bay to Penmon Point. Effects on sections C, D and part of E are classed as moderate, while effects on the eastern part of section E and section F are moderate-major. This reflects the closer views of the proposal from around Penmon Point, and is consistent with the findings relating to the viewpoints.	
REP1-068-2.21	This results in significant concerns regarding the potential indirect negative impacts that the landscape and visual impacts of the proposal may have on Anglesey and the wider region as a key tourist destination as well as associated socio-economic impacts.	
REP1-068-2.22	The IACC requests that the likely impact confirmed in the SLVIA and LVIA are given further consideration within a socio-economic impact perspective including consideration for potential further mitigation and / or enhancement measures that can be designed into the project to minimise potential impacts.	These points are noted by the Applicant. Although there may be significant effects identified in the SLVIA, the evidence does not suggest significant effects on the tourism economy. The reasons for visiting the affected part of Anglesey are highly unlikely to be undermined by the proposed development and hence negatively affect visitor numbers and expenditure.

## 2.4 REP1-070 – Maritime and Coastguard Agency (MCA)

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-070-1.1	<p>Written Representation</p> <p>Thank you for the opportunity to comment on the Development Consent Order (DCO) application and supporting information for the proposed Awel y Môr offshore wind farm project. The MCA's remit for offshore renewable energy development is to ensure that safety of navigation is preserved, as progress is made towards government targets for renewable energy. The draft DCO, Navigation Risk Assessment (NRA) and the shipping and navigation elements of the Environmental Statement have been reviewed and we would like to comment as follows:</p>	<p>This is noted by the Applicant. Detailed responses to the comments raised are provided in the rows below.</p>
REP1-070-1.2	<p>Environmental Statement Volume 4, Annex 9.1: Navigation Risk Assessment</p> <p>RWE has undertaken a detailed NRA and we are satisfied it has been conducted in accordance with the published guidance, MGN654, and NRA risk assessment methodology. We are satisfied that appropriate traffic data has been collected in accordance with MGN654, which includes twelve months of AIS data in addition to the minimum AIS and radar data requirements. Key and appropriate stakeholders were identified, and we are content that suitable consultation took place via a hazard identification workshop and dedicated meetings. A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA process has been followed. Subject to the agreement and implementation of the requested marine licence conditions submitted to Natural Resources Wales on 9 August 2022, we are content with the NRA conclusions that risks to navigation and SAR will be Tolerable or Broadly Acceptable.</p>	<p>This is noted and welcomed by the Applicant. The Applicant is continuing discussions with MCA via the SoCG process (see also Document 2.50 of the Applicant's Deadline 2 submission).</p>
REP1-070-1.3	<p>Environmental Statement Volume 2, Chapter 9: Shipping and Navigation</p> <p>The list of mitigation measures in Table 9 are agreed to be appropriate for the site and we would expect them to be reflected in the conditions of the marine licence.</p>	<p>This is noted and welcomed by the Applicant. Discussions relating to mitigation are continuing with MCA via the SoCG process. The Applicant has included the suggested mitigation measures within Condition 30 of the Marine Licence Principles (Document 2.22 of the Applicant's Deadline 2 submission).</p>
REP1-070-1.4	<p>Cable Routes</p> <p>Export cable routes, cable burial protection index and cable protections are issues that are yet to be fully developed. However due cognisance needs to address cable burial and protection, particularly close to shore where impacts</p>	<p>This is noted by the Applicant. The requirements of MGN 654 are noted and once a final cable route is confirmed in the detailed design phase post-consent, a full assessment of under keel clearance will be reported.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>on navigable water depth may become significant. Any consented cable protection works must ensure existing and future safe navigation is not compromised. The MCA would accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Existing charted anchorage areas should be avoided.</p>	<p>Any changes above a 5% reduction in depth will be discussed with the MCA and if required a safety case submitted.</p>
<p>REP1-070-1.5</p>	<p>Safety Zones</p> <p>Construction and operational safety zones will only be granted subject to a detailed justification with significant evidence from the construction and operational phases in addition to the baseline NRA required supporting the case.</p>	<p>The Applicant submitted a Safety Zone Statement (APP-297) covering the Applicant's approach to safety zones, which will be applied for post consent with required supporting evidence.</p>
<p>REP1-070-1.6</p>	<p>Hydrographic Survey Data</p> <p>MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the UKHO and MCA for updating of nautical charts and publications. This should include a cable route survey post-construction.</p>	<p>This is noted by the Applicant. Hydrographic survey data will be submitted post-construction as per the requirements of MGN 654.</p>
<p>REP1-070-1.7</p>	<p>Turbine Layout Plan</p> <p>The turbine layout plan will require discussion and approval of the MCA and Trinity House prior to construction commencing. This is to ensure risks to navigation safety and search and rescue operations are minimised.</p>	<p>As per the Navigation Risk Assessment (APP-111), the framework layout commitments will be used in conjunction with MGN 654 post-consent to agree an array layout with the MCA and Trinity House in the detailed design phase.</p>
<p>REP1-070-1.8</p>	<p>Draft Development Consent Order</p> <p>We have one comment on the DCO regarding Schedule 2 - Requirements, Section 3 (Aviation Safety). The undertaker must also consult the MCA on aviation lighting requirements for search and rescue operations. I refer to our guidance document in MGN654 Annex 5 titled: Offshore Renewable Energy Installations: Requirements, guidance and operational considerations for SAR and Emergency Response, where under Paragraph 5.6.3 it states:</p> <p>The aviation hazard lighting requirements for wind turbines fall outside of those contained in the Air Navigation Order (ANO). However, the CAA accepts the operational need for different lighting for offshore wind turbines. Developers are therefore requested to write to the CAA to request a derogation from the ANO. The CAA has outlined its position on offshore windfarm lighting in CAP 764 (published February 2016). This document includes MCA requirements for</p>	<p>The Applicant submits that this issue is more appropriately considered through the marine licensing process. Please see condition 32 of (REP1-025). It is noted that in English DCOs which include deemed marine licence (DML) conditions, this has been considered under the DML not the DCO requirements. As an example, condition 18 of the East Anglia One North DML addresses this point.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	lighting of offshore windfarms. It is important that the developer communicates early-on with the MCA regarding lighting for offshore OREIs.	
REP1-070-1.9	<p>Conclusion</p> <p>On the understanding that above requirements will be agreed and implemented, and all maritime safety legislation will be followed, I can confirm we have no objections to the DCO being granted on this occasion</p>	This is noted and welcomed by the Applicant.

## 2.5 REP1-071 – National Grid Electricity Transmission PLC (NGET)

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-071-1.1	Further to NGET's relevant representations dated 6 July 2022, NGET wishes to make this written representation in relation to Awel Y Môr Offshore Wind Farm Limited's ( <b>Promoter</b> ) application for a development consent order ( <b>DCO</b> ) for the Awel Y Môr Offshore Wind Farm ( <b>Proposed Development</b> ).	This is noted by the Applicant. The Applicant will continue to engage with National Grid on these matters.
REP1-071-1.2.a	As set out in NGET's previous representation, NGET has a number of assets that form an essential part of the electricity transmission network in England and Wales either within, or in close proximity to, the Project (including Bodelwyddan substation, various overhead lines and underground apparatus). For this reason, the NGET project team are liaising with the Promoter and have been for some time prior to the commencement of the examination. NGET expect this to continue during the examination process. In particular: <ul style="list-style-type: none"> <li>▲ NGET require protective provisions to be included within the DCO to ensure that its existing and future interests are adequately protected and to ensure compliance with relevant safety standards. Good progress has been made between the parties on the form of protective provisions to be included in the DCO.</li> </ul>	
REP1-071-1.2.b	▲ NGET are pursuing a planning application for the enabling works to facilitate the connection of the Proposed Development and other connectee projects to the NGET Bodelwyddan substation. NGET is progressing the necessary consent applications, which it currently anticipates submitting in 2023.	
REP1-071-1.2.c	▲ NGET and the Promoter are in discussions about the effects of the DCO in general. This will be relayed via a short statement submitted by the Promoter at Deadline 1. NGET will continue to liaise with the Promoter to address all outstanding matters.	
REP1-071-1.3	Until satisfactory agreement has been reached with the Promoter on all matters, NGET must continue to reserve the right to make further submissions to the examination at a later date.	

## 2.6 REP1-075 – National Trust

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-075-1.1	1. BACKGROUND National Trust welcome the opportunity to input to the consideration of the Awel y Môr (AyM) Examination.	The WR from National Trust is noted by the Applicant, who has provided detailed responses in the rows below.
REP1-075-1.2	The National Trust owns a diverse range of property along the North Wales coast that will have views to the proposed wind farm.	
REP1-075-1.3	The Trust has a statutory duty to promote the permanent preservation of these properties for benefit of the nation - forever for everyone.	
REP1-075-2.1	2. EXAMINATION NT interests in the consideration of the scheme are specifically related to SLVIA issues and the implications for tourism at our properties.	The Applicant has responded to RR-028 and the representations made by the North Wales Local Authorities in its Deadline 1 submission (REP1-001) and (where relevant) to the Written Representations within this document.
REP1-075-2.2	NT has submitted a Relevant Representation outlining its position with regards to the submitted scheme [RR-0029].	
REP1-075-2.3	We welcome the early approach by the Examining Authority (ExA) to written questions in the ExQ1 deadline [PD-009].	
REP1-075-2.4	Our WR is focussed on specific areas of interest to NT. We will, however, reflect on the submissions of the key Interested Parties (IP) in particular CADW [RR-0028] and the North Wales Local Authorities in relation to SLVIA and Heritage.	
REP1-075-2.5	We note the request by the ExA within Annex H of the Rule 6 letter [PD-007] identifying NT as "Party N" relating to the request for a Statement of Common Ground (SoCG). Initial discussion with the applicants has taken place by email.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-075-3.1.1	<p>3. ISSUES FOR NATIONAL TRUST</p> <p>3.1 PRINCIPLE OF SCHEME</p> <p>NT does not object to the principle of Awel y Mor. Climate change is one of our key priorities, and we recognise the need to bring forward renewable energy generation at larger scale: including that at Awel y Mor.</p>	<p>This is noted by the Applicant. Responses to specific points raised are provided in the rows below.</p>
REP1-075-3.1.2	<p>We welcome the opportunity for critical examination and scrutiny of the proposals. Our staff, visitors, and tenants will see the proposed scheme from our properties and future visitor experience will include this significant new feature of the landscape and seascape. Our tenant at Great Orme is one of the nearest residential properties to the proposed scheme.</p>	
REP1-075-3.1.3	<p>The key element for NT is the significance of change to the landscape and seascape. Our properties at Great Orme and Penrhyn Castle will be impacted most by the scheme-the most significant change in view for our visitors to consider. The nature of change and harm to the wider setting of the Great Orme Heritage Coast is a factor in our deliberations. Night lighting adds further to our consideration of landscape and seascape change from National Trust property.</p>	<p>Potential effects for the Penrhyn Castle property (including the Listed buildings, surrounding parkland and in relation to its position with the North West Wales Slate Mining World Heritage Site) have been considered in the Cultural Heritage assessment presented in ES Volume 3, Chapter 8 Onshore Archaeology and Cultural Heritage (APP-069). This concluded that, notwithstanding some intervisibility, the heritage interest from which the significance of these assets was derived would not receive any significant adverse effect, nor would the ability to appreciate that significance be reduced. The same was considered to apply to the Great Orme, with respect to its status as part of a Landscape of Outstanding Historic Interest in Wales.</p> <p>The effects on views from Penrhyn Castle and the Great Orme are also considered in the SLVIA at Section 10.11 with specific viewpoints assessed in Tables 9 and 12 respectively (AS-027).</p> <p>The effect on Viewpoint 17: Penrhyn Castle Terrace during the latter stages of construction, operation and the early stages of decommissioning is assessed as Moderate (Significant).</p> <p>The effect on Viewpoint 13: Great Orme near Summit Complex during the latter stages of construction, operation and the early stages of decommissioning is assessed as Moderate-Major (Significant)</p> <p>Significant effects on landscape character and seascape character that are coincidental with the Great Orme Heritage Coast have been assessed from paragraph 1224 of the SLVIA (AS-027) at the coastal edge</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>between the north-west point of the Great Orme and the toll booth and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of the Little Orme.</p> <p>The mitigation of the effects on the seascape, landscape and visual resource has been a key factor in the development of the AyM parameters since the scoping stage.</p> <p>Prior to the Section 42 consultation a reduction in the array area was introduced due to feedback from consultees as set out in the Evidence Plan and appendixes (APP-300, APP-301 and APP-302).</p> <p>Following comments received during the Section 42 consultation the proposed development was reviewed and revised through a 11% reduction in the array area (26% reduction from scoping stage offshore site area) and the maximum number of turbines proposed (91 at PEIR reduced to 50). The west to east extent of the Agreement for Lease/ scoping boundary has reduced from 25.8 km to 16.4 km (a reduction of 36% from scoping) and this has resulted in a clear reduction in extents in views from Penrhyn Castle and the Great Orme.</p> <p>Although in the majority of cases this did not reduce the reported level of magnitude it is a factor when considering the overall significance of the effects using professional judgement.</p> <p>Lighting mitigation measures have also been included following Section 42 consultation.</p> <p>Night time effects are included in Section 10.12 of the SLVIA (AS-027). The night-time effects on locations within Gwynedd (including at Penrhyn Castle) were assessed as Minor (Non-significant) whilst the night-time effects on views from the summit and north-eastern parts of the Great Orme (Viewpoint 13) where light levels are lower, but the areas are also relatively accessible during twilight and at night are assessed as being Moderate (Significant).</p> <p>Further measures that could further reduce the night-time effects are set out in Table 16 of the SLVIA (APP-027) and in response to ExQ1.17.26.</p> <p>Section 10.8 of AS-027 sets out the current understanding of the construction and decommissioning timescales within the programme with particular reference to the duration over which OSPS and WTGs</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		would be present within the array. Construction and decommissioning effects are considered in sections 10.11 and 10.12 of the SLVIA chapter (AS-027).
REP1-075-3.1.4	The identified residual effect during operation of the windfarm is the key concern from NT land ownership but given the length of construction our considerations also include the timelines relating to the latter end of construction and the decommissioning impacts. As the nearest elevated viewing point for the construction of Awel y Môr, this may create opportunities for visitor engagement at the Orme on climate, energy use, and renewable generation issues.	<p>The National Trust's statement regarding construction effects is noted by the Applicant.</p> <p>The Applicant is engaging with relevant interested parties to understand the basis for and structure of a possible landscape enhancement scheme.</p> <p>The Applicant considers discussions on tourism related aspects noted by National Trust, and CCBC, to form a separate discussion to the landscape fund discussions.</p> <p>The Applicant agrees that the Great Orme could be an appropriate location for visitor interpretation facilities that explain the Proposed Development's contribution to the climate emergency, and could help to attract new visitors to the area. This could represent suitable mitigation for effects on the visitor economy as part of a wider set of measures to mitigate for construction phase impacts on tourism. The Applicant would welcome further dialogue with National Trust on this matter.</p>
REP1-075-3.2.1	<p>3.2 PENRHYN CASTLE</p> <p>Penrhyn Castle is identified within the submission as a Grade I Listed Building. Paragraphs 206 to 215 of the application [APP-069] consider the effect of the proposed array upon the property. NT supports the inclusion of the terrace viewpoint from Penrhyn Castle [APP-246] but would note this is illustrative and partially screened by existing vegetation. It is only partially correct to state that the view is glimpsed from the fixed viewpoint due to intervening vegetation. Visitor views are not fixed and will encompass a variety of views out to the proposed array including those from various points around the Castle and from a large number of points within the adjoining Grade II* registered park and garden. NT has historically used a picture frame within the park and garden to illustrate the outstanding landscape and framing with long distance views out to sea as part of engagement and interpretation.</p>	<p>Background and information.</p> <p>It is acknowledged that the visitor experience within the Park and Garden is dynamic. The assessment presented in APP-069 illustrates a worst case in respect of the castle and park by choosing the terrace VP as representative for both assets. However, any fixed-point view is not going to be illustrative of dynamic movement and or experience within the park as a whole. The heritage assessment considers that the significance of the park and garden was effectively derived for the role it plays as the designed setting for the castle (to which it owes its existence), and that assessment in terms of being the setting for the castle was appropriate.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-075-3.2.2	<p>We note the ExA observed during their Unaccompanied Site Visit [EV-001], [EV-002] the extensive views from the terrace of the Castle and Parkland, and through Question 8.13 [PD-009] requested further justification that the effect of the Proposed Development upon Penrhyn Castle and the impact on the registered park and garden would be negligible.</p>	<p>The heritage assessor provided information to the ExA in response to the ExQ1.8.13 – the Applicant's response to that Question (seeking further justification of the assessed effect) is reproduced below for convenience:</p> <p>Cadw's policy/guidance on setting is set out in 'Setting of Historic Assets in Wales' (May 2017). Policy states that 'the importance of setting lies in what it contributes to the significance of the historic asset' (Setting of Historic Assets in Wales, Cadw 2017; p2) and therefore simple intervisibility between an asset and a proposal is not necessarily harmful. The assessment in paragraphs 206-215 of (APP-69) has detailed the significance of Penrhyn Castle and how the setting of the asset contributes to its significance. It is acknowledged within the assessment that views across the Menai Strait and to the surrounding landscape form part of the wider visual setting of the asset. However, it is also acknowledged that it is the <i>availability</i> of these long-distance sea views that is important (and not necessarily what is in them) that adds to the asset. Furthermore, seaward views are not the only or even major contributor to the castle's significance in this regard, with the arguably more important landward views providing the backdrop of the castle within the parkland itself. The visualization shows that the WTGs will be visible within the view from the terrace in good conditions and at distance, however the presence of the WTGs in this view does not affect the availability of the view which is what is important here. The WTGs will result in an addition to the current sea view but this doesn't affect the ways in which the interests of the assets are understood, experienced and appreciated and how the assets relate to the wider surroundings both in the past and present (including the relationship of the castle to the port at Penrhyn as a specific seaward expression of the economic underpinning of the wider estate, and to the slate economy which funded the estate).</p>
REP1-075-3.2.3	<p>We await further consideration of this issue, and conclusions within the SLVIA.</p>	<p>The effects on the cultural heritage assets of Penrhyn Castle and the registered park and garden are assessed in ES Chapter 8: Onshore Archaeology and Cultural Heritage (APP-069).</p> <p>The SLVIA (AS-027) considers the effects in relation to a representative Viewpoint 17 on the Castle Terrace in Table 8 where the high value and</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>high sensitivity attributed takes into account the Registered Park and Garden status as well as the property falling within a World Heritage Site.</p> <p>The assessment considers receptors and the potential for views within the wider estate noting that 'Limited parts of the Registered Park and Garden have views out towards the sea from areas of parkland that are crossed by paths, however most of the visitor interest is focused around the Castle, the walled garden and woodland walks from where the views in the direction of the AyM array area are screened and filtered by intervening woodland and other vegetation.</p> <p>The WCP routes away from the coast around the south of the Registered Park and Garden.' and that 'Views out to sea from this terrace and other localised locations within the grounds would be obtained by visitors and National Trust workers, who will be transient. The views are generally limited by intervening woodland and trees. Visitors are not currently encouraged to walk along the coast within the estate although they may visit the site of the historic bath.'</p> <p>Notably the National Trust website or visitor leaflet for Penrhyn Castle does not encourage access to the wider parkland landscape or coast. However, it is accepted by the Applicant that the National Trust may encourage visitors to view the landscape in different ways through interpretative materials in different locations and visitors may explore the wider extents of the property.</p> <p>The assessment found the effect on the elevated Viewpoint 17: Penrhyn Castle Terrace to be Moderate (Significant) which suggests that where there are similarly open views out to sea, from parts of the from areas of parkland that are crossed by paths or potentially from the site of the historic bath on the coast the effect on views may also be significant. The open parkland can be seen in Viewpoint 17. However, views would differ due to their lesser elevation and in some cases may be partially screened by intervening features such as trees.</p>
REP1-075-3.3.1	<p>3.3 GREAT ORME</p> <p>NT owns Parc Farm on Great Orme (GO), one of the closest land areas to the offshore array. AyM lies affects the setting of GO (Heritage Coast and part of a Special Landscape Area and Historic Landscape). The project will extend the</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	current cluster of offshore wind farms further west and turbines will be significantly larger than existing. The windfarms will become the dominant landscape feature from a large area of land in National Trust ownership at GO.	
REP1-075-3.3.2	The SLVIA [AS-027] acknowledges the importance of the Great Orme, para 1140 confirms the “expansive views out across the sea, coastline and inland hills are available from the Great Orme” Para 1144 also confirms the content of the Nature Reserve Management Plan that “many visitors to the Great Orme come to the summit particularly to enjoy the view” [AS-027]. The combination of expansive views, large visitor numbers and a “view” based visit provide the particular sensitivity in relation to impacts at GO.	
REP1-075-3.3.3	NT has supported the inclusion of viewpoints from GO and additional viewpoints that show the view towards the Orme. The totality of viewpoints includes 13, 15, 52 and 62 which demonstrate the scale of change that will be brought forward by AyM.	
REP1-075-3.3.4	Paras 1155 through to 1158 of the submission [AS-027] seek to minimise the magnitude of change at GO. During periods of peak summer visitors (when visibility is likely to be greatest), large areas of the GO will undergo a fundamental change in character as a consequence of visibility of AyM as part of its seascape setting.	Refer to the Applicant's response to REP1-055-4.12.
REP1-075-3.3.5	The project submission identifies the significance of the Great Orme in its impact on tourism and recreation. Para 301 within Chapter 10 (Tourism and Recreation) [AP-065] of the Environmental Statement states “there are opportunities for AyM to manage the risks of a negative short-term impact on tourism due to construction activity and to potentially deliver a positive benefit to the tourism sector within Llandudno and Great Orme area, which will be explored with local stakeholders”. No specific implementation mechanisms appear to be brought forward within the submission, nor the extension of this commitment to operational impacts, nor detailed exploration of this potential benefit. We note the ExA has raised this specific issue within Question 19.7 of the applicant [PD-009].	As noted in ES Volume 3, Chapter 4 (APP-065), there are opportunities for AyM to potentially deliver a positive benefit to the tourism sector within Llandudno and Great Orme area. The Applicant is engaged in ongoing discussion with stakeholders on a potential package of contributions to support the tourism industry (that, as such contributions would be provided on a goodwill basis and are not needed to address impacts of the scheme, would sit outside of the planning process), and a potential package of landscape contributions.  Potential measures could include the provision of information and interpretation (e.g. providing signage) and undertaking promotional activities which would explain the construction and operation of AyM and its role in the renewable energy transition and addressing climate change. Another potential measure is the provision of a tourism liaison officer, who would aid in the delivery of benefits to the tourism sector.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		The Applicant anticipates being in a position to update the ExA and IPs on these discussions at a later point in the Examination.
REP1-075-3.3.6	<p>Lighting remains a concern of NT in the context of the totality of landscape and visual harm. We note Table 16 of [AS-027] sets out further options for mitigation of night-time visual effect. We also note the proposed scheme seeks to bring forward mitigation for night-time effects that include reducing aviation lights [AS-027]. NT remain concerned about how the mitigation will be secured and monitored, eg how will a 5km visibility change activate power change to lighting? No monitoring is proposed within the current submission (Schedule of Monitoring) [APP-311]. If this cannot be secured adequately or monitored the residual harm needs consideration with the planning balance of the scheme. We note further information has been requested of the applicants via Questions 17.26-29 [PD-009] by the ExA.</p>	<p>Refer to Applicant's response to ExQ1.17.27.</p> <p>The actual light emitted at different angles above and below the horizontal will not be determined until the lighting is procured from the manufacturer. However, it is clear that there would be a reduced intensity of light emitted and seen from the parts of the land where the light extends out from the WTG hubs at an angle of less than three degrees above the horizontal plane.</p> <p>The assessed hub height for MDS A is 179m above MHWS and for MDS B this is 159m above MHWS so that, as required the light emitted at a horizontal angle from the lit WTGs would be less than 45% and greater than 20% of 2,000cd or 200cd, depending on the visibility conditions. At an angle of 1.5 degrees below the horizontal the light emitted is to be no more than 10% of 2,000 or 200cd.</p> <p>Figure 3 (APP-194) illustrates the landform within the SLVIA study area. This shows that the majority of the area within the Hub Height Aviation Lighting Zone of Theoretical Visibility (ZTV) for MDS A and B Figures 21a-c (APP-223) and 22a-c (APP-224) respectively are located at levels below 150m AOD. Importantly this includes a large proportion of the Great Orme. With reference to Ordnance Survey mapping much of the higher ground on the Great Orme has an elevation of below the 179m above MHWS hub height of the MDS A WTGs whilst much of the Great Orme also has elevations below the 159m hub height of the MDS B WTGs. This suggests that within these areas the light visible would be of lower intensity (by between 45-20%) than was assessed in the SLVIA.</p> <p>Notably the summit of the Great Orme and other land that lies generally to the north-west of this sits at higher elevations of up to 207m AOD. More complex analysis would be required to ascertain the degree to which the light intensity would be reduced above and below the horizontal within these higher areas of the Great Orme where aviation lighting may be visible 21a-c (APP-223) and 22a-c (APP-224).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-075-3.4.1	<p>3.4 ANGLESEY AND SNOWDONIA</p> <p>NT has significant land ownership in North Anglesey and Snowdonia that will have new views out to AyM. NT remains concerned about the implications of the scheme on the Special Qualities of Snowdonia National Park including the potential to affect diverse landscapes, tranquility and solitude. NT ownership across the Carneddau including Viewpoint 10 (Carnedd Llewelyn) [APP-239] lie at the heart of our concerns.</p>	<p>The Applicant notes the National Trust's concerns regarding the implications of the scheme on the Special Qualities of Snowdonia National Park including the potential to affect diverse landscapes, tranquillity and solitude.</p> <p>The effects on the diverse landscapes and the tranquillity and solitude Special Qualities of Snowdonia National Park are assessed in the SLVIA (AS-027) in Table 10. The finding is that the effects of AyM on these two Special Qualities would not be significant. NRW sets out its agreement of this finding at row 17.8 of Annex B of its Written Representation (REP1-080-Annex B - 6.1.40).</p> <p>LUC also agreed with this finding as set out in Appendix A of its report to the North Wales Local Planning Authorities Awel y Môr Offshore Wind Farm Examination Review of SLVIA Documents Final report of October 2022.</p> <p>Moderate significant effects on Viewpoint 10: Carnedd Llewelyn (APP-239) have been assessed in Table 9 of the SLVIA (AS-027). However the effects on the character of LCA 02: Carneddau Range are assessed as being non-significant as set out from paragraph 727 of the SLVIA (AS-027). NRW sets out its agreement of this finding at row 17.8 of Annex B of its Written Representation.</p> <p>LUC also agreed with this finding as set out in Appendix A of its report to the North Wales Local Planning Authorities Awel y Môr Offshore Wind Farm Examination Review of SLVIA Documents Final report of October 2022.</p>
REP1-075-3.4.2	<p>We await consideration of Local Authorities in relation to the significance of the residual landscape harm and the combined SoCG.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-075-3.4.3	<p>In relation to SNP, we await consideration of Questions 17.6 and 17.7 [PD-009] and whether the viewpoint at Carnedd Llewelyn is considered representative of the northern area of the Carneddau range. Large areas of NT owned open access land in the Northern Carneddau will bring forward significant change for all northern views. Foel Fras (also within NT ownership) [APP-0267] is closer to the array, and further land to the north including the summits of Llwytmor, Berra Bach and Drosfyl will have 29-34 visible turbines and perhaps result in more</p>	<p>SNP (as well as the National Trust) was partly to the agreement of the viewpoints during the expert topic group meetings. Foel Fras was suggested by NRW as being representative of the area in addition to Carnedd Llywelyn. This process is set out in the Evidence Plan and its Appendices (APP-301, 302, 303).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>significant landscape effects on the National Park than that assessed within the submission. We look forward to further consideration of this northern area of the Carneddau.</p>	<p>The effects on the character of the Northern Carneddau is considered in relation to LCA 01: Northern Uplands where it is noted that this is an upland areas including a series of peaks (AS-027) from paragraph 687 of the SLVIA.</p> <p>The SLVIA found that there would be a Moderate effect (Non-significant) on the character of this landscape as assessed from paragraph 687 of the SLVIA (AS-027).</p>
<p>REP1-075-3.4.4</p>	<p>We welcome Question 17.24 [PD-009] in relation to Viewpoint VP 43 (Mynydd y Garn) [APP-272]. NT has supported its inclusion as a representative viewpoint but note the lack of further assessment within the submitted documentation. Mynydd y Garn is owned by NT and the viewpoint is a very popular walk in North Anglesey with a spectacular and diverse panorama that is difficult to match across the whole of North Wales.</p>	<p>The inclusion of VP 43 in Table 2 as a representative viewpoint was in error.</p> <p>It should have been noted in the Table 2 as an illustrative viewpoint due to its distance from the Development, the character of the intervening landscape, the wide and diverse panoramic views so that the Development is a relatively small component of these. These factors ensure that the effect of the Development on this viewpoint would be non-significant.</p>
<p>REP1-075-3.5.1</p>	<p>3.5 MITIGATION</p> <p>We recognise the change made to the application at pre application in reducing the westerly extent of the array. NT supported the reduced scale of development brought forward prior to the submission of the subject application.</p>	<p>The Applicant acknowledges this.</p>
<p>REP1-075-3.5.2</p>	<p>We would, however, question whether this is considered as mitigation for the submitted scheme. NT note the very limited approach to offshore landscape mitigation, with one line given to the issue. NT consider that further mitigation from the scheme can be achieved to reduce the identified harm.</p>	<p>The pre-application changes are a form of primary measures of mitigation, developed through the iterative design process and embedded into the project design in order to reduce the effects. This forms part of the 'mitigation hierarchy' set out in the Guidelines for Landscape and Visual Impact Assessment Version 3 (GLVIA3).</p> <p>The Applicant has considered both the scale of individual WTGs and the project area when considering the scale of the proposed development. Refer to the Applicant's response to REP1-055-4.1.i.</p> <p>With respect to the array area the array boundary has progressively and iteratively been reduced in response to feedback received during the EIA Scoping, through the Evidence Plan Process, and PEIR consultation, from an overall area of 107 km<sup>2</sup> during Scoping to 88 km<sup>2</sup> in the PEIR, and 78 km<sup>2</sup> for the final application design; a total reduction of 27%. The useable array area is already less than that of Gwynt y Môr, which is</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>considered to be a densely packed array (at 8.5 MW/km<sup>2</sup>) when compared with more recently built and designed projects the Applicant has involvement in (Triton Knoll at 5.93 MW/km<sup>2</sup> and Sofia at 2.54 MW/km<sup>2</sup>).</p> <p>In addition, in order to compete successfully in a Contract for Difference auction rounds (CfD ARs), and therefore be deliverable, a project must strive to keep the Levelised Cost of Energy (LCoE) down in order to be competitive with other projects. A low LCoE is based on a number of different factors, but the scale of the project is a critical variable as it drives economies of scale, and the density of a project is a key variable as it drives energy yield. Awel y Môr is already at the lower end of project size and upper end of site density than many competing projects (based on the Applicant's predictions of other projects that may compete in the same CfD ARs Awel y Môr) so a large reduction in area would drive significant changes in both project size or array density (or both) and therefore in LCoE, likely making the project economically unviable.</p> <p>The Applicant's SLVIA assessors consider that there would require to be a further substantial reduction in the horizontal extents of the array area, potentially combined with a reduction in WTG height, in order to reduce the geographical extent of the significant seascape, landscape and visual effects and therefore the extent of the receptors that would be affected in this way.</p> <p>NRW advised the following in its Relevant Representation (RR-015):</p> <p>'In terms of mitigation, a further substantial reduction in array area and/or scale or number of turbines would be required to minimise adverse effects on the Isle of Anglesey AONB and Snowdonia NP. Further consideration of NRW's evidence base "Seascape &amp; visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance" would assist in informing an appropriate reduction.'</p> <p>The large scale of reduction to individual WTG and/or the array area that would be required to have 'a very significant benefit', as stated in 5.9.21 of NPS EN1, would significantly curtail the size of the project and the amount of electricity generated. It is simply not possible to reduce SLVIA impacts with only a corresponding small reduction in function.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-075-3.5.3	NT consider there are opportunities to enhance designated landscapes as offset mitigation. NT response to this specific issue is provided to Question 17.9 [PD-009]. The submitted Outline Landscape and Ecology Management Plan should be examined in the wider context of offshore residual effects, rather than its current scope and definition with a limitation to onshore construction and operation.	The Outline Landscape and Ecological Management Plan sets out proposals within land that the Applicant will have control over during the construction or operation of the onshore grid connection. This would not be the case for the areas where other enhancement measures could be located to offset offshore residual effects. Therefore such measures would come forward via separate documentation and mechanisms.  The Applicant is engaging with relevant interested parties, including NRW, to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-075-3.5.4	Question 17.21 [PD-009] raises the issue of offsite planting. This is particularly relevant for offshore elements at distance to the scheme. NT considers that a Section 106 Agreement could be brought forward as a flexible mechanism to mitigate adverse effects from distant vistas. This would be consistent with the requirements of paragraph 5.9.23 of NPS EN-1.	The Applicant is engaging with relevant interested parties to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-075-3.5.5	Landmap and further NRW datasets including the recent development Tranquility Assessments ( <a href="https://storymaps.arcgis.com/stories/865c1876d9f64280a3dfc6e2769a46a5">https://storymaps.arcgis.com/stories/865c1876d9f64280a3dfc6e2769a46a5</a> ) could be used to scope appropriate intervention in the landscape using interested third party land ownership, alongside the scheme theoretical ZTV mapping.	The Applicant will consider the further NRW datasets and discuss the approach to defining any areas of enhancement interventions with Stakeholders during the period of the Examination.
REP1-075-3.5.6	No enhancement or landscape/visual compensation programme is identified with the submitted scheme.	The Applicant is engaging with relevant interested parties to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-075-3.5.7	NT await the Local Authority WR and whether a wider offsite landscape scheme through a Section 106 Agreement could be brought forward.	The Applicant is engaging with relevant interested parties to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-075-3.6.1	3.6 PLANNING BALANCE CONCLUSIONS  The project submission recognises in its Planning Balance conclusion (para 888) [APP-298] the significance of the landscape and seascape impact. Para 890 of the Planning Statement indicates "It is also noted that all predicted significant effects have been mitigated as far as practicable".	Paragraph 888 of the Planning Statement (APP-298) does acknowledge that 'there are unavoidable significant seascape and landscape effects predicted'. However, the paragraph also outlines that these effects are reversible and only for the lifetime of development.  Paragraph 890 of the Planning Statement does state that 'it is also noted that all predicted significant effects have been mitigated as far as

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>practicable'. When taking the project as a whole, however, it is not considered that there are any adverse effects, individually or cumulatively, that would be sufficient to outweigh the substantial benefits and need case of AyM.'</p> <p>Paragraph 891 also outlines the benefits of AyM and paragraph 892 provides a balanced conclusion in relation to the material planning considerations of Seascape, Landscape and Visual impact.</p>
REP1-075-3.6.2	<p>NT consider that the Planning Balance needs the further consideration of offshore landscape with a redefined Landscape Management Plan including a wider and specific package of offset mitigation and enhancement measures. A Section 106 Agreement to secure the wider landscape enhancement alongside the management of tourism risk should be brought forward.</p>	<p>The Applicant is engaging with relevant interested parties to understand the basis for and structure of a possible landscape enhancement scheme.</p>

## 2.7 REP1-080 – Natural Resources Wales (NRW)

- 7 The Applicant wishes to note that paragraphs 1.1.1 – 1.1.30 have been omitted from the table below since they are a Welsh Language version of paragraphs 1.1.31 – 1.1.60.
- 8 NRW also provided a letter from NRW Marine Licensing Team (MLT) requesting more information in regard to the Applicant's marine licence application which had already been provided to the Applicant on 8 September 2022. The Applicant has agreed to respond to NRW MLT via the separate Marine Licensing process on 25 November 2022, as described in Document 2.21 of the Applicant's Deadline 2 submission.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-1.1.31	-Physical Processes NRW advises that post-construction monitoring of secondary scour should be considered.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.1.1 to 2.1.8 below.
REP1-080-1.1.32	Clarity is required about where the dredge arisings from the cable laying activities along the Export Cable Corridor will be disposed of and how this is captured in the DCO.	
REP1-080-1.1.33	-Marine Water and Sediment Quality NRW is satisfied that its previous concern relating to risk from sediment bound contaminants has now been addressed.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.2.1 to 2.2.5 below.
REP1-080-1.1.34	NRW is satisfied that its previous concerns with respect to impact assessment approaches to phytoplankton and Dissolved Oxygen have now been resolved.	
REP1-080-1.1.35	-Benthic Subtidal and Intertidal Ecology NRW recommends that the marine biosecurity risk assessment and plan is a free-standing document and secured by both the DCO and the Marine Licence.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.3.1 to 2.3.8 below.
REP1-080-1.1.36	Due to the presence of the highly invasive seasquirt <i>Didemnum vexillum</i> , further specific management measures may be required in addition to standard biosecurity risk assessment protocols, if the Port of Holyhead is used for vessel berthing.	
REP1-080-1.1.37	-Saltmarsh The onshore cable will intersect section 7 habitat - Atlantic salt meadow - at the Clwyd Estuary. NRW advises that confirmation of cable crossing techniques is provided and detailed in the Outline Construction Method Statement (CMS).	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.4.1 and 2.4.2 below.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-1.1.38	Given the tidal nature of the Clwyd estuary, NRW advises that the Secretary of State and / or NRW Permitting Service (PS) will need to determine whether the detailed construction methods are to be agreed - with relevant signposting - in the ML or the DCO, or both.	
REP1-080-1.1.39	-Fish and Shellfish Ecology NRW is satisfied that previous concerns with respect to errors in the impact assessment on fish valued ecological receptors have been addressed.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.5.1 to 2.5.9 below.
REP1-080-1.1.40	NRW notes the cumulative environmental assessment (CEA) undertaken for fish receptors but disagrees that there is no potential for simultaneous, partly overlapping, or sequential noise from planned offshore windfarms to adversely affect consecutive spawning seasons of fish species. NRW does not consider it appropriate for the cumulative effects assessment to rely on potential future regulations or mitigation that has no commitment or delivery mechanism attached to it.	
REP1-080-1.1.41	-Marine Ornithology NRW advises that a detailed assessment of the potential impacts of the project on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head Site of Special Scientific Interest (SSSI) (guillemots, razorbills and kittiwakes) should be undertaken, as currently this has not been done sufficiently to assess effects on these features. We advise that the effects of displacement on auks and collision risk mortality of kittiwakes should be further assessed.	
REP1-080-1.1.42	NRW advises that comprehensive validation monitoring before, during, and after construction is needed to confirm that the supporting habitat for Red-Throated Diver (RTD) within the Liverpool Bay Special Protection Area (SPA) has not been lost.	The Applicant has provided responses to the detailed comments raised in response to REP-080-2.6.1 to 2.6.15 below.
REP1-080-1.1.43	NRW advises that a Vessel Traffic Management plan is needed in order to avoid or reduce disturbance and displacement to the RTD and Common Scoter features of Liverpool Bay SPA. The plan will need to be secured in the marine licence.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-1.1.44	<p>-Marine Mammals</p> <p>NRW advises that the proposal has the potential to impact marine mammals, a long list of cetaceans (dolphins, porpoises and whales) are protected pursuant to the list made under section 7 of the Environment (Wales) Act 2016, as well as being European Protected Species (EPS) protected by Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ('the Regulations') as amended. It is an offence under Regulation 43 of the Regulations to inter alia deliberately capture, injure, kill, or disturb such species or to damage or destroy their breeding site. This reflects the system of strict protection afforded to such species under the provisions of the Habitats Regulations.</p>	<p>The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.7.1 to 2.7.13 below.</p>
REP1-080-1.1.45	<p>However, an EPS licence may be granted by NRW, as the relevant licensing body, for the purposes specified in Regulation 55(2) of the Regulations</p>	
REP1-080-1.1.46	<p>NRW previously advised that the assessment of the impacts of underwater noise on marine mammals, such as auditory injury and associated disturbance, was insufficient and should be improved in order to enable the risks to be fully and adequately assessed.</p>	
REP1-080-1.1.47	<p>NRW is satisfied that a number of the concerns relating to the assessment of impacts of underwater noise on marine mammals have now been addressed through additional modelling work undertaken by the Applicant.</p>	
REP1-080-1.1.48	<p>NRW advises that cumulative Permanent Threshold Shift (auditory injury) in harbour porpoise should be included in the Marine Mammal Mitigation Protocol (MMMP). We advise that mitigation is required for EPS protection and needs to be regulated by the marine licence and / or the European Protected Species licence (for which an application has not yet been submitted and which the Applicant is encouraged to do).</p>	
REP1-080-1.1.49	<p>We advise that the extent of the Marine Mammal Management Unit area disturbed from construction activities is presented (in the form of a clarification note) for harbour porpoise, bottlenose dolphin and grey seal, in order to enable NRW to assess the effect on functionally linked habitat against the Supporting Habitat conservation objective.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-1.1.50	NRW is satisfied that previous concerns relating to vessel collision have been addressed.	
REP1-080-1.1.51	-Water Framework Directive – Offshore NRW is satisfied that previous concerns regarding the conclusions of the assessment with respect to phytoplankton and DO have been addressed.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.8.1 to 2.8.11 below.
REP1-080-1.1.52	NRW is satisfied that concerns relating to the transposition of information from the Environmental Statement into the Compliance Assessment have now been addressed.	
REP1-080-1.1.53	-Decommissioning It is NRW's position that offshore renewable projects should produce decommissioning plans that retain all decommissioning options (maintain, full removal and partial removal); the options can then be assessed and refined closer to the time of decommissioning itself in consultation with NRW.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.9.1 to 2.9.5 below.
REP1-080-1.1.54	- Mitigation measures There are a number of inconsistencies between the Schedule of Mitigation and the Marine Licence Principles document that require clarification. Such discrepancies may result in confusion and uncertainty as to the extent of measures that may be secured in respective consents. We advise that clarification regarding such inconsistencies should be provided and advise that both the Schedule of Mitigation and the Marine Licences Principles document are consistent and contain accurate reference to all proposed mitigation and plans as described in the application documents.	The Applicant provided updated versions of the Schedule of Mitigation and Marine Licence Principles within its Deadline 1 submission (REP1-018 and REP1-025, respectively).  Further to this, the Applicant has provided a revision of the Marine Licence Principles and Schedule of Mitigation at Document 2.22 and 2.24 of its Deadline 2 submission.
REP1-080-1.1.55	ONSHORE - Designated Landscapes NRW advises that the offshore works are likely to have numerous and extensive significant adverse effects on seascape, landscape and visual receptors within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (NP) and within their settings. These significant adverse effects represent a substantial degree of harm to these designated landscapes which we consider to be in conflict with the purposes of NP and AONB.	The Applicant has provided responses to the detailed comments raised in response to REP1-080-2.8.1 to 2.8.11 below.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-1.1.56	<p>-Flood Risk</p> <p>Article 7 of the draft DCO provides for the application and modification of legislative provisions. Under Article 7(c) the Applicant is seeking to disapply the requirement for a flood risk activity permit, being an environmental permit required under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016. NRW does not consent to the inclusion of Article 7(c).</p>	<p>The Applicant has provided responses to the detailed comments raised in response to REP1-080-3.2.1 to 3.2.14 below.</p>
REP1-080-1.1.57	<p>- Water Framework Directive (WFD) (Onshore)</p> <p>The onshore aspects of the development involve works adjacent, within, or beneath a number of watercourses. The Crossing Schedule specifies the proposed crossing methods and while trenchless techniques (e.g., Horizontal Direct Drilling) are confirmed for some crossings, all options are retained for a number of watercourses. We consider some of the methods, such as trenching (as part of the cable installation) and use of culverts (as part of the haul roads) may not be appropriate at some locations. We advise a desktop study and rapid walkover survey are carried out to ascertain the local conditions at each site and thereby determine the appropriate type of cable or haul road crossing required and demonstrate that there will not be impacts on fluvial geomorphology and WFD waterbodies.</p>	<p>The Applicant has provided responses to the detailed comments raised in response to REP1-080-3.3.1 to 3.3.12 below.</p>
REP1-080-1.1.58	<p>- Code of Construction Practice</p> <p>Requirement 10 of the Draft DCO requires the submission of final Management Plans and Method Statements to be approved by the discharging authority. The final versions must be in accordance with the Outline versions currently submitted. We advise that amendments are made to the Outline CMS, Outline Pollution Prevention and Incident Response Plan and Outline Invasive Non-Native Species Management Plan. This is to ensure that impacts on water quality and invasive species are appropriately managed. We also advise that Requirement 10 in the Draft DCO is updated to ensure that NRW is consulted on the discharge of this Requirement.</p>	<p>The Applicant has provided responses to the detailed comments raised in response to REP1-080-3.2.12 below.</p>
REP1-080-1.1.59	<p>- Outline Landscape and Ecology Management Plan (LEMP)</p> <p>The Outline LEMP identifies the principles of mitigation. The final LEMP will be approved by the discharging authority, in consultation with NRW. NRW agrees with this approach. However, NRW considers that amendments to the Outline</p>	<p>The Applicant has provided responses to the detailed comments raised in response to REP1-080-3.4.2 below.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	LEMP should be made. These amendments are advised in order to ensure impacts on protected species and fish are appropriately mitigated.	
REP1-080-1.1.60	<p>-Air Quality</p> <p>An assessment of potential air quality impacts on sensitive onshore designated sites arising from marine vessel emissions is required. It is unclear whether marine vessels will operate in proximity to sensitive coastal onshore habitat (that may support features of SSSIs/Special Areas of Conservation (SACs) and/or Ramsar sites). A Clarification Note has been received (14/10/2022), however, NRW has not been able to review this in the limited time available ahead of Deadline 1. NRW reserves its position as to whether the information addresses our concerns until we have been able to review it, at which point we will advise the Applicant and the Examining Authority further.</p>	The Applicant has provided responses to the detailed comments raised in response to REP1-080-3.8.1 to REP1-080-3.8.3 below.
REP1-080-2.1.1	<p>OFFSHORE</p> <p>Physical Processes</p> <p>NRW agrees that the baseline description of physical processes obtained through the desktop review of existing literature, project-specific surveys and existing data sources is sufficient to appropriately characterise the study area (Array and Export Cable Corridor (ECC) and landfall) for the Awel-y-Môr project.</p>	These agreements are noted and welcomed by the Applicant, who expects these points to be included in the SoCG between the Applicant and NRW.
REP1-080-2.1.2	NRW agrees with the numerical modelling approach and scenarios conducted in relation to hydrodynamics, waves and sediment transport to inform the potential changes to Constable Bank/Rhyl Flats, designated sites and the adjacent coast arising from the construction, operation and decommissioning of Awel-y-Môr.	
REP1-080-2.1.3	We agree with the assessment methodology and the conclusions of the assessment of the potential impacts on physical processes as outlined in the Environmental Statement (ES)	
REP1-080-2.1.4	We agree with the conclusions of the Report to Inform Appropriate Assessment (RIAA) with respect to physical processes.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.1.5	<p>-Secondary scour protection</p> <p>NRW notes (Volume 4: Annex 2.3 page 30: <i>Physical Processes Modelling Results</i> [APP077]), that the local dimensions of secondary scour are highly dependent upon the specific shape, design and placement of the scour protection. These parameters are highly variable and so there is no clear quantitative method or evidence base for accurately predicting the dimensions of secondary scour. Given the uncertainty regarding the spatial extent and volume of secondary scour, we advise that post-construction monitoring should be considered. Post-construction monitoring and any potential mitigation measures should be agreed in writing with NRW and take the form of an environmental monitoring plan. Clarity is required on the most appropriate regulatory mechanism needed to secure it. We advise that a condition of the Marine Licence (ML) would be appropriate.</p>	<p>The Applicant anticipates that monitoring of secondary scour would be conducted as part of asset-protection surveys undertaken post-construction. The Applicant agrees that a monitoring plan would be conditioned within any Marine Licence granted by NRW as described within Condition 34 of the Marine Licence Principles (Document 2.22 of the Applicant's Deadline 2 submission).</p>
REP1-080-2.1.6	<p>We acknowledge that the assessment of primary scour has been undertaken using recognised empirical equations, supported by knowledge of the foundation design dimensions, and we agree with the assessment as presented for primary scour.</p>	
REP1-080-2.1.7	<p>-Dredge and Disposal of Dredge Material</p> <p>ES Volume 2: Chapter 2: Marine Geology, Oceanography and Physical Processes [APP048] states in Table 8 that "<i>The project array area and offshore ECC will be licenced as disposal sites for the deposition of dredgings and drill arisings</i>". From the information provided, it is not clear if the ECC is to be licenced as a disposal site in the Marine Licence application associated with the array area. We note that only the array area is considered and has been characterised as a potential disposal site (please see document 8.9: <i>Awel y Môr Disposal Site Characterisation Report</i> [APP-309]). The disposal site report details at paragraph 122 that "<i>...as a worst case, the total volume of natural material that may require disposal would be up to 12,920,356m<sup>3</sup></i>". We understand that this volume relates only to the volume of dredge material associated with the construction activities of the array site. It is currently unclear, therefore, where the dredge arisings from the cable laying activities along the ECC - amounting to a volume of 6,281,000m<sup>3</sup> (Volume 2: Chapter 1: Offshore Project Description, Table 22: Design Envelope for export cables [APP-047]) - will be disposed of. Further clarity should be provided in this regard and the relationship with the</p>	<p>The Applicant has sought to licence disposal of dredged material and drill arisings in the array within its Marine Licence application.</p> <p>With regard to the offshore ECC and GyM interlink areas, the Applicant has assessed the disposal of dredged material and drill arisings within the ES as a worst-case in line with the Rochdale Envelope approach. However, the Applicant has not sought to licence the disposal activity at this stage as the methods that will be used during construction will not be finalised until the detailed design phase post-consent. If it should be determined at that time that disposal within the offshore ECC and GyM interlink area is required, the Applicant will apply for a further disposal licence(s) at that time.</p> <p>The Applicant has adopted a similar approach to the consideration of clearance of Unexploded Ordnance (UXO), where the activity has been assessed for the purposes of the EIA as a worst-case but is not sought to be licensed until further detail is known in the detailed design phase post-consent.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>offshore design parameters, as presented in the draft DCO, explained (specifically Requirement 2 - <i>Offshore Design Parameters</i> – Table 3 [AS-014]). We note that only the maximum volume of material for disposal for the array area is assigned at Requirement 2.</p>	
REP1-080-2.1.8	<p>We acknowledge the intention that all dredged material from the seabed will be disposed of within these designated disposal sites in order to ensure that the material is retained within the local sediment transport system, and we recommend that retention of material in the local sediment transport system becomes a condition of the marine licence if granted.</p>	
REP1-080-2.2.1	<p>Marine Water &amp; Sediment Quality (MW&amp;SQ)            NRW agrees that there is no impact on Bathing Waters from elevated suspended sediment, during the construction phase.</p>	<p>The Applicant notes and welcomes these agreements since the provision of further information in the Marine Water and Sediment Quality Clarification Note (REP1-015). It is expected that these points will form areas of agreement in the SoCG between the Applicant and NRW.</p>
REP1-080-2.2.2	<p>Since the submission of NRW's Relevant Representations [RR-015], NRW has met with the Applicant to further discuss the concerns pertaining to sediment bound contaminants. This has resulted in additional information being provided to NRW in the form of a clarification note titled <i>Marine Water and Sediment Quality Clarification Note</i> dated September 2022, which contains further detail regarding contaminated sediment. We advised in our Relevant Representations that the Applicant should report all data in the context of Centre for the Environment, Fisheries and Aquaculture Sciences (CEFAS) Action Levels (ALs). Specifically, polycyclic aromatic hydrocarbons should be presented against CEFAS ALs and where other data are not shown against CEFAS ALs (i.e., PCBs, Organotins, DDT and dieldrin), then reasoning should be given as to why. This information has now been provided in the Clarification Note, which we have reviewed again alongside the ES as submitted. NRW now agrees that there is no risk from contaminated sediment. We advise that the Applicant submits the Clarification Note into the DCO Examination at the next available deadline.</p>	
REP1-080-2.2.3	<p>NRW's Relevant Representations noted concerns about the approach to assessing impacts on phytoplankton and Dissolved Oxygen (DO). The assessments focussed on the impacts of nutrients on phytoplankton and DO, where we were not expecting any nutrients to be released. NRW advised that the assessment needed to consider impacts on phytoplankton and DO in light of suspended sediments not nutrients and that we could not therefore agree with the conclusions of the assessment presented. This issue has been discussed</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>further with the Applicant and additional information has been provided to NRW within the <i>Marine Water and Sediment Quality Clarification Note</i>. A discussion around the interactions between DO and suspended sediment, and phytoplankton and suspended sediment has been provided, indicating there is no risk to these receptors. We agree there is no risk to DO and phytoplankton from the proposed development.</p>	
<p>REP1-080-2.2.4</p>	<p>In our Relevant Representations, NRW did not agree that the impact of accidental spills could be considered <i>negligible adverse</i>. The Applicant stated effects would be temporary, whereas contaminants, particularly sediments, can persist in the environment, for long periods of time. We advised that the impact should be considered <i>medium adverse</i> as the ability to meet Environmental Quality Standards (EQS) could be compromised (Chapter 3: Table 6, page 59 [APP-049]). Additionally, NRW advised that impacts will not be short-term as stated and considerable time would be needed to recover to baseline conditions. However, having reviewed the justifications provided within the Clarification Note, alongside further consideration of the assessment and mitigation measures outlined within the ES, we now agree that this impact can be considered <i>negligible adverse</i> provided that the mitigation commitments outlined in the ES (Chapter 3: Section 3.9, Table 16 [APP-049]) and the Marine Water and Sediment Quality Clarification Note, are incorporated into a Project Environmental Management Plan (PEMP) and Marine Pollution Contingency Plan (MPCP), and appropriately secured and delivered post-consent. We would suggest a condition of the ML may be the appropriate regulatory mechanism to secure this.</p>	<p>The Applicant notes and welcomes this point of agreement.</p> <p>With regard to the PEMP and MPCP, the Applicant notes that these have been included within Condition 12 of the Marine Licence Principles submitted at Deadline 1 (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission) and are therefore expected to be secured as conditions of any Marine Licence granted by NRW.</p>
<p>REP1-080-2.2.5</p>	<p>In our Relevant Representations we advised that a number of marine water quality interrelationships had been overlooked from Volume 2: Chapter 3: Section 3.14: Interrelationships [APP-049]. In our view, these include the following: the potential for elevated counts of bacteria at Bathing Waters which has the potential to impact human ("public") health; linkages between major disasters, Marine Water &amp; Sediment Quality (MW&amp;SQ) and other ecological receptors, and; the link with MW&amp;SQ and onshore water quality. Further MW&amp;SQ inter-relationships are missed from Volume 2: Chapter 14 [APP-060]. While the relationship between accidental spills and physical processes is included, the link between accidental spills and ecological receptors is not. Links between marine water quality and onshore works are made appropriately</p>	<p>Agreement that the overall conclusions remain valid is noted and welcomed by the Applicant.</p> <p>As a point of further clarification, the Applicant responded to this point within its response to RR-015-2.7.6 (REP1-001) and considers that whilst the potential inter-relationships raised by NRW may not be explicit within the MWSQ chapter of the ES (APP-049), they are inherent components of the WFD Compliance Assessment (APP-094).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>in Volume 3: Chapter 7 [APP-068] and we agree with the conclusions and mitigation proposed. Whilst some inter-relationship links have been missed, this does not alter the conclusions of the ES. We do not consider that there is a risk from these inter-relationships not being listed and we have informed the Applicant of this accordingly. The comments above are provided as points of clarification, and we are satisfied that they do not affect the overall conclusion with respect to MW&amp;SQ.</p>	
REP1-080-2.3.1	<p>Benthic Subtidal and Intertidal Ecology</p> <p>NRW agrees that the data collected through the site-specific surveys, through the desktop review of existing literature, and data sources are sufficient to appropriately characterise the benthic ecology throughout the array and ECC. We also agree with the assessment methodology and the conclusions of the assessment with respect to the potential impacts of the project on benthic receptors, as outlined in the ES.</p>	The Applicant notes and welcomes agreement on these points.
REP1-080-2.3.2	<p>We agree with the conclusion of the RIAA that, provided the mitigation measures outlined are adhered to, the project will not have an adverse effect on site integrity (AEOSI) and therefore will not undermine the conservation objectives of the benthic designated features of the Dee Estuary Special Area of Conservation (SAC) and the Menai Strait and Conwy Bay SAC, but please note paragraph 2.3.6 below.</p>	
REP1-080-2.3.3	<p>From the evidence presented (Volume 2: Chapter 5: Section 5.7.4, paragraph 95 [APP051]), the areas of low resemblance stony reef do not meet the strong justification criteria in terms of biological communities that NRW would expect within an Annex I stony reef feature. Stony reef can be categorised according to Irving (2009) with additional clarification provided by Golding et al. (2020). The criteria state that low resemblance stony reef can be included as an Annex 1 feature where there is "strong justification". NRW currently advise that any justification for inclusion of low resemblance stony reef should be based on the following:</p> <ul style="list-style-type: none"> <li>▲ 1. the associated biological community is composed of a diverse mix of epibiota, including erect and / or branching forms, and / or</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>2. the substrate is relatively stable and allows longer lived or slow growing epibiota to persist. NRW therefore agrees with the conclusion presented in the project application that the discrete patches of stony habitats found in the ECC area would not qualify as Annex I stony reef.</p>	
REP1-080-2.3.4	<p>NRW considers that the magnitude of impact from the potential introduction of marine invasive non-native species (mINNS) should be presented as low and not negligible (Volume 2: Chapter 5: Section 5.11.4, paragraph 191[APP-051]) as there is a continuous risk of mINNS being introduced (please also see paragraph 2.3.6). Notwithstanding this, we consider that the significance of the impact would still be minor and therefore not significant in EIA terms.</p>	<p>The Applicant notes and welcomes agreement that the significance of effect would remain minor and therefore non-significant in EIA terms.</p>
REP1-080-2.3.5	<p>We acknowledge the commitment of the Applicant to produce a biosecurity risk assessment to be conditioned within the marine licence, as outlined in the Schedule of Mitigation [APP310] and the Marine Licence Principles document [AS-023]. NRW recommends that the marine biosecurity plan is a free-standing document kept separate to the terrestrial plan provided in the Outline INNS Management Plan [APP-323]. NRW should be consulted on the suitability of a marine biosecurity risk assessment and plan ahead of commencement of activities. Clarity is required on the most appropriate regulatory mechanism needed to secure it, but we advise it would need to be secured by both the marine licence and the DCO given jurisdictional overlap.</p>	<p>The Applicant provided a response to this point (RR-015-2.4.5 in REP1-001).</p> <p>This is proposed to be freestanding and separate to the onshore INNS Management Plan which is secured under R10(2)(k) of the draft DCO (REP1-008).</p>
REP1-080-2.3.6	<p>We note under Section 10.1.1, paragraph 130 [APP-051] that the Applicant discusses the introduction, in 2006, and subsequent eradication of slipper limpet to the mussel lays in the Menai Strait. Please be aware that slipper limpet has recently been found in the Menai Strait and Conwy Bay SAC (please refer to the NBN Atlas to view records). Notwithstanding, we agree with the conclusion of the RIAA that provided the mitigation measures are adhered to (production of a biosecurity risk assessment and management plan), there will be no adverse effect on site integrity (AEOSI) in the context of the conservation objectives of the Menai Strait and Conwy Bay SAC.</p>	<p>This agreement is noted and welcomed by the Applicant.</p>
REP1-080-2.3.7	<p>Should the Port of Holyhead be used for the berthing of vessels during construction, operation and/or decommissioning, then we advise that specific management measures may be required in addition to standard biosecurity risk assessment protocols. This is due to the presence of the highly invasive carpet seasquirt <i>Didemnum vexillum</i>. Any specific measures that might be required</p>	<p>This is noted by the Applicant. As described above, the Applicant has proposed that a marine Biosecurity Plan be secured as a condition of any Marine Licence granted by NRW as part of the PEMP (Condition 16 of the Marine Licence Principles (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission)).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	should be managed via the marine biosecurity risk assessment and management plan, to be agreed in writing with NRW post-consent, once further details are known.	
REP1-080-2.3.8	We note that the following Section 7 habitats protected under the Environment (Wales) Act 2016 have been reported as being present within the development: <i>Sabellaria alveolata</i> and peat and clay exposures. Both the small patches of <i>Sabellaria alveolata</i> and the piddocks in clay are found in existing pipelines or in small patches on the boundary of the cable route and as noted by the Applicant, will remain in place and undisturbed. Therefore, there will be no potential impact on these Section 7 habitats from the development	This agreement is noted and welcomed by the Applicant.
REP1-080-2.4.1	Saltmarsh -Clwyd Estuary  Clwyd Estuary We note that the onshore cable will intersect Atlantic salt meadow at the Clwyd Estuary. Whilst the Clwyd Estuary is not designated as a SAC or Site of Special Scientific Interest (SSSI), saltmarsh is a Section 7 habitat (being a habitat type which in the opinion of the Welsh Ministers are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales) under the Environment (Wales) Act 2016. We note that there is a commitment in the Crossing Schedule [APP-121] for the use of trenchless techniques (for example, Horizontal Directional Drilling (HDD)) underneath the Clwyd Estuary. Confirmation with respect to how the cable will cross the river if it is undergrounded, the techniques to be employed (being deep enough to avoid the saltmarsh and minimise cable exposure), and identification of appropriate entry and exit sites (pits) is recommended. Such detail should be specified in the Outline CMS [APP-313].	As noted in the Applicant's response the NRW's RR on this point (RR-015-2.5.1 of REP1-001), the Applicant confirms that trenchless crossing techniques (such as HDD), will be used for the installation of cables beneath the River Clwyd with above ground construction works located to the east and west of the existing flood defence embankments (and therefore outside the area identified as saltmarsh within the Habitat and Hedgerow Survey Report (APP-125)). Although construction works within the saltmarsh area would be underground, there could be a requirement for personnel to access the saltmarsh area on foot in order to monitor and guide the HDD (or other underground equipment).
REP1-080-2.4.2	In addition, given that the Clwyd estuary is tidal, we advise that the Secretary of State and / or NRW Permitting Service (PS) will need to determine whether the detailed construction methods are to be agreed - with relevant signposting - in the ML or the DCO, or both. We are aware that the NRW PS has requested further information from the Applicant with regards to the cable laying works under the Clwyd estuary, as the activity will be licensable under section 67 of the Marine and Coastal Access Act 2009.	The request from NRW PS has been noted by the Applicant. The Applicant is providing the necessary information to NRW in response on 25 November 2022 as described within Document 2.21 of the Applicant's Deadline 2 submission. The Applicant has provided a revised version of the Marine Licence Principles (Document 2.22 of the Applicant's Deadline 2 submission) that includes this additional marine licensable area.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.5.1	Fish and Shellfish Ecology NRW considers that a robust assessment has been carried out to support the overall conclusions of no significant impacts on fish and shellfish receptors.	The Applicant notes and welcomes agreement on these points following discussion with NRW and provision of the Fish and Shellfish Clarification Note (REP1-003).
REP1-080-2.5.2	NRW agrees that the data collected through the site-specific surveys, through the desktop review of existing literature, and data sources are sufficient to appropriately characterise the fish and shellfish ecology throughout the array and export cable corridor.	
REP1-080-2.5.3	NRW agrees with the conclusion of the RIAA that the project will not undermine the conservation objectives of the designated migratory fish features of the River Dee and Bala Lake SAC and Dee Estuary SAC.	
REP1-080-2.5.4	The assessment asserts that Atlantic salmon do not pass through the array area and are therefore unlikely to be exposed to potential impacts from noise. However, we note that evidence supporting this assertion is not available. However, NRW agrees that Atlantic salmon are not considered to be particularly sensitive to underwater noise impacts and furthermore, will only be transient in the array area. Therefore, NRW agrees with the overall conclusion of no AEOSI on the River Dee and Bala Lake SAC	
REP1-080-2.5.5	NRW raised two potential areas of concern in our Relevant Representations regarding the impact assessment of fish valued ecological receptor species (VERs)1. The concerns related to: (1) errors and inaccuracies in the assessments of impact to sandeel from construction piling noise and that fish are modelled as fleeing rather than static receptors, and: (2) some of the assumptions made in the cumulative environmental assessment. (1 - Valued Ecological Receptors (VER's) are the agreed list of fish species which are considered to be at risk from the development and therefore relevant to the assessments carried out in the ES.)	
REP1-080-2.5.6	"Following the submission of NRW's Relevant Representations, NRW has met with the Applicant (6/9/2022) to further discuss the concerns pertaining to the assessment of impacts to fish from piling noise. This has resulted in additional information being provided to NRW in the form of a clarification note titled <i>Fish and Shellfish Clarification Note</i> dated September 2022, which corrects the error for sandeel and presents impact scenarios based on modelling fish as static receptors. NRW are now satisfied that the revised impact figures presented in	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>the note for sole, sandeel, plaice, mackerel, cod and whiting are realistic and that, in conjunction with the assessment, provide evidence for the conclusion of 'minor adverse' effects in the Fish and Shellfish Ecology Chapter (Volume 2: Chapter 6 [APP052]). We advise that the Applicant submits the Clarification Note into the DCO Examination at the next available deadline.</p>	
REP1-080-2.5.7	<p>NRW notes the CEA undertaken for fish receptors, in Section 6.13.2 (Volume 2: Chapter 6 [APP-052]) - the Applicant has undertaken an assessment of the potential cumulative effects from construction noise and vibration on fish receptors. NRW agrees with the projects identified as being in scope.</p>	<p>This is noted and welcomed by the Applicant.</p>
REP1-080-2.5.8	<p>However, some of the reasoning provided to support the conclusions of <i>minor adverse</i> effect are speculative. The Applicant states at paragraph 359 [APP-052]: <i>"It is noted that there is a broadscale push from regulators and Statutory Nature Conservation Bodies 1 Valued Ecological Receptors (VER's) are the agreed list of fish species which are considered to be at risk from the development and therefore relevant to the assessments carried out in the ES.(SNCBs) within the UK towards the use of technologies to reduce the noise emitted during offshore wind construction works. The method used or the mechanism by which this may be enforced is yet to be determined however it may comprise using non-piled structures (e.g., GBS or suction bucket structures) or at source noise mitigation (e.g., bubble curtains or the BLUE piling system)"</i>. NRW does not consider it appropriate for the cumulative assessment to rely on potential future regulations or mitigation that has no commitment or delivery mechanism attached to it.</p>	<p>The Applicant has provided a clarification note (Document 2.28 of the Applicant's Deadline 2 submission) in response to these points, in addition to a similar point raised in relation to Marine Mammals (REP1-080-2.7.13).</p> <p>The Applicant can confirm that the ES conclusions remain valid in light of this point.</p>
REP1-080-2.5.9	<p>NRW recognises that future developments will need to take account of the Awel-y-Môr predicted noise impact in their cumulative assessments. We do not, however, agree that there is no potential for simultaneous, partly overlapping, or sequential construction noise from planned offshore windfarms projects to adversely affect consecutive spawning seasons of fish species. We note that the CEA has focussed on impacts to Herring, however other VERs such as Atlantic cod are amongst the most hearing sensitive fish, are sensitive to anthropogenic noise, masking or disrupting mating and spawning behaviour, and have high intensity spawning and nursery grounds throughout Liverpool Bay (Ellis et al 2012). It should be noted that this point does not relate to the omission of particular projects in the CEA, rather it relates to the consideration of how impacts from construction noise on VERs within the spawning grounds in</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Liverpool Bay, will be considered in the absence of speculative or potential future regulations acting to mitigate the effects. NRW advises that the Applicant confirms whether the conclusion of minor adverse effects remains in light of this point.</p>	
<p>REP1-080-2.6.1</p>	<p>Marine Ornithology</p> <p>In our Relevant Representations, NRW advised that a detailed assessment of the potential impacts of the Awel-y-Môr project on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head Site of Special Scientific Interest (SSSI) should be undertaken, as this has not been carried out sufficiently to enable the effects on the features of the site to be assessed. The site is designated for breeding Black-legged Kittiwake <i>Rissa tridactyla</i> (hereafter referred to as Kittiwake), Common Guillemot <i>Uria aalge</i> (hereafter referred to as Guillemot) and Razorbill <i>Alca torda</i> (hereafter referred to as Razorbill).</p>	<p>The Applicant held a consultation meeting with NRW in relation to assessment of Pen-y-Gogarth / Great Orme's Head seabird features on 6th September 2022 to agree an approach to assessment. Following consultation, the Applicant has submitted an assessment clarification note at Deadline 1 (REP1-016) detailing the predicted impacts apportioned to Pen-y-Gogarth / Great Orme's Head seabird features following the agreed approach to assessment. The conclusions of which confirmed that potential for significant adverse effect in relation to impacts from AyM to Pen-y-Gogarth / Great Orme's Head kittiwake, guillemot and razorbill features can be ruled out.</p>
<p>REP1-080-2.6.2</p>	<p>In discussion with the Applicant, NRW has advised that the effects of displacement on auks (Guillemots and Razorbills) and collision risk mortality of Kittiwakes should be further assessed for the Pen-y-Gogarth / Great Orme's Head site. We advised that displacement and collision risk would then need to be apportioned using the Scottish Natural Heritage (now NatureScot) apportioning tool (SNH 2018) in order to understand the effects on the features of Pen-y-Gogarth / Great Orme's Head SSSI. If apportionment is greater than or equal to 1% then a Population Viability Analysis would also be required.</p>	<p>The Applicant welcomes further discussion with NRW on this matter following submission of the clarification note and will work to come to agreement via the SoCG between the Applicant and NRW.</p>
<p>REP1-080-2.6.3</p>	<p>The proposed location for Awel-y-Môr is approximately 10km from Pen-y-Gogarth / Great Ormes Head Site SSSI (Figure 1; hereafter referred to as Pen-y-Gogarth SSSI). The cliffs host a large colony of breeding seabirds, and the site is designated for breeding Kittiwake, Guillemot and Razorbill. This is the second largest Kittiwake breeding colony in Wales and the largest in North Wales, supporting approximately 821 pairs each year (5-year mean of peak counts 2017-2022 = 821 pairs, excluding 2020 when no data were collected due to the COVID-19 pandemic). In addition, the site supports around 2149 breeding pairs of Guillemot and 236 breeding pairs of Razorbill each year (figures also based on 5-year mean peak 2017-2022 excluding 2020). (NRW provided a figure of the location of Great Ormes Head / Pen-y-Gogarth SSSI).</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.6.4	<p>"Displacement of seabirds, both during construction and operation, of offshore windfarms is widely recognised as one of the main impacts on biodiversity from offshore windfarms and can impact population dynamics (Dierschke et al., 2016; Welcker and Nehls, 2016). The construction, operation and decommissioning of windfarms have the potential to impact seabirds by displacing individuals from foraging habitats. The impact of displacement is particularly significant for breeding seabirds as they are constrained to obtaining food within a certain distance from the breeding colony. Displacement is likely to result in changes to daily energy and time budgets. Such changes may impact on the body condition of adult breeders which, in turn, can affect breeding success, adult survival and, ultimately, population size. Additionally, breeding success of seabirds may be affected directly if provisioning rates of food from adults to chicks reduce significantly. Research suggests that displacement in Guillemots and Razorbills can be variable. For example, Welcker and Nehls (2016) conducted a literature review of displacement studies, concluding that there was strong evidence that Guillemots and Razorbills are displaced by offshore windfarms. However Dierschke et al. (2016) concluded that these species 'weakly avoided' windfarms. It is possible that displacement of auks may be state-specific (breeding or non-breeding), or it may be due to habitat quality and/or availability (e.g. birds will be more easily displaced from poorer quality habitat or where habitat is not limiting). Sensitivity Indexes for Guillemot and Razorbill indicate that both species have a medium level of sensitivity to windfarm displacement, relative to other species (Garthe and Hüppop, 2004).</p>	<p>As detailed within the Offshore Ornithology chapter of the ES (APP-050), the Applicant undertook a detailed review of available information in relation to displacement effects from AyM. This included the most comprehensive review to date of displacement and mortality evidence undertaken for auk and gannet species for Hornsea Project Four (Orsted 2022a; Orsted 2022b), post consent monitoring data for GyM and the SNCB interim guidance on displacement (SNCBs, updated 2022). Prior to undertaking displacement assessments for AyM, the Applicant consulted with NRW on their preferred approach to displacement assessments as detailed in Volume 4, Annex 4.5 of the ES (Offshore Ornithology Scoping and Consultation Responses) (APP-099) and assessed accordingly.</p>
REP1-080-2.6.5	<p>The collision of seabirds with the rotor blades of turbines is a known impact of offshore wind farms (Drewitt and Langston, 2006; Fox et al., 2006; Furness et al., 2013). This can cause direct mortality in adult birds, and indirect mortality for chicks and eggs if adults do not return to the breeding site. The resulting additional mortality may have a substantial impact at a population level because seabirds are long-lived species with a delayed maturity and small clutch size (Cairns, 1992). Estimates of the number of potential bird collisions with turbines reflect both the abundance of a species in the area concerned and flight behaviour, making some species more likely to collide than others (Furness et al., 2013). Models have been developed which estimate species-specific collision risk, accounting for characteristics including body length, wingspan, flight speed and level of nocturnal activity (Band and Hermansen, 2012). A key</p>	<p>The Applicant consulted on and agreed with NRW the approach to collision risk assessment of kittiwake and other sensitive species as detailed in Volume 4, Annex 4.5 of the ES (Offshore Ornithology Scoping and Consultation Responses) (APP-099). The resulting impact assessment for kittiwake and other sensitive species in relation to collision risk from AyM alone and cumulatively with other projects is presented within the Offshore Ornithology chapter of the ES (APP-050).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>aspect of flight behaviour which contributes to estimates of collisions is the height at which birds fly (Chamberlain et al., 2006; Furness et al., 2013). Studies based on aerial survey data suggest that Kittiwake flight heights range from approximately 1-20m above sea level, with the majority recorded at approximately 8-12m (Johnston and Cook, 2016). Therefore, Kittiwakes are sensitive to collision with offshore turbines (Bradbury et al., 2014), and given the wide-ranging nature of this species, individuals may be at risk of collision with several windfarms both during a season and across their life cycle. We note that for Awel-y-Môr the minimum distance from Mean High Water Springs (MHWS) to the lowest point of the rotating blades for each turbine is 22m, however collision risk modelling is still needed to quantify the likely risk to this species from this development.</p>	
REP1-080-2.6.6	<p>We consider that it is possible that Awel-y-Môr could have a significant effect on the breeding seabird features of Pen-y-Gogarth SSSI, through displacement of birds or through bird collisions with the windfarm. Guillemots and Razorbills could be subject to displacement, whilst Kittiwakes could be subject to collision mortality.</p>	<p>Please see Applicant's response to REP1-080-2.6.1 above which summarises that the Applicant has submitted a clarification note at Deadline 1 (REP1-016) detailing the predicted impacts apportioned to Pen-y-Gogarth / Great Orme's Head seabird features following the agreed approach to assessment. The conclusions of which confirmed that potential for significant adverse effect in relation to impacts from AyM to Pen-y-Gogarth / Great Orme's Head kittiwake, guillemot and razorbill features can be ruled out.</p>
REP1-080-2.6.7	<p>The Applicant has not presented an assessment of the likely effects on the breeding seabird features of Pen-y-Gogarth SSSI, as such NRW are unable to conclude that there is no significant effect on the features of the site. We advise that the effects of displacement on Guillemots and Razorbills should be assessed, as well as collision risk mortality of Kittiwakes.</p>	
REP1-080-2.6.8	<p>NRW advise undertaking a displacement assessment for Guillemot and Razorbill using the Joint SNCB guidance and matrix SNCB (2022)<sup>2</sup>. Due to the uncertainty around specific displacement and mortality rates we advise the applicant to consider a range of rates for Guillemot and Razorbill as follows:</p> <ul style="list-style-type: none"> <li>▲ Buffer (km): 2km</li> <li>▲ Displacement rate range: 30-70%</li> <li>▲ Mortality rate range: 1-10%</li> </ul> <p>(2 - The use of the Joint SNCB guidance and matrix SNCB (2022) is the approach recommended by the Statutory Nature Conservation Bodies (SNCBs) to ensure a standard and consistent approach between different developments, according to the best available evidence.)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.6.9	Collision Risk Modelling (CRM) should be used to calculate the collision risk for Kittiwake. This uses mean monthly densities of birds recorded in flight only. We advise using either the Band model (Band and Hermansen, 2012) Excel spreadsheet or the stochastic model R shiny (sCRM) (which is based on the Band model). The sCRM Shiny app and associated user guide available from: <a href="https://www.gov.scot/publications/stochastic-collision-riskmodel-for-seabirds-in-flight/">https://www.gov.scot/publications/stochastic-collision-riskmodel-for-seabirds-in-flight/</a> . Avoidance rates for use in CRM are advised in the Joint SNCB response to the Marine Scotland Science Avoidance Rate Review (SNCB, 2014).	
REP1-080-2.6.10	To determine connectivity with breeding seabird sites, displacement and collision risk will then need to be apportioned using the Scottish Natural Heritage (now NatureScot) apportioning tool (SNH, 2018). If apportionment is greater than or equal to 1% of baseline mortality, then a Population Viability Analysis (PVA) will also be required. This will estimate the effects on these features over the 25-year life of the windfarm to see how the project is likely to affect Pen-y-Gogarth SSSI.	
REP1-080-2.6.11	NRW has discussed these issues with the Applicant, and it is our understanding that the above work is being undertaken. As such, NRW reserves its position on this matter until the results of the collision risk modelling and displacement assessments (and PVA if appropriate) for this site and features are submitted - at which point, we will provide further advice. Should this work not be submitted, we will be unable to conclude / determine or rule out, as the case may be, the likely damage to the special features of Pen-y-Gogarth SSSI. We advise the Applicant to submit these results as soon as possible.	
REP1-080-2.6.12	The proposed project location is adjacent to Liverpool Bay / Bae Lerpwl Special Protection Area (hereafter referred to as Liverpool Bay SPA). Liverpool Bay SPA encompasses marine areas supporting large aggregations of wintering Red-throated Diver <i>Gavia stellata</i> and Common Scoter <i>Melanitta nigra</i> .	This is noted by the Applicant, and the potential for LSE on this site has been considered in the RIAA (APP-027).
REP1-080-2.6.13	Red-Throated Diver (RTD) and Common Scoter are features of Liverpool Bay SPA, and Common Scoter are included as a priority species in the section 7 list made pursuant to the Environment (Wales) Act 2016. Both species are sensitive to anthropogenic disturbance and displacement (Fließbach et al., 2019; Kaiser et al., 2002). The Applicant has stated that they will produce a vessel traffic management plan (paragraph 47 of APP-050), and NRW welcomes this. We agree that this vessel traffic management plan is needed, and that it uses	The Applicant welcomes NRW's offer to work together to produce an outline vessel traffic management plan and concluding that subject to a condition in the marine licence for a vessel traffic management plan, an AEol could be ruled out in relation to the red-throated diver and common scoter features of Liverpool Bay SPA with respect to disturbance and displacement.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>measures such as (but not limited to) restricting vessel movements to existing navigation routes. This is necessary to avoid or reduce disturbance, and therefore displacement. As requested by the Applicant, we will advise them in producing the plan. NRW would be provided with an outline plan for comment at the Applicant's earliest opportunity. Subject to an appropriate vessel traffic management plan being agreed, in writing by NRW, and secured as a condition of the ML, we consider it to be unlikely that there will be an adverse effect on Liverpool Bay SPA.</p>	<p>The Applicant expects this plan to be secured via a condition in any Marine Licence granted by NRW (see Condition 34 of the Marine Licence Principles (Document 2.22 of the Applicant's Deadline 2 submission)).</p>
<p>REP1-080-2.6.14</p>	<p>"From the evidence provided by the Applicant, it does appear that the extent of the supporting habitat for RTD within Liverpool Bay SPA will be maintained if the project is constructed, and therefore there will be no adverse effect on the RTD feature of Liverpool Bay SPA from habitat loss. However, we note that the lack of displacement of RTD in this part of Liverpool Bay SPA is not consistent with what has been observed in other areas of Liverpool Bay SPA as well as in other areas of the UK and Europe where strong displacement of RTD by offshore windfarms have been observed. For example, research by Heinänen et al (2020) found that that RTD were strongly displaced within and up to 5km from offshore windfarms, with effects decreasing with distance away from the windfarm site. Heinänen et al (2020) found that displacement effects were very strong up to 5 km away, but a significant effect was still detected up to 10–15 km away. Given this anomaly between published research findings and the evidence submitted by the Applicant, we advise that comprehensive validation monitoring before, during, and after construction is needed to confirm that it is the case that supporting habitat (as identified in the sites conservation objectives) has not been lost. Such monitoring should comprise aerial surveys to look at RTD distribution pre, during and post construction. We recommend the Applicant produces a monitoring plan for this validation work. The monitoring plan should be agreed in writing with NRW and secured as a condition of the ML.</p>	<p>The Applicant welcomes NRW's agreement that the extent of the supporting habitat for RTD within Liverpool Bay SPA will be maintained if the project is constructed, and therefore there will be no adverse effect on the RTD feature of Liverpool Bay SPA from habitat loss.</p> <p>The Applicant also welcomes NRW's agreement that the evidence as presented in Section 4.12.1 of the Offshore Ornithology chapter of the ES (APP-050) suggests that RTD within Liverpool Bay SPA do show the same levels of strong displacement as other North Sea populations.</p> <p>The Applicant will engage with NRW (as part of the separate but parallel Marine Licensing process) on the need for, and the requirements of, any potential post-consent monitoring and/ or methods. The Applicant has provided revisions to the Marine Licence Principles and Schedule of Mitigation (2.22 and 2.24 of the Applicant's Deadline 2 submission, respectively) which include provision of post-construction ornithology monitoring.</p>
<p>REP1-080-2.6.15</p>	<p>Guidance which aims to assist developers in designing and undertaking robust ornithological surveys to inform data collection, assessments and post-consent monitoring requirements has been developed by NRW and may be useful to consider in respect of the above. The guidance, titled "<i>At sea ornithological survey guidance</i>" is available here:</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>(<a href="https://cdn.cyfoethnaturiol.cymru/media/695080/at-sea-ornithological-guidance-checked-accessible.pdf">https://cdn.cyfoethnaturiol.cymru/media/695080/at-sea-ornithological-guidance-checked-accessible.pdf</a>).</p>	
REP1-080-2.7.1	<p>Marine Mammals</p> <p>NRW have previously advised that the project proposal has the potential to impact marine mammals.</p>	<p>This is noted by the Applicant. Please see responses to detailed points raised in the rows below in response to REP1-080-2.7.a.i to REP1-080-2.7.12.</p>
REP1-080-2.7.2	<p>Cetacean species are identified in the list under section 7 of the Environment Wales Act 2016. In addition, they are also identified as European Protected Species (EPS) in Schedule 2 of the Conservation of Habitats and Species Regulations 2017 ('the Regulations') as amended. It is an offence under Regulation 43 of the Regulations to <i>inter alia</i> deliberately capture, injure, kill, or disturb such species or to damage or destroy their breeding site. This reflects the system of strict protection afforded to such species under the provisions of the Habitats Directive.</p>	
REP1-080-2.7.3	<p>However, an EPS licence may be granted by NRW, as the relevant licensing body, for the purposes specified in Regulation 55(2) of the Regulations.</p>	
REP1-080-2.7.4	<p>Exposure of marine mammals to loud sounds, such as those generated by pile driving, can lead to reductions in hearing sensitivity known as "threshold shifts" (TS). These can either be temporary (TTS), or permanent (PTS). In the UK, PTS is considered an injury (JNCC 2010). Threshold shifts are assessed using the most recent set of auditory injury criteria (currently Southall et al 2019). For impulsive noise (i.e., noise that has almost instantaneous spikes in the sound level), two metrics are used: the sound pressure level (SPL, i.e., the maximum sound level at any point) and the sound exposure level (SEL, i.e., the sound an animal is exposed to over a period of time). These two metrics account for the different aspects of impulsive noise from piling, that is: (1) exposure to sound level, and (2) duration. SEL can be used as a measure of the sound energy released over a single pile strike, a metric known as single strike SEL (<math>SEL_{ss}</math>) or summed over multiple pile strikes using a metric known as cumulative SEL (<math>SEL_{cum}</math>)<sup>3</sup>.</p> <p>When carrying out impact assessments, we often refer to instantaneous PTS (from SPL) and cumulative PTS (from <math>SEL_{cum}</math>), and the spatial extent or range (m to km) that can elicit PTS in marine mammal species from instantaneous and cumulative noise respectively.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	(3 - If a graph of sound level (dB) vs time for sound from a pile is plotted, the highest point on the graph would be SPL, SEL <sub>ss</sub> is "the area under the graph", and SEL <sub>cum</sub> is roughly SEL <sub>ss</sub> x the number of pile strikes.)	
REP1-080-2.7.5.a.i	<p>In our Relevant Representations and subsequent correspondence with the Applicant, NRW advised that the assessment (in the ES and RIAA) of the impacts of underwater noise on marine mammals, such as auditory injury and associated disturbance, was insufficient and should be improved in order to enable the risks to be fully and adequately assessed. The reasons for this are as follows:</p> <p>a. NRW advised that additional modelling should be carried out and additional model details provided to inform assessments of underwater noise and PTS onset, to include carrying out Interim Population Consequences of Disturbance (iPCoD) modelling for harbour porpoise disturbance and PTS injury, including detail of the modelling parameters used which, unlike for other species, is not included in the ES.</p> <p>i. Since the production of our Relevant Representation, NRW have conducted in-house iPCoD modelling for harbour porpoise (using the beta (unpublished) Cumulative Effects Framework project web-based portal [CEF (ceh.ac.uk)] – this is a web based interface that allows iPCoD v5.2 to be used in a more 'user-friendly' way). The population input parameters used were those from Sinclair et al (2020) and Evans &amp; Cordes (in prep) (the latter being Welsh / regionally relevant population demographics) and the development parameters were as presented in the Awel-yMôr ES. A piling schedule was created by randomising 201 piling days through a single year. The worst-case PTS SEL (83) and disturbance prediction (2112: Sea Watch density scenario) (see Volume 2: Chapter 7: Tables 20 and 28 (p131 and 137) [AS-026]) were modelled. The results indicate negligible effect from the combination of PTS and disturbance to the population which indicates AEOSI can be ruled out for all harbour porpoise SACs in the Celtic and Irish Seas (CIS) Marine Mammal Management Unit (MMMU). We advised the Applicant that they should provide their own full modelling to support the conclusion of minor / negligible effect (in EIA terms) and no AEOSI on North Anglesey Marine SAC - this being in view of Conservation Objective 1: Population viability conservation objective. We</p>	<p>The Applicant is pleased to note that NRW is satisfied that AEOSI can be ruled out. As requested, for each of the disturbance thresholds presented in the Marine Mammal Clarification Note (REP1-002), the % of the CIS MU has also been presented.</p> <p>The Applicant provided the Marine Mammal Clarification Note at Deadline 1 (REP1-002) in relation to this matter.</p> <p>The Applicant confirms that cumulative PTS will be mitigated in the final MMMP unless guidance and evidence at the time suggest that it is not appropriate to do so. Therefore, the magnitude of PTS impact is mitigated to negligible levels to all marine mammal species by the MMMP which is expected to be conditioned in any Marine Licence granted by NRW (Condition 35 of the Marine Licence Principles (REP1-025)).</p> <p>Population modelling for disturbance has already been included in the marine mammals ES chapter (AS-026)) for all species where the proportion of the MU disturbed was &gt;1%. For completeness, the Marine Mammal Clarification Note (REP1-002) presents the iPCoD modelling results using the highly precautionary SWF density estimate for harbour porpoise. This did not change the conclusion of the impact assessment for harbour porpoise (AS-026) and therefore the assessment conclusion of AEoI in the RIAA (APP-027) remains valid.</p> <p>Following provision of the clarification note to NRW, the Applicant understands this matter to be agreed.</p> <p>The Marine Mammal Clarification Note (REP1-002) presents the 140 dB re 1 µPa<sub>2s</sub> SEL<sub>ss</sub> (ASCOBANS, 2014) and the 145 dB re 1 µPa<sub>2s</sub> SEL<sub>ss</sub> (Lucke et al 2009) thresholds for disturbance. As requested, for each of these, the % of the CIS MU has been presented (4.93 and 3.44% MU respectively). While the 143 dB re 1µPa<sub>2s</sub> threshold has not been specifically modelled and presented, it lies between the 140 and the 145</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	advised the Applicant that until this modelling is undertaken the evidence submitted could not be relied upon to rule out AEOSI.	thresholds. Therefore, the conclusion of no AEol presented in the RIAA (APP-027) remains valid.
REP1-080-2.7.5.a.ii	ii. Additionally for harbour porpoise, we advised that the maximum area ensonified out to a behavioural threshold (e.g., 143 dB re 1µPa <sup>2</sup> s or similar (see d below)) should be modelled (at the furthest corners/nodes of the array footprint) and to express this maximal area as a proportion of the CIS MMMU area. In other words, the area covered by the 143dB contour should be calculated and expressed as a percentage of the CIS MMMU area. This would provide an indication of the area of habitat within the MMMU that could be potentially disturbed (i.e., causing displacement to marine mammals). The area is functionally linked to the harbour porpoise features of the SACs in the MMMU and the impact pathway (disturbance from underwater noise) manifests as displacement (albeit temporary – 1 year) from functionally linked habitat. NRW accordingly advised the Applicant that AEOSI could not be ruled out in the absence of such information, and we advised that such information should be presented by the Applicant to demonstrate no AEOSI.	Following provision of the clarification note to NRW, the Applicant understands this matter to be agreed.  The Applicant is pleased to note that NRW is satisfied that the results demonstrate there is no significant effect at the population level and can be relied upon to rule out AEOSI to North Anglesey Marine SAC and all other SACs with harbour porpoise feature in the MMMU in relation to auditory injury (PTS). The Applicant now understands this matter to be agreed.
REP1-080-2.7.5.a.iii	iii. Following on from a meeting with the Applicant on 6/9/2022, a clarification note – <i>Marine Mammal Clarification Note</i> - dated September 2022 was issued to NRW with respect to the above issues. The Applicant conducted modelling in iPCOD as requested. NRW is satisfied that the results demonstrate there is no significant effect at the population level and can be relied upon to rule out AEOSI to North Anglesey Marine SAC and all other SACs with harbour porpoise feature in the MMMU in relation to auditory injury (PTS) (see NRW's Position Statement ( <a href="https://naturalresources.wales/guidance-and-advice/business-sectors/marine/marine-mammal-management-units-in-habitat-regulations-assessments/?lang=en">https://naturalresources.wales/guidance-and-advice/business-sectors/marine/marine-mammal-management-units-in-habitat-regulations-assessments/?lang=en</a> ) on use of MMMUs in HRA for map of relevant SACs).	
REP1-080-2.7.5.a.iv	iv. For the underwater noise disturbance impact pathway for harbour porpoise, various behavioural thresholds and a 26km Effective Deterrent Radius were explored by the Applicant in the clarification note and the predicted areas ensonified that overlapped with North Anglesey Marine SAC were quantified. All approaches indicated that less than 4% of the area of the SAC were disturbed. On this basis, NRW is satisfied that AEOSI can be ruled out (see d below for further details). However, as described above at 2.7.5a.ii, the total area ensonified and the proportion of the CIS MMMU habitat disturbed has not been described. NRW request that this further information be included in Table 2	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	(page 11) of the clarification note to establish the extent of noise disturbance in relation to supporting/functionally linked habitat.	
REP1-080-2.7.5.b.i	<p>b. NRW advised that there was insufficient justification for the absence of assessment of cumulative PTS in the Habitats Regulations Assessment (HRA); and as a result that the HRA was incomplete.</p> <p>i. Cumulative PTS (SEL<sub>cum</sub>) has been modelled in the ES but results were not included in the HRA. This information is required for the purposes of Appropriate Assessment and in order to rule out AEOSI. Using the values in the ES (Volume 2: Chapter 7: Table 20 (p127), 21 (p128), and 23 (p131) [AS-026]) for harbour porpoise, bottlenose dolphin and grey seal respectively, NRW has subsequently modelled the effect of cumulative PTS on the relevant MMMU population for each species of relevance (bottlenose dolphin, grey seal, harbour porpoise) using iPCOD (via the CEF webbased portal: CEF (ceh.ac.uk) - see section a for further modelling details). The modelling results indicated that cumulative PTS (SEL<sub>cum</sub>) on its own is highly unlikely to result in a significant adverse effect on the population of the MMMU and therefore no AEOSI in the context of the population viability conservation objectives of any of the relevant SACs (see NRW's Position Statement on use of MMMUs in HRA for map of relevant SACs). Nevertheless, we advised the Applicant that they would need to conduct and present such information to be able to consider cumulative PTS in the HRA and rule out AEOSI.</p>	<p>The Applicant is pleased to note that NRW is now satisfied that the information provided addresses their concerns and supports the conclusion of no AEOSI from this pathway and no further information is required in this regard.</p> <p>Please see the Marine Mammal Clarification Note (REP1-002). The Applicant confirms that cumulative PTS will be mitigated in the final MMMP unless guidance and evidence at the time suggest that it is not appropriate to do so. Therefore, the magnitude of PTS impact is negligible to all marine mammal species with provision of a MMMP which is secured under Condition 35 of the Marine Licence Principles (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission).</p> <p>Population modelling for disturbance has already been included in the marine mammals ES chapter (AS-026) for all species where the proportion of the MU disturbed was &gt;1% and therefore the AEol conclusion remains valid.</p>
REP1-080-2.7.5.b.ii	<p>ii. Following on from a meeting with the applicant on 6th September 2022, a clarification note – <i>Marine Mammal Clarification Note</i> - dated September 2022 was issued by the Applicant to NRW with respect to the above issues. The Applicant conducted modelling of cumulative PTS in iPCOD as requested by NRW (as described in 2.7.5b.i above). Results indicate, as concluded above, that there is no AEOSI to any of the relevant SACs (see NRW's Position Statement on use of MMMUs in HRA for map of relevant SACs) in Wales with marine mammal features. We are now satisfied that the information provided addresses our concerns and supports the conclusion of no AEOSI from this pathway and no further information is required in this regard.</p>	
REP1-080-2.7.5.c.i	<p>c. NRW advised that there were insufficient grounds to conclude that PTS-onset risk has a negligible impact on harbour porpoise because cumulative PTS onset had been excluded from the Marine Mammal Mitigation Protocol (MMMP)</p>	<p>Please see the Marine Mammal Clarification Note (REP1-002).</p> <p>The Applicant confirms that cumulative PTS will be mitigated in the final MMMP unless guidance and evidence at the time suggest that it is not</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>i. It is NRW's understanding that cumulative PTS was not included in the MMMP [APP107] because the Applicant argued that the assumptions that underpin the PTS SEL<sub>cum</sub> metric (i.e. the equal energy hypothesis) lead to precautionary ranges, and that SEL<sub>cum</sub> is therefore not valid. While there has been research to try to find an alternative to the equal energy hypothesis, the general scientific consensus is that there are not enough data yet to support a departure from this model. The Southall et al (2019) thresholds recommend the use of dual metric criteria (i.e., SPL and SEL) so even though in its current form, SEL<sub>cum</sub> gives precautionary results it is the best way there is of assessing multiple consecutive instances of impulsive noise. We therefore advised that the Applicant continues to use the Southall et al 2019 thresholds and includes instantaneous PTS (SPL) and cumulative PTS (SEL) in the assessments (EIA, HRA) and the MMMP.</p>	<p>appropriate to do so. Therefore, the magnitude of PTS impact is negligible to all marine mammal species with provision of a MMMP which is secured under Condition 35 of the Marine Licence Principles (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission).</p> <p>The Applicant also confirms that the EPS licensing process will be followed in the post-consent phase as described in Application Document 5.4 Consents and Licences Required Under Other Legislation (APP-037).</p>
REP1-080-2.7.5.c.ii	<p>ii. The MMMP (Volume 4: Annex 7.2 [APP-107]) states: "The primary aim of this draft Outline MMMP is to set out the measures proposed to reduce the risk of Permanent Threshold Shift (PTS) auditory injury to any marine mammal species in close proximity to the pile driving for the installation of AyM foundation structures to negligible (as defined in Section 1.5 [sic – should be section 7.5] in Volume 2, Chapter 5 [sic – should be chapter 7]: Marine Mammals)."</p>	
REP1-080-2.7.5.c.iii	<p>iii. The Applicant proposes the use of the industry standard protocol for minimising the risk of injury (PTS) to marine mammals (JNCC (2010): Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise   JNCC Resource Hub) i.e. 'standard mitigation' (with a slightly enhanced observation zone of 640m (cf the usual 500m)). However, this would not 'mitigate' against cumulative PTS for harbour porpoise when considering the proposed Worst Case Scenario (WCS) (Multileg 2 at 1 location: NW [see Volume 2: Chapter 7 (Table 20 p127 of ES)] [AS-026]), which suggests cumulative PTS will extend to 6.3km (and for the next Worst Case [monopiles at NW location] suggests cumulative PTS extends to 4.3km). Cumulative PTS for other Annex II (bottlenose dolphin and grey seal) species is predicted to extend to less than 100m and, as such, standard mitigation is sufficient.</p>	
REP1-080-2.7.5.c.iv	<p>iv. However, our in-house modelling using iPCOD (on Annex II species only – see a above) suggests there would not be an AEOSI, or a likely significant effect on the environment in EIA terms as a result of cumulative PTS (with or without the additional pathway of disturbance). Thus, the protocols for minimising injury (i.e.,</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>'mitigation') would not be formally required for the purposes of removing AEOSI in HRA or reducing significant effects in EIA. Nevertheless, the 'mitigation' should be incorporated in accordance with industry best practice to reduce effects in relation to EPS protection (deliberate injury i.e. PTS). The industry standard mitigation would adequately mitigate against instantaneous PTS but not cumulative PTS in harbour porpoise. Therefore, although mitigation for cumulative PTS may not be a requirement for AA / EIA in this case the use of the mitigation protocols is generally required to minimise risk of injury in relation to EPS and the Applicant is advised to apply for an EPS licence for injury (to individuals).</p>	
<p>REP1-080-2.7.5.c.v</p>	<p>v. One of the tests for EPS licensing is that of “no satisfactory alternatives” (alternative solutions). Mitigation such as Acoustic Deterrent Devices (ADDs) and Noise Abatement Systems (such as bubble curtains) will be a consideration when considering this test. It should be noted that one of the other tests for EPS licensing is to assess whether “...the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range”.</p>	
<p>REP1-080-2.7.5.c.vi</p>	<p>vi. NRW advise the Applicant that results and interpretation from modelling cumulative PTS in harbour porpoise using iPCOD (as described in a above) should be included in the MMMP to allow NRW PS to confirm no effect (or otherwise) in relation to HRA or EIA and evaluate mitigation options in relation to EPS licensing.</p>	
<p>REP1-080-2.7.5.c.vii</p>	<p>vii. We note that the Applicant's intention is that “...The MMMP will be secured as a condition within the Marine Licence”. EPS mitigation and industry best practice mitigation may be a consideration and an actionable condition in the Marine Licence and/or the EPS licence but the licensing for EPS would be the responsibility of the Species Licensing team within NRW.</p>	
<p>REP1-080-2.7.5.c.viii</p>	<p>viii. Following on from a meeting with the applicant on 6/9/2022 a clarification note – <i>Marine Mammal Clarification Note</i> - dated September 2022 was issued to NRW with respect to the above issues. The Applicant has confirmed (on page 7) that “...cumulative PTS will be mitigated in the final MMMP if guidance and evidence at the time suggest that it is appropriate to do so. This will ensure that the potential risk of PTS is reduced to negligible levels for all species”.</p>	<p>The Applicant confirms that this sentence has been updated in the clarification note (REP1-002) to state that cumulative PTS will be mitigated in the final MMMP unless guidance and evidence at the time suggest that it is not appropriate to do so.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.7.5.c.ix	ix. NRW suggests editing this sentence to: "... the Applicant can confirm that cumulative PTS will be mitigated <u>as outlined</u> in the final MMMP <u>unless</u> guidance and evidence at the time suggest that it is not appropriate to do so...". In other words, NRW request that mitigation is considered for cumulative PTS in the likely event that at the time there will be no new evidence that improves our collective understanding of cumulative PTS.	
REP1-080-2.7.5.c.x	x. NRW advise that mitigation is required in respect of EPS protection and needs to be regulated by the ML and/or the EPS licence (for which an application has not yet been submitted and which the applicant is encouraged to do)	The Applicant confirms that the EPS licensing process will be followed in the post-consent phase as described in Application Document 5.4 Consents and Licences Required Under Other Legislation (APP-037).
REP1-080-2.7.5.d.i	<p>d. NRW does not recommend the use of dose/response (D/R) curves to conduct an area-based assessment to estimate the area of harbour porpoise habitat disturbed; D/R curves are used to estimate the number of animals affected, not the habitat/area affected. Given that disturbance for harbour porpoise SACs is defined through spatial and temporal thresholds of 20% daily and 10% seasonal disturbance, as set out in the supporting advice for the disturbance conservation objective (CO2) for porpoise sites, we advise that an area-based assessment should be carried out where the extent of habitat that is ensonified to a level that might produce significant disturbance is determined. Although there is a strong link between area lost and numbers disturbed, directly equating the probability of population response to loss of habitat / loss of habitat quality (i.e. using a D/R curve to calculate habitat loss) is currently not possible.</p> <p>Dose-response (D/R) curves are a method used to estimate the numbers of animals disturbed by underwater noise. D/R curves are based on the fact that not all animals in an impact zone will respond and are determined from field data. D/R curves consist of a graph which shows probability of a behavioural response (Y-axis) against sound level (X-axis).</p> <p>Therefore, the probability of a response, and thus the proportion of animals experiencing behavioural disturbance, will depend on the "dose" (in this case, the sound level).</p> <p>i. For harbour porpoise, NRW recommends that an unweighted noise threshold of 143 dB re 1µPa<sup>2</sup>s (un-weighted) single strike sound exposure level (Brandt et al 2018; Heinis et al 2019) is used as the extent of disturbance for impulsive noise sources. This threshold is the modelled average of six different studies of full-</p>	<p>The Applicant notes and welcomes agreement on these points.</p> <p>Please see the Marine Mammal Clarification Note (REP1-002). Since there is no agreed threshold to assess disturbance impacts to SACs (other than the 26 km EDR approach outlined JNCC et al., 2020 - which NRW does not subscribe to), the Applicant has provided a selection of different disturbance criteria that could be applied to expand the assessment presented in the RIAA. The Applicant confirms that none of these result in effects of greater significance than assessed in the ES or RIAA and therefore the conclusions of those assessments remain valid.</p> <p>The Applicant acknowledges that there is no information on the behavioural response of bottlenose dolphins to pile driving. In the US, under the 1994 Amendments to the Marine Mammal Protection Act, Level B harassment is defined as any act of pursuit, torment or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioural patterns. The threshold for Level B harassment is 160 dB re 1µPa SPLrms from an impulsive sound source (NMFS 1995, 2005). This was derived from Malme et al (1983 and 1984) who showed that migrating gray whale female-calf pairs showed behavioral disturbance when exposed to impulsive sound levels above 160 dB re 1µPams. Richardson et al (1985, 1986 and 1990) showed similar responses in migrating bowhead whales. This threshold has subsequently been used by regulatory agencies for certain sound sources (e.g., seismic and high-resolution geophysical surveys, vibratory and impact pile driving, drilling) (Guan and Brookens,</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>scale pile driving operations and thereby represents the largest amount of empirical data (Tougaard 2021). Other threshold values might be suitable (e.g. 140 dB re 1µPa<sup>2</sup>s single strike SEL - ASCOBANS, 2014; or 145 dB re 1µPa<sup>2</sup>s single strike SEL - Lucke et al 2009). The 143 dB re 1µPa<sup>2</sup>s noise contour / isopleth is overlaid onto a map of the area to determine the extent of overlap with North Anglesey Marine SAC, and the extent of the area of the SAC that is ensonified to a level that could be considered significant disturbance can then be determined. The extent of the overlap is then compared against the 20%/10% thresholds set out in the conservation objectives for the site (CO2: significant disturbance).</p>	<p>2021). This threshold is therefore not derived from, nor is it specific to dolphin species or pile driving.</p> <p>The Applicant is pleased to note that NRW agrees that using harbour seal D/R curves as a proxy for grey seal is appropriate in this case, since there is evidence that grey seal show similar reactions to harbour seals and are within the same hearing group.</p> <p>The Applicant confirms that for completeness, the Level B harassment threshold for bottlenose dolphin (160 dB re 1 µPa SPL<sub>rms</sub>) will be modelled in line with NRW advice to confirm the number of dolphins expected to be disturbed, and this will be presented to NRW as soon as possible to allow comparison with the D/R methodology used.</p>
<p>REP1-080-2.7.5.d.ii</p>	<p>ii. The Applicant used a harbour porpoise D/R curve as a proxy for other species of cetacean. The literature suggests that bottlenose dolphin and minke whale are more tolerant to noise than harbour porpoise. Anecdotal / qualitative observations also suggest that these species behave very differently from harbour porpoise. Therefore, applying a D/R curve from a more sensitive species (e.g., harbour porpoise) to a less sensitive species (e.g. bottlenose dolphin) is likely to result in overestimates of disturbance, which might be considered an overly precautionary approach. It is agreed that consideration should be given to the fact that sound energy of pile driving is highest in the low frequency range and overlaps more with the hearing range of a minke whale than with that of a harbour porpoise - pile strikes of the same unweighted single-strike SEL (SEL<sub>ss</sub>) are louder for a minke whale than a harbour porpoise. For minke whale, however, evidence from studies with sonar suggests that they are less sensitive by ca 40-50 dB re 1 µPa (Tougaard 2021). NRW acknowledges that the Applicant used a method known to be precautionary for other species and explained its basis for doing so in some detail. Although NRW would not recommend this approach, given that other threshold options are available for other species (minke whale and bottlenose dolphin) (e.g., Level B harassment: NMFS 1995, 2005)<sup>4</sup>, we do not explicitly rule this method out.</p> <p>(4 - Level B Harassment is a threshold that was first introduced in the US by NOAA/NMFS. It is a widely used general noise threshold (i.e. not species specific) for all marine mammals for assessment purposes. Thresholds are: 120 dB SPL<sub>rms</sub> for continuous noise, and 160 dB SPL<sub>rms</sub> for impulsive noise.)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.7.5.d.iii	iii. NRW advises that the Applicant include an analysis using a fixed threshold, such as 160 dB re 1 $\mu$ Pa SPL <sub>rms</sub> , for impulsive noise for bottlenose dolphin (Level B harassment: NMFS 1995, 2005) to calculate the number of dolphins disturbed. This would also be useful to compare against the results of the proxy D/R analysis. This is because D/R curves are developed from fine scale behaviour – therefore even if these species started to respond at similar sound levels, there is no guarantee that the probability curve will have the same shape for different species.	
REP1-080-2.7.5.d.iv	iv. There currently are not enough data to establish a D/R curve or a definite threshold for grey seal. NRW agrees that using harbour seal D/R curves as a proxy for grey seal is appropriate in this case, since there is evidence that grey seal show similar reactions to harbour seals and are within the same hearing group (Aarts et al 2017, Gotz and Janik 2010).	
REP1-080-2.7.5.d.v	v. Following on from a meeting with the applicant on 6/9/2022, a clarification note – <i>Marine Mammal Clarification Note</i> - dated September 2022 was issued to NRW with respect to the above issues. The Applicant conducted further area-based assessments for harbour porpoise using a range of thresholds, an EDR and the D/R, by way of comparison. All methods indicated considerably less than 20% of the area of NAM SAC would be disturbed and thus AEOSI from disturbance can be ruled out. NRW are satisfied that no further information is required in this regard.	
REP1-080-2.7.5.d.vi	vi. NRW advise adding an analysis of the area ensonified from 160dB SPL <sub>rms</sub> for bottlenose dolphin so as to compare against the D/R proxy.	
REP1-080-2.7.6	NRW previously advised that insufficient justification to support a conclusion of no Likely Significant Effect (LSE) from vessel collision for bottlenose dolphin, grey seal or harbour porpoise features of relevant SACs was presented by the Applicant, and that LSE for vessel collision should not be ruled out. The submitted Report 5.2 RIAA (see Table 4 p105 [APP-027]) lists only underwater noise as the pathway with LSE for all mammal species/SAC combinations.	NRW notes and welcomes agreement that provision and implementation of a Vessel Traffic Management Plan in consultation with NRW that considers both ornithological and marine mammal interests would sufficiently rule out LSE and AEol. The Applicant has provided a revision of the Marine Licence Principles (Document 2.22 of the Applicant's Deadline 2 submission) that includes this at Condition 34.
REP1-080-2.7.7	Page 65; Table 1 of the RIAA [APP-027] states: "The Applicant acknowledges this feedback. The Project is making a commitment to minimise the risk of collisions. The adoption of best practice vessel handling protocols (e.g. following the Codes of Conduct provided by the WiSe Scheme, Scottish Marine Wildlife	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	Watching Code or Guide to Best Practice for Watching Marine Wildlife) will minimise the potential for any impact. The final codes of conduct will be discussed and agreed with NRW and JNCC through the marine licence conditions."	
REP1-080-2.7.8	While NRW encouraged the Applicant's intention to minimise the risk of collisions with vessels and to adopt best practice (as per our advice on the Preliminary Environmental Information Report (PEIR) and RIAA comments log (Table 1: RIAA [APP-027]), we considered that the potential for an LSE could not be ruled out and thus needed to be taken forward to Appropriate Assessment. We advised that the information provided by the Applicant in light of the application would likely be sufficient to inform an Appropriate Assessment and that had vessel collision been included in the RIAA, NRW would not anticipate an AEOSI from this pathway with the listed mitigation (including best practice and codes of conduct) in place.	
REP1-080-2.7.9	We noted the commitment by the Applicant to produce and implement a Vessel Traffic Management Plan in consultation with NRW. We discussed with the Applicant that whilst it appears that this plan relates solely to ornithological interests, we recommend that the Plan also appropriately considers marine mammal interests. We advised that such a plan is secured as a condition in the ML.	
REP1-080-2.7.10	Following on from a meeting with the applicant on 6/9/2022, a clarification note – <i>Marine Mammal Clarification Note</i> - dated September 2022 was issued to NRW with respect to the above issues. NRW had highlighted that a commitment to embedded mitigation cannot be used to scope out an impact from LSE. The Applicant provided additional text in the clarification note on the assessment of vessel collisions for the RIAA. NRW agrees that the proposed management of vessel traffic is sufficient to rule out any AEOSI.	
REP1-080-2.7.11	We advise that the Applicant submits the above-mentioned Clarification Note into the DCO Examination at the next available deadline.	The Applicant provided the clarification note at Deadline 1 (REP1-002).
REP1-080-2.7.12	A number of figures in the revised marine mammal Chapter 7 [AS-026] appear to be incorrect. For example, Figure 21 is supplied in place of Figure 19, and Figure 21 does not contain all the necessary data layers either time it is presented. Corrected figures should be supplied alongside confirmation of the	Corrected versions of these figures were provided in the Application Errata List submitted at Deadline 1 (REP1-004).

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	nature of any revisions from the original version – this is required to provide NRW with confidence that the revisions and assessments have been applied correctly.	
REP1-080-2.7.13	<p>-Cumulative / in-combination effects</p> <p>NRW notes that there appear to be potential discrepancies and inconsistencies with respect to the assessment of cumulative effects from underwater noise between marine mammals and fish ecology. For example, we note that several projects are missing from the Marine Mammal Cumulative Effects Assessment although they are included and qualitatively assessed for fish and shellfish. We are working with the Applicant to understand and clarify these issues. NRW reserves our position on this matter until further clarity comes forward at which point, we may advise the Examining Authority further.</p>	See also the Applicant's response to REP1-080-2.5.8 regarding a similar comment in relation to fish and shellfish ecology. The Applicant has provided a clarification note addressing this comment in Document 2.28 of the Applicant's Deadline 2 submission.
REP1-080-2.8.1	<p>Water Framework Directive (Offshore)</p> <p>- North Wales Coastal Water Body</p> <p>Hydromorphology</p> <p>North Wales Coastal Water Body Hydromorphology NRW agrees with the assessment of potential effects on the hydromorphology resulting from the presence of physical structures as provided in Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes [APP-048]. We therefore agree with the conclusions of the WFD CA for the hydromorphology element – that the proposed activities will not result in deterioration of the water body or jeopardise the attainment of its objectives.</p>	The Applicant notes and welcomes these agreements. It is expected that these points will form areas of agreement in the SoCG between the Applicant and NRW.
REP1-080-2.8.2	<p>Biology</p> <p>NRW agrees with the characterisation of the biology, assessment methodology and assessment conclusions of the potential impacts on benthic receptors as outlined in Volume 2, Chapter 5: Benthic and Subtidal Ecology [APP-051]. NRW therefore agrees with the conclusions of the WFD CA for biology: habitats within the water body – that the biological elements associated with this would not be at risk of deterioration as a result of the project.</p>	
REP1-080-2.8.3	<p>-Clwyd Transitional Water Body</p> <p>Hydromorphology</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	Based on the statement made at paragraph 128 and within Table 9 of Volume 4: Annex 3.1 [APP-094] that "...there are no current intentions to install structures which may alter the hydromorphology of the Clwyd transitional water body", NRW agrees with the conclusions of the WFD CA for the hydromorphology element within the Clwyd water body.	
REP1-080-2.8.4	Notwithstanding this, we advise that if this intention changes, and infrastructure associated with the scheme is to interact with the Clwyd transitional water body, then this will need to be appropriately assessed and the WFD CA revisited to consider this, and any potential footprint and secondary effects properly assessed.	This advice is welcomed by the Applicant. It is agreed that, should infrastructure associated with the scheme interact with the Clwyd transitional water body, it will be necessary to revisit and update the WFD Compliance Assessment accordingly.
REP1-080-2.8.5	Biology NRW agrees with the WFD CA conclusions for biology – habitats within the water body, that provided no direct interaction with the biological habitats in the Clwyd transitional water body will occur due to the proposed trenchless techniques, the project will not cause deterioration of the biological elements within the water body, or jeopardise the attainment of Good Ecological Potential, the WFD objective for the water body.	The Applicant notes and welcomes this agreement. It is expected that this point will form an area of agreement in the SoCG between the Applicant and NRW.
REP1-080-2.8.6	We note the commitment by the Applicant to utilise trenchless techniques to bring the cable underneath the Clwyd estuary. This commitment is set out in the Crossing Schedule [APP121]. We require confirmation that the techniques employed for crossing the river will be of sufficient depth to avoid any potential for interaction with the saltmarsh habitat (please also see comments at 2.4.1 – 2.4.2 above). We advise this information is provided in the Outline CMS [APP-313]. We also advise that if the proposal to utilise trenchless techniques changes, then the WFD CA will need to be revisited and any impacts properly assessed.	As noted in the Applicant's response to NRW's RR on this point (RR-015-2.5.1 of REP1-001), the Applicant confirms that trenchless crossing techniques (such as HDD), will be used for the installation of cables beneath the River Clwyd with above ground construction works located to the east and west of the existing flood defence embankments (and therefore outside the area identified as saltmarsh within the Habitat and Hedgerow Survey Report (APP-125)). Although construction works within the saltmarsh area would be underground, there could be a requirement for personnel to access the saltmarsh area on foot in order to monitor and guide the HDD (or other underground equipment). It is agreed that, should the proposal to utilise trenchless techniques to cross the Clwyd transitional water body changes, it will be necessary to revisit and update the WFD Compliance Assessment accordingly.
REP1-080-2.8.7	The Applicant will be required to assess the potential effects of all activities associated with watercourse crossings, including the potential for secondary effects in all hydrologically connected WFD water bodies, where there is a	This is noted by the Applicant. Please see responses to detailed points raised in the rows below in response to REP1-080-3.3.1 to REP1-080-3.3.7.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>pathway for effect, for example: sediment transport or effects to migratory species. Where doubt remains regarding the nature of the watercourse crossings, a reasonable worst-case scenario must be assumed as the basis for assessment. The assessment will also need to take into account the potential for cumulative effects where they may occur. Please also see sections 3.3.6 below.</p>	
REP1-080-2.8.8	<p>-Marine Water &amp; Sediment Quality</p> <p>NRW noted in its Relevant Representation that whilst we agreed with the conclusions in the ES with respect to suspended sediment (water clarity) and contaminated sediment in WFD water bodies (Chapter 3: paragraphs 129&amp;132 [APP-049], the information presented in the MW&amp;SQ Chapter had not been transposed in the WFD Compliance Assessment (CA) and that as such, we could not agree with the conclusions of the CA with respect to those aspects of the assessment. Our concerns regarding CA signposting were discussed in a meeting with the Applicant on 13.09.2022. It was agreed more robust signposting would be made throughout and that would be sufficient to address our concerns.</p>	<p>The Applicant has aimed to minimise duplication between the ES chapter for Marine Water and Sediment Quality and the WFD Compliance Assessment, with further detail relating to suspended sediment (water clarity) and contaminant concentrations in sediments, as well as implications for dissolved oxygen and phytoplankton, within a Clarification Note (REP1-015). It is understood that the note has supported this query, with no concerns for the validity of the assessment outcomes for the ES chapter or WFD Compliance Assessment.</p>
REP1-080-2.8.9	<p>NRW agrees with the conclusions provided within the Marine Water and Sediment Quality Clarification Note with respect to impacts on Dissolved Oxygen and Phytoplankton by suspended sediment. We agree there will not be an impact on WFD water body status.</p>	<p>The Applicant notes and welcomes these agreements. It is expected that these points will form areas of agreement in the SoCG between the Applicant and NRW.</p>
REP1-080-2.8.10	<p>Marine Fish</p> <p>NRW agrees with the conclusions that the project will not impact Water Framework Directive (WFD) fish status in the affected Transitional waterbodies</p>	
REP1-080-2.8.11	<p>General</p> <p>We welcome the Applicant's proposal to produce a biosecurity risk assessment, as outlined in the Schedule of Mitigation [APP-310] and the Marine Licence Principles document [AS023]. We advise this is secured by a requirement of the DCO and a condition of the Marine Licence as it is of relevance to both aspects of the consenting process. NRW should be consulted on the suitability of a marine biosecurity risk assessment and plan prior to commencement of any works.</p>	<p>The Applicant has proposed that a marine Biosecurity Plan be secured as a condition of any Marine Licence granted by NRW as part of the PEMP (Condition 16 of the Marine Licence Principles (REP1-025; Document 2.22 of the Applicant's Deadline 2 submission)). This is proposed to be freestanding and separate to the onshore INNS Management Plan which is secured under R10(2)(k) of the draft DCO (REP1-008; Document 2.14 of the Applicant's Deadline 2 submission). It is agreed by the Applicant that NRW should be consulted on the suitability of the Biosecurity Plan.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-2.9.1	Decommissioning (Offshore) NRW acknowledges the commitment to produce a Decommissioning Plan under section 105 of the Energy Act 2004 and as identified in under Requirement 20 of the draft DCO [AS-014] and in the Marine Licence Principles document [AS-023].	R21 of the draft DCO (Document 2.14 of the Applicant's Deadline 2 submission) and Condition 40 of the Marine Licence Principles document (Document 2.22 of the Applicant's Deadline 2 submission) provide that the decommissioning of the offshore aspects of the development should be in accordance with a Decommissioning Programme approved under Part 2, Chapter 3 of the Energy Act 2004. This is a legal requirement and a standard DCO requirement and ML condition for offshore wind projects.
REP1-080-2.9.2	We note, from the ES, the intention to completely remove all infrastructure at the end of the operational lifetime of the project, unless, closer to the time of decommissioning it is decided that removal would lead to a greater environmental impact than leaving some components <i>in situ</i> .	Under the DCO, the Applicant will not be able to commence offshore works until a Decommissioning Programme in compliance with any notice served by the Secretary of State pursuant to section 105(2) of the Energy Act 2004 has been submitted to the Secretary of State for approval.
REP1-080-2.9.3	NRW considers that offshore renewable projects should produce decommissioning plans that retain all decommissioning options (maintain, full removal and partial removal); the options can then be assessed and refined closer to the time of decommissioning itself in consultation with NRW. NRW reserves its position until a draft plan is submitted at which point, we will provide further advice	Given the scope and remit of the Energy Act requirements in relation to offshore decommissioning, there is no precedent or need for an additional marine licence condition to duplicate this.
REP1-080-2.9.4	We advise that the Applicant follows the extant industry decommissioning guidance produced by BEIS ( <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916912/decommissioning-offshore-renewable-energy-installations-energy-act-2004-guidance-industry__1_.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916912/decommissioning-offshore-renewable-energy-installations-energy-act-2004-guidance-industry__1_.pdf</a> )	
REP1-080-2.9.5	We note that the requirement for the production of a Decommissioning Plan for the offshore works is referenced in the draft DCO [AS-014] for the project. We recognise that there are issues that substantively overlap between the determination of the DCO and ML. However, given that the respective consents are determined under separate and distinct legal frameworks, we consider it would be prudent to understand how decommissioning plans (for both the offshore and onshore aspects of this project) will be dealt with.	
REP1-080-2.10.1	<b>Mitigation: Schedule of Mitigation and the Marine Licence Principles</b> There are a number of inconsistencies between the Schedule of Mitigation [APP-310] and the Marine Licence Principles document [AS-023] that require clarification. For example, the Schedule of Mitigation refers to a <i>Cable Specification and Installation Plan</i> to be secured as part of the marine licence, but which is not recognised in the Marine Licence Principles document as a	The Applicant provided updated versions of the Marine Licence Principles and Schedule of Mitigation at Deadline 1 (REP1-025 and REP1-018, respectively). Further revisions have been provided at Deadline 2 (Documents 2.22 and 2.24 of the Applicant's Deadline 2 submission, respectively).

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>specific document (albeit cable management plans are noted). Additionally, a <i>Vessel Traffic Management Plan</i> is proposed in Volume 2: Chapter 4: Offshore Ornithology [APP-050] but this plan does not appear within either the Schedule of Mitigation or the Marine Licence Principles document. Further, a Scour Protection Management Plan is proposed within the ES and to be secured by the ML (see also APP-310). However, AS023 notes that the plan "...is not anticipated to be needed given minimal scour predictions."</p>	
<p>REP1-080-2.10.2</p>	<p>Such discrepancies may result in confusion and uncertainty as to the extent of measures that may be secured in respective consents. We request that clarification regarding such discrepancies and inconsistencies is provided and advise that both APP-310 and AS-023 are consistent and contain accurate reference to all proposed mitigation and plans as described in the application documents.</p>	
<p>REP1-080-3.1.1</p>	<p>ONSHORE</p> <p>Designated Landscapes - Seascape, Landscape and Visual Effects</p> <p>NRW advises that the offshore works are likely to have numerous and extensive significant adverse effects on seascape, landscape and visual receptors within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (NP) and within their settings. These significant adverse effects represent a substantial degree of harm to these designated landscapes which we consider to be in conflict with the purposes of the NP and AONB.</p>	<p>The SLVIA Chapter (AS-027) has assessed that there would be significant adverse effects on the settings of Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (NP) as a result of visibility of AyM as part of the wider context. The effects are assessed in Section 10.11.3 and Section 10.11.5 respectively.</p> <p>The assessment of the Effects on the landscape/ seascape character, views and Special Qualities of Isle of Anglesey AONB starts at paragraph 546.</p> <p>Following consideration of the factors set out in the assessment it is considered that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty of the AONB associated with these. This is not considered to occur to such a degree that it would affect the overall integrity of the AONB or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating new energy development.</p> <p>As set out as a requirement in Countryside and Rights of Way Act (2000) (CRoW) the 'relevant authorities' and the Applicant have had regard to the importance of the relationship of AyM to the AONB and its statutory purpose. This has been a focus of ETG discussions with IoA stakeholders and as a result the Applicant has sought to reduce the SLV effects of</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>AyM on the IoA AONB through measures set out in Section 10.9. This includes a substantial reduction in the AyM array area, which has increased its separation from the AONB, reduced its horizontal extent within many views and substantially reduced the number of WTGs. In addition, the Applicant has proposed mitigation of visible aviation lighting effects to minimise the night time effects.</p> <p>It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the AONB and that development of AyM would therefore not be consistent with objectives that seek to enhance the AONB. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.</p> <p>The assessment of the Effects on the landscape/ seascape character views and Special Qualities of Snowdonia National Park starts at paragraph 780.</p> <p>Following consideration of the factors set out in the assessment it is considered that there may be some perceived diminishment of (harmful effects on) the Special Qualities of Diverse Views and Tranquillity but such effects are not considered to be significant and are therefore limited. There would also be some localised areas where significant adverse visual effects would arise. It is not considered that the SLV receptors within the SNP would be diminished to such a degree that it would affect the overall integrity of the SNP or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating alternative energy.</p> <p>As set out as a requirement in Countryside and Rights of Way Act (2000) (CRoW) the 'relevant authorities' and the Applicant have had regard to the importance of the relationship of AyM to the SNP and its statutory purpose. This has been a focus of ETG discussions with SNP Stakeholders and as a result the Applicant has sought to reduce the SLV effects of AyM on the SNP through measures set out in Section 10.9. This includes a substantial reduction in the AyM array area, which has reduced its horizontal extent within views and substantially reduced the number of</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>WTGs. In addition, the Applicant has proposed mitigation of visible aviation lighting effects to minimise the night time effects.</p> <p>It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the SNP and that development of AyM would therefore not be consistent with objectives that seek to enhance the natural beauty or quality of the National Park. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.</p> <p>AyM has taken into account and given significant weight to the AONB and NP designations during the design development of the Scheme. The submitted SL concludes that overall integrity of the AONB and NP or their inherent natural beauty would be maintained and therefore AyM is consistent with the purposes of the Isle of Anglesey AONB and SNP designations.</p>
REP1-080-3.1.2	<p>In our comments below, we explain the significant effects that we consider are likely to arise for the operational phase of the offshore development. We also advise on further mitigation that should be considered in order to minimise the effects of the project. Finally, we advise on enhancement measures that should be considered.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-080-3.1.3	<p>Summary of the effects arising from the project</p> <p>Our detailed comments on the seascape, landscape and visual effects of the project are provided in Annex B. The Seascape Landscape and Visual Impact Assessment (SLVIA) has identified significant adverse effects on a number of seascapes, landscape and visual receptors. NRW is in agreement with the SLVIA on the significant effects identified and these points of agreement are explained in Annex B.</p>	
REP1-080-3.1.4	<p>We are also in agreement with the SLVIA conclusions for some effects that are nonsignificant. Again, these points of agreement are clearly identified in Annex B.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.1.5	Whilst there is broad agreement on most of the findings in the SLVIA, NRW considers that there has been an under-estimation of some seascape, landscape, and visual effects on designated landscape receptors within the SLVIA. These are also explained in detail in Annex B. However, we do not consider that the areas of disagreement affect our overall conclusion and that, solely based on the conclusions in the ES where there is agreement, we consider the proposal would conflict with the purpose of the Isle of Anglesey AONB and Snowdonia NP.	This is noted by the Applicant. See response to REP1-080-3.1.1 above.
REP1-080-3.1.6	NRW's key conclusions with respect to the likely effects of the offshore development are summarised below (as mentioned above, we refer you to Annex B for our detailed advice):	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-080-3.1.7	With respect to the Isle of Anglesey AONB and Snowdonia NP, NRW considers that the proposal will result in substantial harm and adverse effects that conflict with their purpose of conservation and enhancement of natural beauty, which is enshrined in the purposes of these designated landscapes.	This is noted by the Applicant. See response to REP1-080-3.1.1 above.
REP1-080-3.1.8	NRW considers that Special Qualities set out in the respective management plans for the areas which support the designations, would be adversely affected.	<p>NRW notes in Annex B that this finding applies only to certain Special Qualities.</p> <p>In Snowdonia NP adverse effects are specific to two out of the nine Special Qualities identified:</p> <ul style="list-style-type: none"> <li>▲ Diverse Landscapes; and</li> <li>▲ Tranquillity and Solitude – Peaceful areas.</li> </ul> <p>In the Isle of Anglesey adverse effects are specific to three out of the 14 Special Qualities identified:</p> <ul style="list-style-type: none"> <li>▲ Expansive Views/ Seascapes.</li> <li>▲ Peace and Tranquillity.</li> </ul> <p>Islands around Anglesey.</p>
REP1-080-3.1.9	The ES considers that the acknowledged harmful effects would not affect the overall integrity of the Isle of Anglesey AONB or Snowdonia NP or their inherent natural beauty. NRW disagrees and considers that the degree of harm to nationally designated landscapes is substantial and is contrary to the purpose of conservation and enhancement of natural beauty	This is noted by the Applicant. See also the Applicant's response to REP1-080-3.1.1 above.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.1.10	NRW considers that there would also be non-significant, but adverse effects on the Clwydian Range and Dee Valley AONB as well as other non-significant but adverse effects on the Isle of Anglesey AONB and Snowdonia NP. The adverse, but non-significant effects are numerous and detrimental. They do not conserve and enhance natural beauty and add to the overall adverse effect on designated landscapes.	<p>This is noted by the Applicant. See response to REP1-080-3.1.1 above.</p> <p>The assessment of the Effects on the Special Qualities of the Clwydian Range and Dee Valley AONB starts at paragraph 1331 of the SLVIA (AS-027).</p> <p>As noted by NRW the effects are not assessed as being significant but are considered to be adverse.</p> <p>However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim. This is recognised in policy NPS EN-1 at paragraphs 5.9.8 and 5.9.12 and Paragraph 2.6.208 of EN-3.</p>
REP1-080-3.1.11	In addition, the ES notes significant adverse effects on the community of Moelfre and Benllech and on several special qualities of the Isle of Anglesey AONB. We agree with this assessment.	This agreement is noted and welcomed by the Applicant.
REP1-080-3.1.12	The ES also acknowledges significant adverse effects on 7 Seascape Character Areas which form part of the setting of the two designated landscapes. We agree with this assessment.	This agreement is noted and welcomed by the Applicant.
REP1-080-3.1.13	The ES also notes that proposals are likely to have adverse, though non-significant nighttime visual effects on the Isle of Anglesey AONB and Snowdonia NP. We note, and agree, that dark skies are a noted feature of the Peace & Tranquillity Special Quality within the Anglesey AONB. The proposal would have a detrimental effect on this special quality.	<p>The Applicant notes NRW's agreement with the SLVIA (AS-027) assessment of non-significant, adverse night-time visual effects the Isle of Anglesey AONB and Snowdonia NP.</p> <p>The assessment notes that dark skies are a feature of the Peace &amp; Tranquillity Special Quality within the Isle of Anglesey AONB. However, night-time effects on the Isle of Anglesey AONB are assessed as adverse and non-significant.</p>
REP1-080-3.1.14	<p>Cumulative effects</p> <p>NRW are concerned that adverse incremental<sup>5</sup>, combined cumulative<sup>6</sup> seascape, landscape and visual effects may arise on the Isle of Anglesey AONB and Snowdonia NP because of plans and projects both offshore and onshore.</p> <p>(5 - GLVIA3 7.17 describes incremental change as a result of successive individual developments such that the combined landscape and/or visual effect is significant even though the individual effects may not be.)</p>	NRW advised in a post application meeting that whilst it had raised the matter of the potential for future onshore and offshore wind farm development in its Relevant Representation RR-015 it did not consider further cumulative assessment should have been included in SLVIA.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	(6 - GLVIA3 7.3 describes cumulative effects as 'the additional changes caused by a proposed development in conjunction with other similar developments, or as the combined effect of a set of developments, taken together)	
REP1-080-3.1.15	The proposal would substantially increase the baseline of offshore wind farms affecting designated landscapes along the North Wales coast, such that significant adverse effects would be widespread across this area.	<p>OWFs are an acknowledged feature of the seascape character off the North Wales coast. This has been the case since North Hoyle OWF became operational in 2003 i.e. for almost 20 years. SLVIA Figure 25 (APP-227) illustrates that there are few areas within SNP and the Clwydian Range and Dee Valley AONB where AyM would be theoretically visible where existing OWFs are not already theoretically visible. This suggests that the change would be incremental rather than a complete change, although it is acknowledged that the scale of the proposed WTGs proposals is larger than those of the existing OWFs and the overall spread of OWFs would be increased.</p> <p>The visibility of the operational OWFs from the Isle of Anglesey is less evident and it is therefore acknowledged that AyM would result in OWF visibility becoming more widespread within the study area, largely through increased visibility within the coastal areas of the AONB.</p>
REP1-080-3.1.16	Further offshore Crown Estate leasing areas are planned (Round 4) to the northwest of the proposal which could add to adverse effects.	This is noted by the Applicant. Round 4 Bidding Areas and the subsequent projects that came out of this process are considered from paragraph 1479 of the SLVIA (AS-027) and shown on SLVIA Figure 1 (APP-190).
REP1-080-3.1.17	The Morlais tidal energy scheme is approved, and it has been acknowledged that this would have a significant adverse effect on another part of the Isle of Anglesey AONB (the northwest coast of Holy Island).	This is noted by the Applicant. Such effects considered from paragraph 1502 of the SLVIA (AS-027).
REP1-080-3.1.18	As well as two pre-assessed areas for wind energy developments (onshore) that are identified in <i>Future Wales: 2040 (Policy 17: Renewable and Low carbon Energy and Associated Infrastructure: Pre-assessed Areas for Wind Energy)</i> to the east of Snowdonia NP, there is a further area (3) to the southeast of the NP. Developments in area 3 have the potential for significant adverse effects on another part of the NP.	<p>This is noted by the Applicant. Such effects are considered from paragraph 1495 of the SLVIA (AS-027).</p> <p>Pre-assessed Areas for Wind Energy - Area 3 lies beyond the boundary of the SLVIA study area.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.1.19	<p>For context, the increasing scale of both offshore and onshore wind energy developments, as illustrated by this proposal, means that adverse visual effects are increasingly likely as the renewable sector rapidly progresses in and around this coastline. This increasing scale means that significant adverse effects are likely at increasingly greater distances from the receptor. Onshore windfarms are currently being progressed to scoping stage that are 250m height to blade tip and offshore windfarms such as this proposal are proposed at 282m or 332m to blade tip. This means that the potential for significant adverse cumulative effects from windfarms located in leased and pre-assessed areas is likely.</p>	<p>This is noted by the Applicant.</p> <p>Significant effects as a result of onshore and offshore wind farms are an inevitable consequence of the need for an increase in renewable energy production to meet the Welsh Government's 2050 net zero target.</p>
REP1-080-3.1.20	<p>Mitigation</p> <p>Whilst we acknowledge the embedded mitigation of the reduced western extent of the array, and that a reduction in the number of WTGs has been applied, we do not consider it sufficient to reduce the likely significant effects at the numerous viewpoints within Isle of Anglesey AONB and Snowdonia NP. The visual impacts will lead to significant adverse effects on landscape character within these Nationally Designated Landscapes and within their seascape settings. The ES acknowledges that the likely significant effects on these landscapes have not diminished because of the reduction in the extent and number of turbines.</p>	<p>The ES acknowledges that there was no reduction in the number or extent of the significant effects identified following the reduction in the westerly extent of the array area and the number of WTGs included therein when compared with the PEIR assessment</p> <p>Whilst the mitigation has resulted in a reduction in impact, in most cases this has not been sufficient to alter the level of magnitude of change when compared to that assessed in the PEIR.</p>
REP1-080-3.1.21	<p>The Overarching National Policy Statement for Energy (EN-1) 2011 at 5.9.8 states that "virtually all nationally significant infrastructure projects (NSIPs) will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate". EN-1 at 5.9.12 notes that "the duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them". National Policy Statement for Renewable Energy Infrastructure (EN-3) states at 2.6.208 that "where an Offshore Wind Farm is in sight of the coast there may be adverse effects. The IPC should not refuse to grant consent unless an alternative layout in the same site could minimise harm or the harmful effects outweigh the benefits". We consider that the siting and scale of this proposal would give rise to substantial harm to nationally designated landscapes. The proposal is not simply visible from within a designated landscape, but has numerous significant</p>	<p>The 'relevant authorities' and the Applicant have had regard to the importance of the relationship of AyM to the SNP and its statutory purpose. This has been a focus of ETG discussions with SNP Stakeholders and as a result the Applicant has sought to reduce the SLV effects of AyM on the SNP through measures set out in Section 10.9. This includes a substantial reduction in the AyM array area, which has reduced its horizontal extent within views and substantially reduced the number of WTGs. In addition, the Applicant has proposed mitigation of visible aviation lighting effects to minimise the night time effects.</p> <p>The Applicant has considered both the scale of individual WTGs and the array area when considering the scale of the proposed development.</p> <p>With respect to individual WTG sizes, the Applicant has set out the rationale for the size of individual turbines in the WTG Size Technical Note (APP-299). The size of individual turbines has increased over time, and smaller models, such as those used for Gwynt y Môr, Rhyl Flats and North</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>adverse visual effects on two of these areas. We do not consider that harm has been minimised and advise that the Applicant considers measures to further minimise harm, including reductions in the array area and/or in the scale/number of turbines.</p>	<p>Hoyle, are no longer available on the market. The WTG sizes (in terms of rotor diameter and maximum tip height) that are described in MDS A and MDS B represent the Applicant's view on the anticipated range of size of WTGs that will be available in the timeframe that AyM will be delivered. This principle is captured in 2.6.43 of NPS-EN3, which states that 'In accordance with Section 4.2 of EN-1, the IPC should accept that wind farm operators are unlikely to know precisely which turbines will be procured for the site until some time after any consent has been granted.' The Applicant is therefore unable to reduce the size of the individual WTGs representing the WTG envelope as it would create a significant risk that the Applicant is unable to procure turbines and/or make the project economically unviable. This principle is captured within 2.6.210 of NPS EN-3, where it is noted that 'Neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines. Therefore, the IPC should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible.'</p> <p>The SLVIA (AS-027) has identified that significant effects would arise on the nationally designated Isle of Anglesey AONB and Snowdonia National Park, which are located at distances of 17km and 16.6 km from the array area respectively. The Applicant's SLVIA assessors concur that a substantial reduction in the WTG dimensions would be required, in combination with a substantial reduction in the horizontal extents, in order for there to be a reduction in the geographical extents of the significant effects on seascape, landscape and visual receptors identified.</p> <p>With respect to the array area the array boundary has progressively and iteratively been reduced in response to feedback received during the EIA Scoping, through the Evidence Plan Process, and PEIR consultation, from an overall area of 107 km<sup>2</sup> during Scoping to 88 km<sup>2</sup> in the PEIR, and 78 km<sup>2</sup> for the final application design; a total reduction of 27%. The useable array area is already less than that of Gwynt y Môr, which is considered to be a densely packed array (at 8.5 MW/km<sup>2</sup>) when compared with more recently built and designed projects the Applicant has involvement in (Triton Knoll at 5.93 MW/km<sup>2</sup> and Sofia at 2.54 MW/km<sup>2</sup>).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>In addition, in order to compete successfully in a Contract for Difference auction rounds (CfD ARs), and therefore be deliverable, a project must strive to keep the Levelised Cost of Energy (LCoE) down in order to be competitive with other projects. A low LCoE is based on a number of different factors, but the scale of the project is a critical variable as it drives economies of scale, and the density of a project is a key variable as it drives energy yield. Awel y Môr is already at the lower end of project size and upper end of site density than many competing projects (based on the Applicant's predictions of other projects that may compete in the same CfD ARs Awel y Môr) so a large reduction in area would drive significant changes in both project size or array density (or both) and therefore in LCoE, likely making the project economically unviable.</p> <p>The Applicant's SLVIA assessors consider that there would require to be a further substantial reduction in the horizontal extents of the array area, potentially combined with a reduction in WTG height, in order to reduce the geographical extent of the significant seascape, landscape and visual effects and therefore the extent of the receptors that would be affected in this way.</p> <p>NRW advised the following in its Relevant Representation (RR-015):  'In terms of mitigation, a further substantial reduction in array area and/or scale or number of turbines would be required to minimise adverse effects on the Isle of Anglesey AONB and Snowdonia NP. Further consideration of NRW's evidence base "Seascape &amp; visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance" would assist in informing an appropriate reduction.'</p> <p>The large scale of reduction to individual WTG and/or the array area that would be required to have 'a very significant benefit', as stated in 5.9.21 of NPS EN1, would significantly curtail the size of the project and the amount of electricity generated. It is simply not possible to reduce SLVIA impacts with only a corresponding small reduction in function.</p> <p>Furthermore, the aim of paragraph 2.6.208 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) is to establish whether an alternative design for the same development and same site would have less impact, not whether a smaller scheme and a smaller footprint would have less impact.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		Therefore, the suggestion for NRW i.e. reductions in the array area and/or in the scale/number of turbines would not be considered an 'alternative layout within the identified site' but would result in a new scheme within a different defined site.
REP1-080-3.1.22	The Welsh National Marine Plan SOC_6: Designated Landscapes states that "Proposals should demonstrate how potential impacts on the purposes and special qualities for which National Parks or AONBs have been designated have been taken into consideration and should, in order of preference: a) Avoid adverse impacts on the designated landscapes; and/or b) Minimise impacts where they cannot be avoided; and/or c) Mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance designated landscapes are encouraged". We advise the proposal has not avoided adverse impacts on designated landscapes and has not adequately minimised impacts. The proposal would result in significant adverse impacts.	<p>This is noted by the Applicant. See response to REP1-080-3.1.21 which sets out the measures taken by the Applicant to mitigate effects.</p> <p>With regard to the enhancement of designated landscapes the Applicant is engaging with relevant interested parties, including NRW, to understand the basis for and structure of a possible landscape enhancement scheme.</p> <p>In addition, the NRW response outlines Policy SOC_6: Designated Landscapes in full.</p> <p>The Planning Statement (APP-298) acknowledges the significant adverse effects in regard to seascape and landscape visual impacts (paragraphs 888 and 889).</p> <p>Paragraph 890 of the Planning Statement states that 'it is also noted that all predicted significant effects have been mitigated as far as practicable, and [seascape and landscape visual impacts] are the only significant adverse effects predicted for the project. When taking the project as a whole, however, it is not considered that there are any adverse effects, individually or cumulatively, that would be sufficient to outweigh the substantial benefits and need case of AyM.'</p> <p>Paragraphs 891 and 892 outline the benefits of AyM and presents a clear and convincing case for proceeding.</p> <p>Therefore, AyM is considered to be consistent with the aims of the Welsh National Marine Plan and Policy SOC_6: Designated Landscapes.</p>
REP1-080-3.1.23	We advise a further substantial reduction in the array area and number of turbines, along with a reduction in scale and height of the turbines would be needed to minimise adverse effects on the Isle of Anglesey AONB and Snowdonia NP.	This is noted by the Applicant. See response to REP1-080-3.1.21 which sets out the measures taken by the Applicant to mitigate effects and why a further substantial reduction in the array area and number of turbines, along with a reduction in scale and height of the turbines is not considered possible.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.1.24	<p>In our Relevant Representations we advised that further consideration be given to NRW's evidence base "Seascape &amp; visual sensitivity to offshore wind farms in Wales: Strategic assessment and Guidance" (White Consultants for NRW, March 2019<sup>7</sup>) to assist in informing an appropriate reduction in the extent/scale of the proposed development. NRW had previously advised the Applicant of this in our section 42 consultation response on 8th October 2021. However, the Applicant has not followed the guidance in this document. The document comprises commissioned research reports relating to designated landscapes taking the form of an evidence base (Stage 1 report), strategic siting guidance (Stage 2 report), and the application of 1 and 2 in a sensitivity assessment (third report). The three reports should be read together. These reports indicate relative sensitivity in terms of buffer size and are typically used as one layer among others in a spatial constraints analysis.</p> <p>(7 - Natural Resources Wales / Offshore wind developments)</p>	<p>The Applicant is aware of NRW's evidence base "Seascape &amp; visual sensitivity to offshore wind farms in Wales: Strategic assessment and Guidance". This was considered during the iterative design process (see ES Volume 1 Chapter 4: Site Selection and Alternatives (APP-044 and in the SLVIA (AS-027) in relation to seascape character effects in Section 10.10.</p> <p>The Applicant will submit an updated response on this matter at Deadline 3.</p>
REP1-080-3.1.25	<p>Accordingly, NRW advises that the Applicant undertakes the 3-stage approach identified below to inform a further reduction:</p> <p>Stage 1 Report: Ready Reckoner</p> <p>The proposed MDS A is for turbines of 332m height to blade tip. This places them in the 301-350m range, where the report advises that a buffer of 32.8km is required to avoid medium magnitude effects on high sensitivity receptors, which are frequently of major-moderate significance. A buffer of 44km is required to avoid low magnitude effects on high sensitivity receptors, which are frequently of moderate significance. MDS B is for turbines of 282m to blade tip. This places them in the 226-300m range, where the report advises that a buffer of 28km is required to avoid medium magnitude effects on high sensitivity receptors and 41.6km required to avoid low magnitude effects.</p> <p>Stage 2 Report: Guidance on siting offshore windfarms</p> <p>Table 4.1 of this report identifies measures to avoid or minimise seascape and visual effects including:</p> <ul style="list-style-type: none"> <li>▲ <b>3.</b> Locate developments beyond the limit of negligible visual effects, particularly for the highest sensitivity area National Parks/AONBs overlaid with Heritage Coasts, and</li> </ul>	<p>See Applicant's response in relation to REP1-080-3.1.24.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>⤴ <b>4.</b> If the above is not possible, locate development beyond Stage 1 Report low magnitude buffer distances of the highest potential turbine proposed from National Parks and AONBs (44km for 301-350m turbines);</li> <li>⤴ <b>6.</b> Locate developments in areas identified as lower sensitivity in the Stage 3 Report;</li> <li>⤴ <b>14.</b> Particularly avoid developments within buffer distances of several separate designations;</li> <li>⤴ <b>16.</b> Example 1 avoid locations offshore from Islands;</li> <li>⤴ <b>18.</b> Example 3 avoid locations filling or almost filling framed views;</li> <li>⤴ <b>19.</b> Avoid potential cumulative impacts by extending the width of arrays visible through extensions or additional wind farms.</li> </ul> <p>Stage 3 Report, Seascape, and visual sensitivity assessment for offshore wind farms</p> <p>Part 1 of Stage 3 identifies zones within the offshore area with differing levels of sensitivity. Part 2 provides a detailed sensitivity and capacity assessment for each zone. The proposal is located in Zones 1 and 2. <b>Zone 1</b>, adjacent to Gwynt y Môr is of medium sensitivity, and up to 22.6km from shore considered to have potential for a small extension, but scope is limited. Extending windfarm development westwards of Gwynt y Môr would cause cumulative effects on sensitive receptors. A small number of additional turbines may be possible, but cumulative effects and avoiding extending across the horizon from key viewpoints would need to be carefully considered. <b>Zone 2</b> is of medium/low sensitivity, and between 22.6 and 44km from shore and the evidence base indicates that potential development is dependent on the height of turbine and likely extent of the overall windfarm. Development beyond Gwynt y Môr would tend to limit harm. There is potential for combined cumulative effects on the Great Orme and Snowdonia if further windfarms or extensions extend west, especially closer to the shore. The area has the ability for further development to be accommodated north of Gwynt y Môr (but away from Douglas oil field). The size of the turbine should be similar to the existing development closer to the shore but can increase in height further offshore taking into account the visual impact analysis.</p> <p>(NRW provided 2 figures. Figure 2: showing the Awel y Môr Order Limits overlaid with the buffers from the White Consultants' report for a Low magnitude of effect. Figure 3: showing the Awel y Môr Order Limits overlaid with the buffers from the White Consultants' report for a Medium magnitude of effect)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.1.26	Notwithstanding the above advice, NRW met with the Applicant on 05/09/2022, where the Applicant indicated that it had considered further reductions in array area and height/number of turbines, but that it considered any reduction from that currently submitted as part of the DCO application to be economically unviable.	This remains the Applicant's position. See response to REP1-080-3.1.21
REP1-080-3.1.27	In view of the nature and significance of the impacts and the Applicant's position with respect to any further reduction in scale, NRW consider that (as detailed above in the Summary of Effects) the proposal would conflict with the purpose of the Isle of Anglesey AONB and Snowdonia National Park and result in substantial landscape effects.	See the Applicant's response to REP1-080-3.1.1. Within the designated areas there would be no physical change to the 'distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another' (GLVIA 3 P157 definition of landscape character). The influence of AyM would be on views from parts of the designations as part of the wider influential context which contains many different visually influential features. There is no provision within GLVIA 3 (2013) or SLVIA methodology that defines 'substantial effects'. The Applicant's response to REP1-080-3.1.1 defines where it considers significant landscape effects would occur.
REP1-080-3.1.28	-Enhancements NRW has provided advice to the Applicant, in conjunction with the Local Planning Authorities, on the development of a potential and appropriate enhancement scheme. NRW advises that opportunities for enhancement of the designated landscapes should be considered in accordance with Welsh National Marine Plan Policy SOC_06: Designated Landscapes. Enhancements of designated landscapes should support the purpose of conservation and enhancement of natural beauty and contribute to the conservation and enhancement of the Special Qualities, as set out in the relevant management plan. NRW considers that enhancements, by nature, would not directly mitigate the visual effects of the offshore wind farm.	The Applicant is engaging with relevant interested parties, including NRW, to understand the basis for and structure of a possible landscape enhancement scheme.
REP1-080-3.1.29	-Onshore works Whilst NRW considers that the landscape and visual effects of the onshore substation on the Clwydian Range and Dee Valley AONB are unlikely to be significant, adverse effects should be minimised and the materials and colours of the proposed buildings and infrastructure should be designed to minimise visual impacts. We note and accept the intention to secure such detail under DCO Requirement 6. We also note that Requirement 8 will secure a detailed	NRW has been added as a consultee in relation to the discharge of R6 and R8. Please see the draft DCO provided at Document 2.14 of the Applicant's Deadline 2 submission.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>written landscape scheme with respect to the onshore substation works which will need to be approved by the discharging authority. However, we advise that both Requirements 6 and 8 are updated to ensure that the scheme is approved by the discharging authority, <i>in consultation with NRW</i>.</p>	
REP1-080-3.2.1	<p>Flood Risk Flood Risk Activity Permit</p> <p>Article 7 of the draft DCO provides for the application and modification of legislative provisions. Under Article 7(c) the applicant is seeking to disapply the requirement for a flood risk activity permit, being an environmental permit required under regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 ('the Regulations'). The works that would comprise flood risk activities for the purposes of the Regulations are detailed by the Applicant in paragraphs 68-77 of part 3.3 of the Outline CMS under the heading 'Onshore Export Cable Watercourse and Flood Defence crossings' ('the works'). Whereas the Applicant has identified general principles and commitments in respect of how the works will be carried out, the detailed design has not been made available and as NRW understands, will not be provided during the examination. Rather, it is the Applicant's intention for the final design details in respect of the works to be incorporated into the CMS, to be subsequently approved by the Local Planning Authority under Requirement 10 of the draft DCO.</p>	<p>The Applicant confirms that detailed design will not be undertaken until post-consent and that where there is currently optionality in terms of the watercourse crossing technique for the cable connection and haul road, the selection option will not be known until detailed design has been undertaken.</p> <p>The Applicant considers the general principles that have been provided, are sufficient for the purpose of undertaking EIA.</p> <p>The Applicant has suggested to NRW that an additional Requirement be included within the DCO that relates specifically to watercourse crossings, rather than include this detail within the CMS under R10. The proposed DCO Requirement sets out the post consent information that The Applicant would provide for each watercourse crossing, reflecting the information that would be included in a typical FRAP/OWC application.</p>
REP1-080-3.2.2	<p>The legislative basis for Article 7(c) of the draft DCO is section 150 of the Planning Act 2008 ('Section 150') ('<i>Removal of Consent Requirements</i>') which provides as follows (emphasis added):</p> <ul style="list-style-type: none"> <li>▲ (1) An order granting development consent may include provision the effect of which is to remove a requirement for a prescribed consent or authorisation to be granted, <b>only if the relevant body has consented to the inclusion of the provision.</b></li> <li>▲ (2) "The relevant body" is the person or body which would otherwise be required to grant the prescribed consent or authorisation.</li> </ul>	Please see ExQ1.6.12 (REP1-007).
REP1-080-3.2.3	<p>The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (specifically regulation 5 and Schedule 2) prescribe certain consents and authorisations for the purposes of section 150 above, and this includes an environmental permit or an exemption under the Regulations</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	and therefore encompasses the works. NRW is a 'relevant body' under section 150 (2) and therefore it must consent to the disapplication provisions. Put another way, NRW's consent is required for Article 7(c) to remain in the DCO.	
REP1-080-3.2.4	<p>NRW does not consent to the inclusion of Article 7(c) for the following reasons:</p> <ul style="list-style-type: none"> <li>➤ 1. In order for NRW to determine whether or not to provide consent for the disapplication of the relevant provisions under section 150, it must be provided with the specific details of the works for which the consent or authorization would be required. To date, NRW has not been provided with the required information. Section 150 does not provide a general or blanket exemption from the need for consents or authorisations, the details of which have not yet been identified but may however materialise during the lifetime of the development.</li> <li>➤ 2. Notwithstanding and/or further to the above, NRW is not satisfied that the regulatory mechanisms under the draft DCO in respect of the works are adequate. Should the requirement for an environmental permit in respect of the works be disapplied, the local planning authority will be the discharging authority with responsibility for approving the detailed design. NRW considers it necessary to retain its regulatory functions under the Regulations in respect of the works given its established expertise when appraising works of this nature.</li> <li>➤ 3. An application for the works under the Regulations would be subject to an application charge in accordance with NRW's Environmental Permitting Charging Scheme Environmental Permitting Charging Scheme 2022/23 (cyfoethnaturiol.cymru). NRW considers it necessary for this scheme to be applied in respect of the works, having regard to the appropriate allocation of public resources.</li> </ul>	<p>The Applicant has proposed to NRW that an additional DCO Requirement be included that would set out the post-consent information that the Applicant would provide for each watercourse crossing, reflecting the information that would be included in a typical Flood Risk Activity Permit (FRAP) application that would only be available following detailed design. The proposed DCO Requirement is as follows:</p> <p>"(1) Construction of Work Nos. [insert relevant Works Nos] involving crossing of flood defences or a main river using techniques other than trenchless installation techniques, will not commence until for that crossing a watercourse crossing method statement has been submitted to and approved by the relevant planning authority in consultation with Natural Resources Wales.</p> <p>(2) The watercourse crossing method statement must include the following details for each watercourse crossing:</p> <ul style="list-style-type: none"> <li>➤ site plan showing the location of the crossing;</li> <li>➤ details of the activities to be undertaken and the location of each crossing;</li> <li>➤ details of the duration of the proposed crossing activities (in particular whether the activities are permanent or temporary);</li> <li>➤ method statement for the proposed crossing works;</li> <li>➤ general arrangement plan and cross section showing the proposed depth of cable installation;</li> <li>➤ information on the duration of the crossing activities, time of year and anticipated date of commencement; and</li> <li>➤ control measures to be applied and an environmental risk assessment.</li> </ul> <p>(3) Each watercourse crossing must be carried out in accordance with the approved watercourse crossing method statement."</p> <p>The Applicant considers that, through a DCO Requirement such as that set out above, the required level of detail would need to be provided and agreed before the works could take place, and so the requisite level of detail is secured.</p>
REP1-080-3.2.5	Accordingly, NRW does not agree to the inclusion of Article 7(c) in the DCO.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>Regarding NRW's second point, the proposed DCO Requirement set out above, affords NRW regulatory power through consultation by DCC in advance of approval.</p> <p>3. The Applicant proposes to include a DCO Requirement which will mean that DCC must consult with NRW before discharging the requirement to submit post-consent information. The Applicant does not consider it appropriate for NRW to be entitled to a fee as consultees under the DCO Requirement. Please see ExQ1.6.12 (REP1-007) for justification of why Article 7(c) has been included in the dDCO (Document 2.14 of the Applicant's Deadline 2 submission).</p>
REP1-080-3.2.6	<p>-Flood Consequence Assessments (FCA) – Export Cable Corridor (ECC)</p> <p>The works proposed within the ECC are located mainly within zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15, along with minor works in C2. The proposed development is considered to be a less vulnerable development as defined by TAN 15. The Applicant has prepared an FCA [APP-137] to demonstrate whether flood risk will be appropriately managed.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-080-3.2.7	<p>"The FCA refers to the Flood Risk Assessment Wales maps. As detailed in our Relevant Representations (paragraph 3.2.5), the Flood Risk Assessment Wales maps should not be relied upon; NRW advises that the Flood Map for Planning (FMfP) represents more up-to-date information for assessing flood risk. The ECC is located partly within Flood Zones 2 and 3 of the FMfP. Our advice below is provided based on the DAM and FMfP maps.</p>	<p>The Applicant has provided an updated version of the FCAs for the Onshore ECC (APP-137) and OnSS (APP-138) within its Deadline 1 submission to include Flood Map for Planning (FMfP).</p>
REP1-080-3.2.8	<p>Section 1.3 of the FCA explains that the ECC works involve the installation of the export cables along with associated temporary construction infrastructure during the construction phase (including temporary construction compound, haul roads, etc). It also states that "<i>once constructed, all infrastructure relating to the onshore ECC will be below ground, other than elements of the landfall TJB and link boxes along the onshore ECC which will be set at ground level</i>". Section 2.2 of the FCA states, in relation to the temporary construction compounds, that "<i>buildings on the temporary works sites, if any, will be limited to small, temporary offices and welfare facilities. In addition, the sites will house construction plant and materials</i>".</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.2.9	The site is subject to both tidal and fluvial flood risk. With regard to tidal flooding, the ECC area along with the associated infrastructure, will be protected from tidal flooding up to the current day 1 in 200 (0.5%) flood event along the River Clwyd estuary (providing a 0.5% Standard of Protection). If allowance for climate change is applied to sea level rise then a 1 in 200 flood event would overtop the defence (and possibly result in a breach). However, in view of the short duration of the construction works compared to measurable sea level rises, we are satisfied that the FCA has not assessed the impacts of climate change. With regard to fluvial flooding, there are a number of main river watercourse crossings where detailed information (e.g. relating to the method, timing etc) will need to be provided in the final CMS to be approved by the discharging Authority.	This is noted and the Applicant understands that NRW is not advising an updated FCA is needed and is satisfied with the approach taken in the FCA.
REP1-080-3.2.10	NRW also notes that there are proposed works in C2 (as identified in the Development Advice Maps in TAN15) which are not assessed in the FCA. The works include an operational access track and a temporary mitigation area. It should be ensured that any tracks or temporary mitigation areas within zones C1/C2 or within 8m of a designated main river do not interfere with access to maintain the watercourse or impact on flood risk. The access track must be designed so as not to increase flood risk elsewhere, and details must be clearly set out in the final CMS. Such proposals require a bespoke FRAP application to be made to NRW.	The Applicant has provided an updated version of the FCA for the Onshore ECC (APP-137; REP1-042) to include consideration of works within C2. The areas of the DOL that are located within C2 comprise an operational access (which utilises an existing access track and field access points), and area of temporary mitigation for water vole and otter and part of an access point into a TCC from the A525.
REP1-080-3.2.11	In view of the works proposed, its temporary nature, and the mitigation proposed in the FCA, we are satisfied that flood risk can be appropriately managed. NRW is satisfied with the mitigation identified in the FCA, including the preparation of a flood response plan, as included in section 2.16 of the Outline CMS. The final CMS, which will include the detailed design information, will be approved by the discharging authority (Requirement 10).	This is noted and welcomed by the Applicant.
REP1-080-3.2.12	Whilst consultation with NRW is specifically stated for the discharge of some Requirements (e.g. Requirement 7, 13 and 14 of the draft DCO [AS-014]), we note that this is not included for Requirement 10. For the avoidance of doubt, and as highlighted in our Relevant Representations, we recommend that the Draft DCO is updated to ensure that NRW should be consulted by the discharging authority prior to the discharge of Requirement 10.	The drafting of R10 of the dDCO (see Document 2.14 of the Applicant's Deadline 2 submission) has been changed to include NRW as a consultee.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.2.13	<p>FCA – Onshore Sub-Station</p> <p>The proposed Onshore Sub-Station is within Zone A of the Development Advice Maps. Although the supporting Flood Consequence Assessment has not referred to the FMfP, we can confirm that it is in zone 1 of the FMfP. NRW is therefore satisfied that the FMfP/DAM shows that the site is not at risk of flooding from the sea or fluvially.</p>	This is noted by the Applicant.
REP1-080-3.2.14	<p>Some parts of the site are at risk of flooding from surface water and small watercourses according to the FMfP. The Lead Local Flood Authority (Denbighshire County Council) is the appropriate body to advise with regard to surface water flood risk.</p>	This is noted by the Applicant.
REP1-080-3.3.1	<p>Water Framework Directive (Onshore works) -Coastal, Transitional and River Waterbodies</p> <p>The onshore aspect of the development involve works adjacent, within, or beneath a number of watercourses. These works include the ECC watercourse crossings as well as the temporary haul roads crossings. The ECC watercourse crossings involve either trenchless (e.g. Horizontal Direct Drilling (HDD)) or trenching methods. Trenching involves three methods to deal with the waterflow and enable the cable to be installed: temporary flume, over-pumping or diversion of the watercourse. The temporary haul roads involve two main methods to allow for the installation of a temporary track for the duration of the construction works: installation of a culvert or temporary bridge (e.g. bailey bridge). Paragraph 20 of the Outline CMS [APP-313] also states (for haul road crossings over smaller watercourses) that “<i>as an alternative, and only where appropriate, diversion of the land drain or watercourse may be used</i>”.</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-080-3.3.2	<p>As detailed in paragraph 3.2.2 and 3.8.2 of our Relevant Representations, the proposed crossing method for a number of the watercourses has not been confirmed. The Crossing Schedule [APP-121] specifies the proposed crossing methods and while trenchless techniques (e.g. HDD) are confirmed for some crossings, all options are retained for a number of watercourses. We consider that the use of trenchless techniques (e.g. HDD) for the ECC works would have the least environmental impacts, particularly in terms of fluvial geomorphology. Good river health, upon which all species and habitats rely, is built upon three fundamental pillars; water quality, water quantity and geomorphology (the</p>	Given that NRW is satisfied that WFD impacts can be avoided through securing approval of the information set out in Paragraphs 3.3.2 to 3.3.6 through a DCO Requirement, the Applicant would defer provision of this information until post consent, when it can be prepared on the basis of detailed design and further ground investigation. The Applicant is aware that without this study, there is risk that crossing options carried forward may not be appropriate or acceptable.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>physical form and processes of a river). Degradation of any one of these pillars reduces the health of the river, and the species and habitats it supports declines. Physical modification of the geomorphology of rivers remains the primary risk and cause of waterbody failure across Wales. We consider that trenching techniques, at unsuitable locations, pose a potential risk of long-term impacts on fluvial geomorphology. Watercourse diversion in particular, at inappropriate locations, also poses risks of permanent changes in watercourse geomorphology following completion of the works (e.g., where restored channel banks may be more susceptible to erosion). In relation to haul roads, bridges should be used wherever possible, rather than culverts, in order to maintain the natural flow, allow natural channel migration and to maintain natural sediment and gravel movement downstream.</p>	<p>Noting NRW's concerns the Applicant has updated the outline Construction Method Statement to clarify that any non-trenchless cable route crossings options or culverted haul road would be closely monitored to quickly identify whether channel deformities were starting to occur so that appropriate action could be taken. The outline CMS has also been updated to include potential bank stabilization mitigation and additional information on watercourse crossings.</p>
REP1-080-3.3.3	<p>We acknowledge that the final CMS will be approved by the discharging authority, which will detail the specific methods proposed. However, the Outline CMS [APP-313] retains all options for a number of the watercourse crossings and we consider the proposal therefore has the potential, should a number of the more damaging methods be chosen, for the works to result in impacts to the environment downstream. Depending on local conditions, techniques such as trenched crossings and watercourse diversions can make the watercourse, its bed and banks weak and susceptible to increased future erosion, dynamic instability and even avulsion (the rapid, often overnight, abandonment of a river channel and the formation of a new river channel during high flow conditions). Such waterbody responses may impact on the habitats and species present and therefore the condition of multiple elements (e.g. fish, ecology, water quality) of the waterbody itself and those downstream. We consider that this risk could be mitigated via a desktop study and rapid walkover survey to ascertain the local conditions at each site to determine the appropriate type of cable or haul road crossing. NRW advised this information be provided in a meeting with the Applicant on 3/8/2022.</p>	
REP1-080-3.3.4	<p>"We note that the ECC watercourse crossings will involve trenchless methods (e.g. HDD) underneath parts of the WFD river water bodies (e.g. Glanffyddion Cut and Pont Robin Cut). However, trenching and culverting (haul roads) are still retained as options in the upstream sections of these water body catchments. Trenching (ECC) and culverting (haul roads) are also still retained as options in the non-reportable Rhyl Cut water body. The WFD Regulations still</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>apply and the assessment will need to consider impacts on the downstream water bodies, the North Wales Coastal waterbody and the Clwyd Transitional waterbody.</p>	
<p>REP1-080-3.3.5</p>	<p>As highlighted above, although the final CMS will secure the specific crossing methods for approval by the LPA, we advise that the Applicant, through retention of all options (including some more damaging activities) has not demonstrated that the works will not result in deterioration of any WFD quality elements. As we advised the Applicant in our meeting on 3/8/2022, further work should be undertaken to confirm the site conditions and therefore the specific crossing methods proposed at each location. Where the more environmentally preferred option (i.e. trenchless ECC crossing, or temporary bridge for the haul road) is not possible then appropriate mitigation and justification should be provided at this stage (e.g. due to the prevailing ground conditions). Clear plans and grid references should be provided alongside this information. The outputs from this work should be used to update the Outline CMS. NRW can provide further advice to the Applicant once in receipt of this additional work.</p>	
<p>REP1-080-3.3.6</p>	<p>We consider that indirect effects of changes in hydromorphology (the physical characteristics and processes of the river) on the WFD quality elements have not been appropriately assessed in the WFD Compliance Assessment [APP-094]. For example, Table 10 (<i>Scoping assessment of freshwater (riverine) WFD waterbodies and nonreportable</i>) states that "no alteration to the morphology or the hydromorphology of any of the rivers is anticipated". In the detailed Impact Assessment in section 7.2.1 (Physical habitat), effects as a result of changes in hydrology (flow rate and water level) are discussed, however there is no assessment of the effects from changes in hydromorphology (including the physical habitat of the river). We also refer you to our WFD comments on the offshore (section 2.8 above). We advise that a more detailed assessment of potential effects of all activities associated with watercourse crossings is required including the potential for secondary effects in all hydrologically connected WFD water bodies, where there is a pathway for effect, e.g. sediment transport, effects to migratory species. Where doubt remains regarding the nature of the watercourse crossings, a reasonable worst-case scenario must be assumed as the basis for assessment. The assessment will also need to take into account the potential for cumulative effects where they may</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	occur. NRW can provide further advice once this information has been presented.	
REP1-080-3.3.7	Notwithstanding the above, we acknowledge that the Applicant will still need to prepare the information advised above to inform the final CMS that will need to be approved as part of Requirement 10. We are therefore satisfied that the mechanism is in place to ensure that WFD impacts can be avoided. However, in deferring this information to the post-consent stage, the Applicant should be aware that some of the crossing methods proposed may not be appropriate, or acceptable, at certain locations if the information demonstrates there may be potential impacts on WFD waterbodies.	
REP1-080-3.3.8	-General comments The comments below (paragraphs 3.3.9 to 3.3.12) are provided as points of clarification, and we are satisfied that they do not affect the overall conclusion with respect to WFD.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-080-3.3.9	Table 10 (Scoping) of the WFD Compliance Assessment considers potential indirect impacts for Invasive Non-Native Species (INNS) but these have not been scoped in. As detailed in para 3.8.3 of our Relevant Representation we consider that INNS should have been scoped into the impact assessment stage as there is a risk of introduction of INNS. However, we are satisfied that, subject to amendments as explained in paragraph 3.5.1, INNS will be appropriately managed as the final (terrestrial) INNS Management Plan will be approved by the LPA.	The Applicant acknowledges and welcomes that INNS will be appropriately managed by the INNS Management Plan secured by R10 of the dDCO (REP1-008; Document 2.14 of the Applicant's Deadline 2 submission),
REP1-080-3.3.10	As detailed in paragraph 3.8.4 of our Relevant Representations, the updated Western Wales River Basin Management Plan 2021-2027 was published on 18th July 2022 and is available here: Western Wales RBMP 2021_2027 Summary (cyfoethnaturiol.cymru) ( <a href="https://cdn.cyfoethnaturiol.cymru/media/695227/western-wales-rbmp-2021_2027-summary.pdf">https://cdn.cyfoethnaturiol.cymru/media/695227/western-wales-rbmp-2021_2027-summary.pdf</a> )	This is noted by the Applicant.
REP1-080-3.3.11	Section 2.5.4 (para 24) of the WFD Compliance Assessment refers to the Nitrate Pollution Prevention (Wales) Regulations 2013. Please note that these have been revoked and replaced by the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021. See section 2.3 p27 of the Western Wales RBMP 2021-2027 (link in paragraph 3.3.10 above).	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.3.12	<p>Section 6.2 para 121 of the WFD Compliance Assessment states "It is also noted that the offshore ECC overlaps the Rhyl Bathing Water Sensitive Area as designated under the Urban Waste Water Treatment Directive (see Figure 8)."</p> <p>Rhyl bathing water sensitive area is not a protected area under the Urban Waste Water Treatment directive. For clarification, Rhyl bathing beaches are Bathing Water protected areas under the WFD Regulations 2017.</p>	
REP1-080-3.4.1	<p>Protected Species (Onshore)</p> <p>The proposed onshore works has the potential to impact on protected species, designated under European and national legislation and policy. The surveys and assessments in the ES consider the following species, all of which are European Protected Species protected under the Conservation of Habitats and Species Regulations 2017: great crested newts (GCNs), bats, otters, dormice. The surveys and assessments in the ES also considers water voles and barn owls, both of which are protected under the Wildlife and Countryside Act 1981. NRW considers the surveys and assessments to be satisfactory for all these species and we consider that, subject to implementation of appropriate mitigation, the works are unlikely to be detrimental to the favourable conservation status of the species referred to above.</p>	This is noted and welcomed by the Applicant.
REP1-080-3.4.2	<p>The Outline LEMP [APP-305] identifies the principles of mitigation. We note that under requirement 13, the final LEMP will be approved by the discharging authority, in consultation with NRW. NRW agrees with this approach. However, NRW requires the following amendments to the Outline LEMP in order to demonstrate that the proposal would not be detrimental to the favourable conservation status of protected species: These (as communicated to the Applicant on 5/10/2022) are as follows:</p> <p>Ecological Compliance Audit:</p> <ul style="list-style-type: none"> <li>➤ As the Ecological Clerk of Works will be involved in advising contractors on the implementation of the mitigation, we advise that an appropriate external body be appointed specifically for undertaking compliance audits (i.e. to confirm that the mitigation has been completed appropriately) and advise that this commitment is clearly stated in the Outline LEMP.</li> <li>➤ The Outline LEMP should clearly state that the compliance audit shall include identified key performance indicators (KPI's) for each identified ecological feature. We are satisfied for the detailed KPI's to be agreed as part of the agreed Final LEMP.</li> </ul>	The Applicant is agreeable to these proposals and has incorporated them in the oLEMP (Document 2.10 of the Applicant's Deadline 2 submission).

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>⤴ The Outline LEMP should clearly state that the frequency and dissemination of compliance audit reports will need to be agreed as part of the Final LEMP</p> <p>Long-term monitoring for GCNs:</p> <p>⤴ We advise that revised details regarding long-term monitoring are submitted. The Outline LEMP should be updated to include a commitment that monitoring of the mitigation areas shall be carried out annually throughout operational phases of the scheme unless otherwise approved by the discharging authority. In the event of the freehold transfer of the ecology area to another party/body, the duration of post development surveillance should be set at 25 years as the basis for informing financial assessments.</p> <p>Long-term management plan for GCNs:</p> <p>⤴ Paragraph 132 of the Outline LEMP confirms that areas that form part of the compensation and mitigation requirements for GCNs will be the subject of a long term management plan (i.e. for the lifetime of the development), with further information to be secured in the final LEMP. We advise that the Outline LEMP is updated to confirm that the following information will be specified in the final LEMP:</p> <ul style="list-style-type: none"> <li>▪ habitat management prescriptions for aquatic and terrestrial habitats;</li> <li>▪ site liaison, wardening, incident reporting and response arrangements;</li> <li>▪ provision for periodic review mechanism for the long-term management plan;</li> <li>▪ contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement management or surveillance prescriptions including any required actions arising from unforeseen situations;</li> <li>▪ current and proposed changes to tenure of the ecology area to be approved by the discharging authority in consultation with NRW to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions;</li> <li>▪ details of persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; and</li> <li>▪ reporting requirements associated with species surveillance and habitat management.</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.5.1	<p>Invasive Non-Native Species (INNS) (Terrestrial)</p> <p>The proposed works have the potential to introduce and/or cause the spread of INNS which, where established, may impact on native habitats and species, including protected species. We note that the Outline INNS Management Plan [APP-323] details the principles of how these risks will be managed, and that the final (terrestrial) INNS Management Plan will be approved by the discharging authority (Requirement 10). NRW agrees with this approach and consider that INNS will be appropriately managed. However, NRW considers that amendments to the Outline INNS Management Plan should be made in order to ensure that the final version of the plan is based on a more robust Outline version. The Outline INNS Management Plan should be updated to include the following commitments:</p> <ul style="list-style-type: none"> <li>➤ That the associated biosecurity risks from landscape planting will be assessed and mitigated in the final INNS Management Plan.</li> <li>➤ That diseases that may affect biodiversity (e.g. Chytrid, Ash die-back etc) will be assessed and mitigated as far as possible in the final INNS Management Plan. Currently, the Outline version only covers agricultural diseases.</li> <li>➤ That due consideration of biosecurity infrastructure, such as jet/wheel washes for vehicles and boot cleaning facilities by offices/cabins, will be considered at the outset.</li> </ul>	<p>The Applicant is agreeable to these proposals and has incorporated them in the oINNS Management Plan (APP-323; Document 2.47 of the Applicant's Deadline 2 submission).</p>
REP1-080-3.5.2	<p>The final INNS Management Plan will be approved by the discharging authority as required under Requirement 10 of the draft DCO [AS-014]. As highlighted above (paragraph 3.2.12), we recommend that the Draft DCO is updated to ensure that NRW should be consulted by the discharging authority prior to the discharge of Requirement 10.</p>	<p>See response to REP1-080-3.2.12.</p>
REP1-080-3.6.1	<p>Water Quality (Freshwater)</p> <p>The proposed works have the potential to impact water quality through a number of pathways. Pollution prevention measures are identified in the Outline Code of Construction Practice and the underpinning Outline Method Statement and Outline Management Plans. NRW notes that the final Code of Construction Practice and the underpinning Method Statements and Management Plans must be submitted to and approved by the discharging authority (Requirement 10). As highlighted above (paragraph 3.2.12) we recommend that Requirement 10 is updated so that NRW is specifically referenced as a consultee.</p>	<p>See response to REP1-080-3.2.12.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.6.2	<p>The Outline Pollution Prevention and Emergency Incident Response Plan (PPEIRP) [APP318] identifies a number of mitigation measures that will be implemented to avoid impacts on water quality. However, we advise that amendments are required to the Outline version to demonstrate that potential impacts on water quality can be appropriately managed. These suggested amendments involve the inclusion of statements in the Outline PPEIRP confirming the following:</p> <ul style="list-style-type: none"> <li>➤ That no discharge of contaminated water occurs (including contamination with sediments) without the relevant exemption or Environmental Permit<sup>8</sup> from NRW</li> <li>➤ That no refuelling will be undertaken within 10m of a watercourse (rather than the 5m as currently stated).</li> <li>➤ Where possible, biodegradable hydraulic oil will be used on machines operating in or near water.</li> </ul> <p>(8 - <a href="https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en">https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en</a>)</p>	<p>The Applicant is agreeable to these proposals and has incorporated them in the oPPEIRP (APP-318; Document 2.37 of the Applicant's Deadline 2 submission).</p>
REP1-080-3.6.3	<p>In relation to the Outline CMS, figure 4 gives an indicative layout for the over-pumping methodology. We advise this is updated to clearly show that water will be pumped into a settlement tank, or an alternative settlement arrangement, prior to discharge back to the watercourse.</p>	<p>The Applicant is agreeable to this suggestion and has incorporated it into the oCMS (APP-313; Document 2.18 of the Applicant's Deadline 2 submission).</p>
REP1-080-3.6.4	<p>Subject to the inclusion of these amendments, NRW consider that impacts on water quality (both surface and groundwater) can be appropriately managed. We refer you to our comments with respect to WFD (paragraphs 3.3.1 – 3.3.7) which raises concerns, based on the information currently provided, with respect to the watercourse crossing options retained at some locations. As explained, further information is required to determine which crossing option would be appropriate at each location.</p>	<p>This is noted by the Applicant.</p>
REP1-080-3.7.1	<p>Fish (Freshwater)</p> <p>NRW notes that mitigation for fish (eels) is included in the Outline LEMP and that the final version will be approved by the discharging authority, in consultation with NRW.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-3.7.2	<p>We also note that the ES chapter Onshore Biodiversity and Nature Conservation [APP-066] discusses the declining trend of salmonids within the river Clwyd. Whilst the statement is correct, the conclusions of the ES of "Not Significant" should not be based on the fact that populations are declining, and numbers are low. However, we can agree with the conclusion based on the Applicant undertaking trenchless techniques (e.g. HDD) to install the cables under the river Clwyd which mitigates disturbance to fish.</p>	This is noted by the Applicant.
REP1-080-3.7.3	<p>"The onshore works also include watercourse crossings which may involve in-river works. We agree with the conclusions of the ES that the watercourses that may be subject to inriver works are not important spawning areas for salmonids. However, as a precaution, we advise that the Outline LEMP is updated to include the following statement:</p> <p>▲ Works will have regard to the Salmon and Freshwater Fisheries Act 1975.</p>	The Applicant is agreeable to these proposals and has incorporated them in the oLEMP (APP-305; Document 2.10 of the Applicant's Deadline 2 submission).
REP1-080-3.7.4	<p>Notwithstanding the above comments, we refer you to our comments above (paragraphs 3.3.1 – 3.3.7) with respect to WFD, which advises further information on the proposed watercourse crossing in order to demonstrate that fish (as a supporting element) will not be impacted.</p>	This is noted by the Applicant.
REP1-080-3.8.1	<p>Air Quality</p> <p>As detailed in our Relevant Representations, NRW agrees with the conclusions in the ES (Chapter 11) [AS-030] that construction and operational onshore traffic is unlikely to have significant effects on any designated nature conservation site (SSSI, SAC, SPA and Ramsar site). This is because any increases in onshore traffic, above the threshold that requires assessment as defined by the Design Manual for Roads and Bridges, would be more than 200m from any designated sites.</p>	This is noted and welcomed by the Applicant.
REP1-080-3.8.2	<p>NRW notes that the works will be within the proximity of ancient woodland. Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. Our standing advice to all planning proposals that may affect (directly or indirectly) ancient woodland can be found at Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland (<a href="https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-considering-proposals-affecting-">https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-considering-proposals-affecting-</a></p>	This is noted by the Applicant.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	ancient-woodland/?lang=en). Denbighshire County Council, as the Local Planning Authority, may be able to advise with respect to the acceptability of the proposals in terms of ancient woodland.	
REP1-080-3.8.3	In our Relevant Representations, we advised that there was no assessment of any air quality impacts arising from marine vessel emissions. It was unclear whether marine vessels will operate within proximity to sensitive coastal onshore habitat (that may support features of SSSIs/SACs/Ramsar). As such, we could not rule out likely significant effects on designated sites. We advised that the Applicant provide additional information to demonstrate that there will not be significant impacts from marine vessel emissions. A Clarification Note has been received (14/10/2022), however, NRW has not been able to review it in the limited time available ahead of Deadline 1. NRW reserves its position as to whether the information addresses our concerns until we have been able to review it, at which point we may advise the Applicant and the Examining Authority further.	This is noted by the Applicant.
REP1-080-3.9.1	<p>Materials and Waste</p> <p>The proposed onshore works will generate waste that will need to be appropriately managed. The Applicant has prepared an Outline Site Waste Management Plan (SWMP) [APP-317] which explains the principles of how waste will be appropriately managed. The final SWMP, which will need to be in accordance with the Outline SWMP, will need to be approved by the discharging authority as part of DCO Requirement 10. NRW agrees with this approach and are satisfied with the principles included within the Outline SWMP. We are therefore satisfied that onshore waste will be appropriately managed. As stated above (paragraph 3.2.12), NRW should be consulted on the final Site Waste Management Plan prior to discharge of Requirement 10, and we advise that Requirement 10 is amended to ensure that this is explicitly stated</p>	This is noted and welcomed by the Applicant. The Applicant has made alterations to DCO R10 to include NRW as a consultee (See response to REP1-080-3.2.12).
REP1-080-4.1.1	<p>NRW Regulation and Permitting Services</p> <p>-Marine Licensing: Regulatory Response</p> <p>A marine licence application ('the ML application') was submitted to NRW on 30 May 2022 in respect of the marine works under the project, in respect of which a DCO under the Planning Act 2008 ('the DCO regime') is also required. The marine works comprise marine licensable activities under section 66 of the</p>	This is noted by the Applicant.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Marine and Coastal Access Act 2009 ('the MACAA'). NRW is the appropriate licensing authority in respect of the marine licence, acting on delegated authority of the Welsh Ministers. In practice, this licensing function is carried out by NRW's marine licensing team ('NRW MLT') which operates independently and separate from NRW's advisory function.</p>	
REP1-080-4.1.2	<p>NRW MLT has carried out a public and technical consultation on the ML application. NRW MLT has received responses from the following consultation bodies: NRW's advisory function, JNCC, the Crown Estate, Ministry of Defence, RSPB, Welsh Archaeological Trust, Cadw, Royal Commission on Ancient and Historic Monument of Wales, NATS Safeguarding, Chamber of Shipping, National Federation of Fishermen's Organisations (NFFO), Cefas, Maritime and Coastguard Agency, Isle of Anglesey County Council, Department of Business, Energy &amp; Industrial Strategy, and the Isle of Man Department of Infrastructure. The comments received from the consultation bodies were sent to the Applicant on 4 September 2022 along with two representations received during the public consultation. On the 8 September 2022, NRW MLT requested that further information be provided by the Applicant in support of the ML application to address comments raised by the consultation bodies. A copy of this request is enclosed and a response from the Applicant is yet to be received. Following this, there may be further iterative responses from the Applicant, consultation bodies and public representees. NRW MLT is not in a position to provide detailed comments on the potential impacts of the project pending the proper determination of the ML application. Copies of consultation responses can be provided upon request, should this be of assistance to the Examining Authority.</p>	<p>The Applicant met with NRW on 26 October to agree a timeline for submission of its response to NRW's letter of 8 September as it has been agreed that this would be discussed in conjunction with the information requested by the ExA to avoid duplication.</p> <p>It has been agreed that any further information will be submitted by 25 November, along with any relevant responses from the D1.</p> <p>The Applicant continues to engage with interested parties relating to the ML application. An update on progress of discussions and Statements of Common Ground between the Applicant and interested parties are included in the Statement of Commonality (REP1-011; an update of which is Document 2.27 of the Applicant's Deadline 2 submission) which will be updated throughout the examination.</p>
REP1-080-4.1.3	<p>There is a significant amount of overlap between the proposed DCO and the ML application. Accordingly, there is also a significant overlap in respect of the supporting evidence between the respective regimes. By way of example, the environmental statement and the management plans relied upon for the purposes of the DCO regime are also, in general, applicable to the ML application. Accordingly, NRW MLT has relied upon Regulation 10 of the Marine Works (Environmental Impact Assessment') Regulations 2007 which exempts the need for an Environmental Impact Assessment ('EIA') in respect of the ML application on the basis that the EIA will be properly carried out by another consenting authority, which in this case is the Secretary of State. Under this</p>	<p>This is noted, however to assist the ExA the Applicant is continuing to update the Marine Licence Principles Document (Document 2.22 of the Applicant's Deadline 2 submission) in order that the expected scope and content of any marine licence is clear and unnecessary duplication with the DCO can be avoided.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>arrangement, NRW MLT must take into account inter alia the conclusions of the Secretary of State's assessment, any conditions attached to the DCO, and mitigation and monitoring measures. A practical consequence of this therefore is that NRW MLT would not be in a position to issue a marine licence until the DCO has been issued.</p>	
REP1-080-4.1.4	<p>The ML application requests the issuing of three separate licences, respectively for the electricity generating infrastructure, the transmission assets, and infrastructure to facilitate the interlinking of the Awel-y-Môr project with the existing Gwynt-y-Môr offshore wind farm. NRW MLT understands that the reason behind this approach is to facilitate subsequent transfer and/or disposal of assets pursuant to the Offshore Transmission Operator (OFTO) regime requirements. NRW MLT also understands that following recent discussions with the Applicant, a fourth licence may be required in respect of drilling activities under the Clwyd estuary. NRW MLT is satisfied with this approach in principle. It is anticipated that the ML application will be determined concurrently with the DCO examination, although it is currently not possible to provide an indicative timescale in respect of the ML determination.</p>	<p>As noted by NRW, the need for separate marine licences for the generation and transmission assets and the AyM/GyM interlink cables is driven by the OFTO regime. The transmission assets will be consented and constructed by the Applicant and must then be transferred to a separate OFTO. Having separate licences for these works avoids the complexity of splitting the marine licence post-construction and any uncertainty over enforcement. A separate marine licence for the trenchless River Clwyd cable crossing is also proposed as these works are discrete from the remainder of the offshore transmission works and are within the onshore environment.</p> <p>The Applicant continues to engage with NRW MLT and anticipates that NRW MLT will take an active role throughout the DCO examination in order to align the DCO and ML processes as far as possible.</p>
REP1-080-4.1.5	<p>It should be noted that the ML application is determined under separate and distinct legislation and the integrity of the decision making under MACAA must be ensured and maintained.</p>	<p>A Marine Licence Principles document has been submitted to the ExA in order to assist the DCO examination process. The document marks a point of progress that has been reached with NRW MLT but should not be considered prejudicial to the Marine Licencing process.</p> <p>The Applicant continues to engage with NRW MLT and anticipates that NRW MLT will take an active role throughout the DCO examination in order to align the DCO and ML processes as far as possible.</p>
REP1-080-4.1.6	<p>NRW MLT agrees with the current approach proposed by the Applicant whereby the DCO does not contain powers or controls which also sit within the marine licence. If one regime of regulation must deal with something according to law (the regime under MACAA) and it can deal with it adequately (for which NRW MLT, as a competent regulatory will do so), it would lead to unnecessary complexity if another regime (the DCO regime), which does not need to make the same provision, did so in any case. Ultimately, there should be avoidance of potential regulatory overlap which can give rise to problems in respect of implementation and enforcement of any duplicated consents. In respect of</p>	<p>Rev C of the Marine Licence Principles document was submitted to the ExA at Deadline 1 (REP1-025) and Rev D is submitted as Document 2.22 of the Applicant's Deadline 2 submission. This includes additional details on mitigation measures set out in the updated Schedule of Mitigation submitted at Deadline 1 (REP1-018), which has also been updated and Deadline 2 (Document 2.24 of the Applicant's Deadline 2 submission). The purpose of these amendments is to confirm where the mitigation measures referred to in the Schedule of Mitigation would be secured</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>any works which comprise both development under the DCO regime and marine licensable activities under MACAA 2009, and where such regulatory overlap is unavoidable, then consistency between any respective duplicated provisions must be ensured. If the Examining Authority does not agree with this approach, NRW MLT requires clarity as to whether any measures, controls and provisions relevant to licensable activities will be included in the DCO, and if so, that consistency can be ensured with any corresponding conditions in the marine licence and that enforcement provisions are appropriately secured. It should be noted that NRW MLT is not in a position to formulate or present the DCO examination with a draft marine licence. This would not be possible at this stage of the determination process. Further, and in any event, NRW MLT does not routinely issue a draft licence for external consideration, regardless of the outcome of the consultation and whether or not it may be in a position to do so. This advice has been given to the Applicant in pre-application discussions with NRW MLT and accordingly, the Applicant has submitted a 'Schedule of Mitigation' and a 'Marine Licence Principles' document (application reference 5.4.1) into the DCO examination which seeks to identify conditions which have been included in previous marine licences issued by NRW MLT, and which the Applicant would expect to be incorporated in the Awel-y-Môr marine licence. Without prejudice to the general determination of the marine licence application NRW MLT is in general agreement with this document on the basis that the mitigation measures identified and proposed by the Applicant have been captured within previous Marine Licences (save as to the reference to safety zones). Further information has been requested by NRW MLT in respect of this document, as detailed within the further information letter dated 8 September 2022 referred to above. NRW MLT is not in a position to comment substantively on this document for the purposes of the DCO, or on the issue of weight that should be given to this document.</p>	<p>through the ML. It also clarifies where different terms for plans and documents are used in the Schedule of Mitigation.</p> <p>The document marks a point of progress that has been reached with NRW MLT but should not be considered prejudicial to the Marine Licensing process.</p>
REP1-080-5.1	<p>NRW'S GENERAL PURPOSE</p> <p>NRW is satisfied that this advice is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium and long</p>	<p>This is noted by the Applicant. Responses to detailed comments raised by NRW are provided in the rows below.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Wellbeing of Future Generations (Wales) Act 2015.</p>	
<p>REP1-080-6.1.1</p>	<p>ANNEX B – NRW'S DETAILED ADVICE ON SEASCAPE, LANDSCAPE, AND VISUAL IMPACT ASSESSMENT</p> <p>-Seascape Impact</p> <p><b>Seascape Character Area (SCA) F North Wales Open Waters</b> is described in the ES as having an industrialised character due to existing offshore wind farms, oil and gas platforms, dredging and shipping routes and lack of landscape designation. Sensitivity is described as medium-low, with the proposal reinforcing the industrialised character and effects as non-significant. The ES does not consider SCAF to be part of the immediate setting of the Isle of Anglesey AONB or the Great Orme Heritage Coast as it is separated from them by open seascape. The ES considers the western part to be influenced by offshore windfarms and vessels.</p>	<p>The SLVIA (AS-027) assesses the baseline and sensitivity of SCA F from paragraph 148 and considers the degree to which it forms the setting of the Isle of Anglesey AONB and Great Orme Heritage Coast as well as many other factors that affect its sensitivity to the proposed development.</p>
<p>REP1-080-6.1.2</p>	<p>We consider that SCA F does form part of the setting of the Isle of Anglesey AONB and Great Orme Heritage Coast and that there are views from SCA F towards parts of Anglesey and the Great Orme. Part of the area is likely to be of medium sensitivity. The proposal would extend and increase the industrial character across more of the SCA. However, NRW agrees that the effects on this SCA are likely to be nonsignificant.</p>	<p>The SLVIA (AS-027) assesses the baseline and sensitivity of SCA F from paragraph 148 and considers the degree to which it forms the setting of the Isle of Anglesey AONB and Great Orme Heritage Coast as well as many other factors that affect its sensitivity to the proposed development.</p> <p>The value of the SCA was increased in the ES from the PEIR stage SLVIA following comments made by stakeholders during the S42 Consultation. In the ES it is assessed as medium-low. The susceptibility to the proposed change is assessed in the ES as low-medium (or medium-low) due to a range of factors and this results in a medium-low sensitivity to the proposed development.</p> <p>Whilst the Isle of Anglesey AONB and the Great Orme Heritage Coast may be visible from parts of the SCA it is considered that even at the closer ranges of this visibility the relationship with the designations is not strong. For example, the coastal features that make these areas distinct</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>such as the islands and the headland of the Great Orme are unlikely to be readily distinguishable against the backdrop of the landscape beyond.</p> <p>We note that NRW agrees with the SLVIA assessment of effects on SCA F as being non-significant.</p>
REP1-080-6.1.3	<p><b>SCA 28 North-east of Anglesey</b> is described in the ES as having medium sensitivity. Given it forms part of the setting of Anglesey AONB and Snowdonia NP, NRW disagrees with this description and rather we consider parts of SCA 28 to be of high sensitivity as the area has views to Anglesey including Puffin Island and Point Lynas as well as to the Great Orme and large areas of relatively open waters. The adverse visual effects are likely to be far reaching as illustrated by the prominence of the turbines from Viewpoints 66 and 67. We agree that there are likely to be significant adverse effects.</p>	<p>The SLVIA (AS-027) assesses the baseline and sensitivity of SCA 28 from paragraph 168 and considers the degree to which it forms the setting of the Isle of Anglesey AONB and Snowdonia NP as well as many other factors that affect its sensitivity to the proposed development.</p> <p>The value associated with the SCA is one component of sensitivity to the proposed development. Susceptibility to the proposed development must also be taken into account when assessing sensitivity.</p> <p>The value of the SCA was increased in the ES from the PEIR stage SLVIA following comments made by stakeholders during the S42 Consultation. In the ES it is assessed as Medium increasing to Medium-High closer to the coast. The susceptibility to the proposed change is assessed in the ES as medium due to a range of factors and this results in a sensitivity to the proposed development of 'Medium increasing to Medium-High closer to the coast.'</p> <p>The Applicant notes that NRW agrees with the SLVIA assessment of effects on SCA 28 that there are likely to be significant, adverse effects. The ES assesses that such effects would occur in the eastern part of the SCA in and around the AyM array area (within approximately 10 km radius and southwards towards the Great Orme and Puffin Island.</p>
REP1-080-6.1.4	<p><b>SCA 3 Traeth Lafan, SCA 4 Menai Strait, SCA 5 Penmon, SCA 6 Red Wharf Bay to Moelfre, SCA7 Dulas Bay.</b> We agree with the conclusion in the ES that there are likely to be significant adverse effects on these LCAs. It should be noted that there is some overlap between coastline SCAs and coastline Landscape Character Areas (LCAs) and effects over the same parts of SCA/LCAs should not be double counted. For example, SCA 5 is similar in extent to LCA 10. The SLVIA considers the significant effects on <b>SCA 5 Penmon</b> would be likely along the coastal, northerly part of the SCA and non-significant west of Bwrdd Arthur, in settled inland areas and in the former quarry to the east. The ES states that significant effects are limited in extent. We do not consider the effects to be</p>	<p>The Applicant notes NRW's agreement of the assessed effects on SCA 3 Traeth Lafan, SCA 4 Menai Strait, SCA 5 Penmon, SCA 6 Red Wharf Bay to Moelfre, SCA7 Dulas Bay and agrees that effects on the same geographical areas (where LCAs and SCAs are coincidental) should not be double counted.</p> <p>The ES defines the geographical extent of SCA 5 (and the coincidental part of LCA) where it is assessed significant effects are likely to occur from paragraphs 493 and 429 of the SLVIA (AS-027). This accords with the SLVIA Methodology (APP-112).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	limited, since significant effects are likely to occur across a substantial part of this SCA as the majority of the SCA occurs across the northern coastline and immediate hinterland.	The ES does not say the effects are limited in extent.
REP1-080-6.1.5	<b>SCA 2 Conwy Bay.</b> We agree with the conclusion in the ES that there are likely to be significant adverse effects. The SLVIA considers the significant effects to be limited to the upper and northerly slopes of the Great Orme, with non-significant effects on the upland area between Foel Lus and Conwy Mountain and the coastal areas due to existing development influence and to the seascape to the northwest.	<p>The SLVIA (AS-027) assesses the effect on SCA 2 - Conwy Bay from paragraph 755 based on professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>Moderate (Significant), adverse effects are assessed for the areas on the upper and northerly slopes of the Great Orme.</p> <p>Moderate (Non-significant) adverse effects are assessed for the areas across the upland area between Foel Lus and Conwy Mountain, the low-lying coastal areas and rising land around Penmaenmawr and in the seascape to the north-west largely as a result of the existing coastal development influence.</p> <p>This coastal development influence includes overlooking of settlement and the A55 as well as other infrastructure at relatively close range from most locations along the elevated coastal edge within Snowdonia NP.</p>
REP1-080-6.1.6	However, we consider that significant adverse effects are likely to extend over a larger area than the Great Orme as described by the ES, with likely significant effects along Conwy Mountain and Foel Lus, extending west towards Cefn Coch stone circle (Viewpoint 37), just outside the National Park. The SCA extends almost to Ynys Seiriol/ Puffin Island to the northwest, where visual effects are significant. The visual character and scenic quality of the SCA just offshore of Anglesey and within parts of the National Park are likely to be significantly affected.	<p>The SLVIA (AS-027) assesses the effect on SCA 2 - Conwy Bay from paragraph 755.</p> <p>The Applicant does not agree that significant seascape character effects on SCA 2 would extend to just offshore of Anglesey and within parts of the National Park.</p> <p>AyM would not physically alter SCA 2 but would affect it through views as part of the wider context. Views out across the wider seascape from SCA 2 (to where the array area is located) from the diverse coastal landscape and seascape just offshore of Anglesey are one of its characterising features.</p> <p>The other defining characteristics and qualities of the seascape character would remain unaffected by AyM. The result of this is that the magnitude of change on the characteristics of SCA 2 itself are lower when compared with those that consider only visual impact on visual receptors based on views in a single direction such as Viewpoint 37: Cefn Coch stone circle and in the vicinity of Viewpoint 7: Penmon Point - north-east of parking as is the case in the SLVIA. Notably Viewpoint 37 is</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>not in SCA 2 as shown on SLVIA Figure 15 (APP-212). An example of this wider contextual influence is that within the SCA just offshore of Anglesey a defining characteristic will be the views of Puffin Island and Penmon Point as well as the south-eastern coast of Anglesey towards the Menai Straights, all of which occur beyond the boundary of the SCA.</p> <p>The western boundary of SCA 2 is at Gerzim to the east of Llanfairfechan. The landscape to the east of Gerzim where there is shown to be theoretical visibility of AyM (APP-212) is modified by extensive quarries, coastal infrastructure and settlement which have a strong characterising influence along this coastal edge strongly reflecting the human development influence over this landscape. In addition, although markedly smaller than AyM the operational Rhyl Flats and Gwynt y Mor OWFs are also visible from this coast above Llandudno. Whilst Moderate (significant) effects are assessed for parts of the settlement of Penmaenmawr these are visual effects which do not necessarily result in equivalent effects on character due to the different considerations.</p> <p>To the east of Penmaenmawr the theoretical visibility of AyM diminishes except for high points such as at Viewpoint 60: Foel Lus and Viewpoint 12: Conwy Mountain. Within these areas and along the coast the character is strongly defined by intervening development and coastal infrastructure as well as views of operational OWFs.</p> <p>These factors have been considered when determining that effects on this part of SCA 2 would be Moderate (non-significant).</p>
REP1-080-6.1.7	<p><b>SCA C &amp; D.</b> We agree that effects on these areas are likely to be non-significant, although the effect would nevertheless be adverse. The proposal would intensify the effect of wind farms through the increased scale and extent of the proposal with the existing windfarms by filling a gap between existing arrays in some views from the coast.</p>	<p>The Applicant notes that NRW agrees with the SLVIA assessment of effects on SCA C and SCA D as being non-significant.</p>
REP1-080-6.1.8	<p>Landscape &amp; Visual Impact – Isle of Anglesey AONB</p> <p>Landscape Character Impacts</p> <p><b>LCA 6 Amlwch &amp; Environs.</b> We agree that effects on this area are likely to be nonsignificant.</p>	<p>The Applicant notes that NRW agrees with the SLVIA assessment of effects on LCA 6 Amlwch &amp; Environs as being non-significant.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-6.1.9	<p><b>LCA 8 Dulas Bay Hinterland, LCA 9 Red Wharf Bay, LCA 10 Penmon &amp; Puffin Island, LCA 11 Eastern Menai Strait.</b> We agree with the conclusions of the ES that there are likely to be significant adverse effects within these areas. Within <b>LCAs 8, 9 &amp; 10</b> the SLVIA describes significant effects as limited in extent to the coastline and immediate coastal hinterland to 1km and non-significant elsewhere. Further inland from this, effects are described as non-significant.</p>	<p>The Applicant notes NRW's agreement that there are likely to be significant adverse effects within LCA 8 Dulas Bay Hinterland, LCA 9 Red Wharf Bay, LCA 10 Penmon &amp; Puffin Island, LCA 11 Eastern Menai Strait.</p> <p>The ES does not say the effects on these LCAs are limited in extent although in some places it is noted that visibility is limited.</p> <p>The ES defines the geographical extent of the LCAs where it is assessed significant effects are likely to occur from paragraphs 411 (LCA 8), 427 (LCA 9) and 446 (LCA 10) of the SLVIA (AS-027). This accords with the SLVIA Methodology (APP-112).</p>
REP1-080-6.1.10	<p>We consider that significant adverse effects are likely to extend further across these LCAs, as indicated by the Zone of Theoretical Visibility (ZTV), notwithstanding that some parts would be screened by topography, vegetation, and buildings. The coastline and immediate hinterland are assessed as of medium-high. However, these areas are the most sensitive parts of the LCAs, within the Isle of Anglesey AONB, as their scenic quality and character are unaffected by large scale infrastructure and are highly sensitive to changes in the coastal character. Existing housing and other built development in the coastal landscape is of a quite different scale and nature to the proposed wind farm, which would contrast strongly with it. We therefore believe this should be assessed as being of high sensitivity.</p>	<p>NRW made a similar observation in its response to the s42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and magnitude of change within these LCAs and the geographical extent of the significant effects for the ES (AS-027).</p> <p>The assessment of effects on LCA 8 is set out from paragraph 398.</p> <p>The assessment of effects on LCA 9 is set out from paragraph 413.</p> <p>The assessment of effects on LCA 10 is set out from paragraph 429.</p> <p>Landscape character effects are not derived purely as a result of visibility of something that is apparent in views in a single direction from the LCA but are also, in the main, comprised of the pattern of the elements within them, which makes them distinct and recognisable (GLVIA 3, p157).</p> <p>Whilst it is agreed that existing housing, caravan parks, parking areas, quarries and telecoms masts are of a different scale and form to the proposed development they do also indicate a human influence over this landscape. These elements also often have a more definitive influence on the landscape character than the proposed development which would occur well beyond the LCA boundary, because they are in the LCAs and therefore form a key component of its consistent pattern of elements.</p>
REP1-080-6.1.11	<p>Visual Impacts</p> <p><b>Viewpoints 1-3.</b> The SLVIA describes the effects as non-significant. In the case of Viewpoint 1 Porth Llechog/Bull Bay, it states that the association with the coastline where there is some development, and not with the open sea, reduces the effect. For Viewpoint 2 Trwyn y Balog/ Point Lynas, the location in</p>	<p>The assessments of Viewpoints 1-3 are set out in Table 6 of the SLVIA (AS-027). The SLVIA assesses the effects on these viewpoints as Moderate-Minor (Non-significant) for the reasons set out therein.</p> <p>NRW made a similar observation in its response to the S42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	open sea, separated from the coast and views of Snowdonia NP is given as a reason that the effects are reduced. At Viewpoint 3 Mynydd Eilian the presence of masts and onshore wind farms to the west are given to be one reason the effects are reduced.	magnitude of change for these viewpoints for the ES (AS-027), adding further relevant information.  As set out in North Wales Local Planning Authorities Awel y Môr Offshore Wind Farm Examination Review of SLVIA Documents Final report Prepared by LUC October 2022 Appendix A LUC agrees with the findings of the SLVIA that the effects would be Moderate-minor (Non-significant).
REP1-080-6.1.12	We consider that the effects at these viewpoints have been underestimated and are likely to be significant adverse. From these viewpoints viewers are focused on the coastal landscape and sea views. Although there are large-scale sea views, the scale and nature of the development would make the proposed development very noticeable and focus attention on it. Sea views and the coastline are the key focus of views in the predominantly coastal AONB and are currently untrammelled by development apart from the occasional ship. The existing windfarms to the east, including Gwynt y Môr, are extremely hard to discern even in fine weather and built development along the coastline is not similar in nature or scale to the proposed wind farm. The proposal would interfere with the appreciation of the open sea and coastline including coastal landforms and the mountains of Snowdonia. Inland, windfarms to the west are not associated with the sea views and coastline.	The assessments of Viewpoints 1-3 are set out in Table 6 of the SLVIA (AS-027). The SLVIA assesses the effects on these viewpoints as Moderate-Minor (Non-significant) for the reasons set out therein.  The distances of these viewpoints to the array area ranges from 34.1 km to 28.7 km and the horizontal field of view occupied by array area as part of wide panoramic views over open seas and in some cases diverse landscapes ranges from 12-14 degrees. Whilst it is agreed that OWF development would be a new component of these views it is not considered that the impacts would be of such magnitude as to make them significant even with the high or medium-high sensitivities assessed for these viewpoints.
REP1-080-6.1.13	<b>Viewpoint 41.</b> This viewpoint has not been assessed in detail but assessed as part of the Wales Coast Path Section C and significant effects have been acknowledged by the Applicant. We agree that effects at this viewpoint are likely to be significant adverse.	It is agreed by the Applicant that effects at Viewpoint 41 on the Wales Coast Path are likely to be significant adverse.
REP1-080-6.1.14	<b>Viewpoints 4-8 &amp; 14, 16 (just outside the AONB), &amp; 28.</b> NRW agrees that the effects at these viewpoints are likely to be significant adverse.	The Applicant notes NRW's agreement that there is likely to be significant adverse effects on viewpoints 4-8 & 14, 16 (in Benllech Bay outside the AONB) and 28 assessed in Table 6 of the SLVIA (AS-027)
REP1-080-6.1.15	<b>Viewpoints 42-43.</b> We agree that the effects at these viewpoints are likely to be nonsignificant, however, the effects are still likely to be adverse.	The Applicant notes NRW's agreement that there is likely to be non-significant adverse effects on viewpoints 42-43 assessed in Table 6 of the SLVIA (AS-027).
REP1-080-6.1.16	<b>Viewpoint 53 Puffin Island.</b> This viewpoint has not been assessed in detail; however we consider the effect from this viewpoint to be significant adverse.	This is noted by the Applicant.  This viewpoint was included to aid the Cultural Heritage Assessment.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-6.1.17	The village of Moelfre lies within the AONB and we agree that there would be significant adverse effects on this community where there are views towards the proposed development.	The Applicant notes NRW's agreement that there are likely to be significant adverse effects on views from properties in the village of Moelfre where there are views towards the proposed development.
REP1-080-6.1.18	The village of Benllech lies just outside but surrounded by the AONB and we agree that there would be significant adverse effects on this community where there are views towards the proposed development.	The Applicant notes NRW's agreement that there are likely to be significant adverse effects on views from properties in the village of Benllech where there are views towards the proposed development.
REP1-080-6.1.19	We agree that there would be adverse effects on the villages of Amlwch and Llanddona, (just outside) and Beaumaris (within the AONB) where there are views towards the proposed development, but that these are likely to be non-significant.	The Applicant notes NRW's agreement that there are likely to be non-significant adverse effects on views from properties in the villages of Amlwch, Llanddona and Beaumaris where there may be views towards the proposed development.
REP1-080-6.1.20	<b>Wales Coast Path (WCP) Sections A, B &amp; G &amp; NCR 5.</b> We agree that effects along these sections are likely to be adverse but non-significant	The Applicant notes NRW's agreement that there are likely to be non-significant adverse effects on views from Wales Coast Path (WCP) Sections A, B & G & NCR 5.
REP1-080-6.1.21	<b>WCP Sections C, D, E &amp; F.</b> We agree that effects along these sections are likely to be significant adverse. Reduced susceptibility is described due to the transient nature of the viewers; however, these are slow-moving receptors and likely to stop and rest to appreciate scenic views. The scenic views of the sea and coast are likely to be the focus of walkers on a national coastal trail. We consider these receptors within an AONB to be of high susceptibility and sensitivity.	The Applicant notes NRW's agreement that there are likely to be significant adverse effects on views from WCP Sections C, D, E & F.  NRW made a similar observation in its response to the S42 Consultation and the SLVIA authors reconsidered the assessments of susceptibility and sensitivity in the ES from paragraph 291 onwards (AS-027).  The level of susceptibility takes into account the slow-moving nature of the receptors and their focus on appreciation of the environment with the susceptibility in two out of three instances having been assessed in the ES as high. Sensitivity is assessed in all instances as high.
REP1-080-6.1.22	Landscape & Visual Impacts – Snowdonia National Park Landscape Character Impacts <b>LCA 01 Northern Uplands.</b> The SLVIA describes the effects as moderate and nonsignificant. It describes the magnitude of change on landscape character arising from visibility in a single direction as part of a wider context in the LCA likely to be lower than is identified for a viewpoint.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-080-6.1.23	We consider that the effects on this LCA have been underestimated. Viewpoints 12, 36, 38 and 40 are within this LCA and effects at all these viewpoints would be significant in our opinion. The viewpoints which experience	The SLVIA (AS-027) assesses the effects on LCA 01 Northern Uplands from paragraph 687. The effects are assessed as Moderate (Non-significant)

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>significant adverse effects are spread across the LCA and illustrate that there would be visibility across a large part of the LCA, affecting the overall scenic quality and visual experience. The scale of the turbines in views and the likely extent of effects over the upland area, as indicated by the ZTV, indicates likely significant adverse effects over a large part of this LCA. Scenic views of the coast and sea are an important part of the character of this LCA and are particularly experienced and appreciated from the high ground of peaks and ridges in the area. The scenic quality is part of the visual experience of the National Park in this area, along with tranquillity and remoteness in parts. The proposal is not similar in nature or scale to existing developments in the area and would distract from the appreciation of the combination of upland and coastal landscape.</p>	<p>based on professional judgement (as set out below), in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>NRW (and LUC) made a similar observation in its response to the S42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and magnitude of change in the ES (AS-027) providing further assessment and information as necessary.</p> <p>The area shown to have any theoretical AyM WTG visibility equates to 42% of the LCA at ranges of 16.5 to 33 km.</p> <p>The assessments for Viewpoints 12, 36 and 40 have assessed the magnitude of change in views as Medium or Medium-low. The lower levels of development characteristics and higher relative wildness/ tranquillity at found at Viewpoint 38 are considerations. The greater distance of 28.4 km is however, also a factor.</p> <p>The northerly areas of the LCA are those that are at closest proximity to the AyM array area and the higher levels of magnitude of change in views as a result. Viewpoints 12, 36, 39, 40 and 60 demonstrate this. These areas generally coincide with areas where there is the strongest existing human influence on character through visibility of existing development which is detrimental to the qualities of tranquillity, remoteness and wildness. The further impact on the characteristics of these areas through the introduction of AyM OWF as part of their setting would not result in a marked change to their character.</p> <p>Landscape character effects are not derived purely as a result of visibility of something that is apparent in views in a single direction from the LCA but are also, in the main, comprised of the pattern of the elements within them, which makes them distinct and recognisable (GLVIA 3, p157).</p> <p>Views across the remotest parts of Snowdonia NP would not be affected by the proposed development as they are found to the north of LCA 01.</p> <p>Whilst it is agreed that existing coastal development is of a different scale and form to the proposed development it does indicate a human influence over the wider landscape of the intervening coastline. In addition, the existing OWF are visible from much of the LCA that would also gain visibility of AyM so that changes in the contextual character in this part of the contextual views are incremental.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-080-6.1.24	<b>LCA 02.</b> We agree that effects on this area are likely to be non-significant.	The Applicant notes NRW's agreement that there is likely to be non-significant adverse effects on LCA 02.
REP1-080-6.1.25	Visual Impacts <b>Viewpoints 10, 12, 38 &amp; 40.</b> We agree that effects at these viewpoints are likely to be significant adverse.	The Applicant notes NRW's agreement that there is likely to be significant adverse effects on Viewpoints 10, 12, 38 & 40.
REP1-080-6.1.26	<b>Viewpoint 34 Snowdon Summit.</b> We agree that effects at this viewpoint are likely to be non-significant. We note that whilst the extent of visibility at Yr Wyddfa/Snowdon Summit is limited, there is a larger area with visibility indicated in the ZTV along Crib y Ddysgl, a popular summit approach.	The Applicant notes NRW's agreement that there is likely to be non-significant adverse effects on Viewpoint 34 Snowdon Summit. The SLVIA notes in the assessment included in Table 9 (AS-027) that there would be visibility from other approaches including the summit of Garnedd Ugain and the ridge to the east of Garnedd Ugain where there is a section of mountaineering route. At Crib Goch itself there is shown to be parts of up to 7 WTG visible.
REP1-080-6.1.27	<b>Viewpoint 36 Tal y Fan.</b> We consider that the effects at this viewpoint have been underestimated and are likely to be significant adverse. The SLVIA describes sensitivity as medium-high and the effects non-significant (moderate). It states that the experience is modified by existing wind farms and pylons and therefore the existing baseline is considered already significantly modified. We disagree and consider, at this viewpoint, that existing onshore wind farms and pylons are hard to discern from Gwynt y Môr and other offshore wind farms which are visible at a distance and appear small scale and not prominent in views. For this viewpoint, the existing baseline is not significantly modified by wind farms in our opinion.	The SLVIA (AS-027) assesses the effects on Viewpoint 36 in Table 9. The effects are assessed as Moderate (Non-significant) based on professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112. NRW (and LUC) made a similar observation in its response to the S42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and magnitude of change in the ES (AS-027) providing further assessment and information as necessary to support this finding. On the SLVIA author's visit to the viewpoint the operational OWFs as well as other development features were more apparent than the photography suggests. The ES does not state that the existing baseline is considered already significantly modified. The Applicant considers that the view is modified to some degree by existing human influences.
REP1-080-6.1.28	We consider the sensitivity at this viewpoint likely to be high, magnitude medium-low, with significant effects (moderate). From this viewpoint, viewers are focussed on the landscape and sea views. The sea draws the eye, and the wind farm would be prominent. The turbines would interfere with the appreciation of the views of the Great Orme landform and the relationship between the seas, Conwy Bay, and the headland. Existing turbines including Gwynt y Môr are much smaller and harder to discern and the proposal	Following the S42 consultation the susceptibility at the viewpoint was increased to medium-high without correspondingly increasing the sensitivity to high to take account of this. The Applicant acknowledges that the sensitivity at Tal-y-Fan should have been high in the ES. Never-the-less with an assessed (and agreed) magnitude of change of medium-low the Applicant's SLVIA authors remain of the opinion that the effect is Moderate (Non-significant). AyM would be seen across a

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	noticeably much larger in scale. Existing housing and other built development in the view is of a very different scale and nature to the proposed wind farm, which would contrast strongly with it.	relatively narrow part of the 360 degree view that is available from the summit, which includes the dramatic mountains to the north. It would be seen set back from the Great Orme as an extension to the smaller, more densely spaced WTGs of GyM and within a part of the view that has a coastline that is strongly characterised by development. It does not encroach on the less developed, more remote uplands of the SNP which form a large part of the remaining panoramic view and characterise a large extent of the foreground and middle ground of the views towards the array area. This relationship maintains the contrasting character and wide range of characteristics of the views from this summit location which are markedly less developed in other directions.  This assessment is based on the author's professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.
REP1-080-6.1.29	<b>WCP Section 1.</b> We agree that effects along parts of this section are likely to be Significant.	The Applicant notes NRW's agreement that there is likely to be significant adverse effects on WCP Section 1.
REP1-080-6.1.30	Landscape & Visual Impacts – Clwydian Range & Dee Valley AONB Landscape Character Impacts <b>LCT 2 &amp; 5.</b> We agree that effects at these viewpoints are likely to be non-significant.	The Applicant notes NRW's agreement that there is likely to be non-significant adverse Landscape Character effects on LCT 2 & LCT 5.
REP1-080-6.1.31	Visual Impacts <b>Viewpoint 24 Graig Fawr &amp; Viewpoints 26 &amp; 54.</b> We agree that effects at these viewpoints are likely to be non-significant. However, we consider that there would be adverse effects on views, through an intensification of wind farm development.	The Applicant notes NRW's agreement that there is likely to be non-significant adverse effects on Viewpoint 24 Graig Fawr.  Viewpoints 26 and 54 were not assessed in the SLVIA. The Applicant notes that NRW considers the effects on these viewpoints would be non-significant.
REP1-080-6.1.32	<b>Offa's Dyke National Trail Long Distance Path.</b> We agree that effects along the path within the AONB are likely to be non-significant	The Applicant notes NRW's agreement that there is likely to be non-significant adverse effects on views from Offa's Dyke National Trail Long Distance Path within the AONB.
REP1-080-6.1.33	Night-time Visual Impacts  We agree with the ES that the proposals are likely to have adverse, though nonsignificant night-time visual effects on the Isle of Anglesey AONB, including from viewpoints at Moelfre (4), Point Lynas (2), Red Wharf Bay (5), Benllech Bay	Night time effects are included in Section 10.12 of the SLVIA (AS-027).  The Applicant notes that NRW agrees with the ES that the proposals are likely to have adverse, though non-significant night-time visual effects on the Isle of Anglesey AONB, including from viewpoints at Moelfre (4), Point

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>(16), Penmon Point (7), Trwyn y Penrhyn (28) and Beaumaris (8), and from beaches at Traeth Lligwy, Traeth Bychan, Penrhyn. Dark skies are a noted feature of the Peace &amp; Tranquillity Special Quality within the AONB and the proposal would have a detrimental effect on this special quality.</p>	<p>Lynas (2), Red Wharf Bay (5), Benllech Bay (16), Penmon Point (7), Trwyn y Penrhyn (28) and Beaumaris (8), and from beaches at Traeth Lligwy, Traeth Bychan, Penrhyn.</p> <p>Dark skies are noted in the SLVIA as being a feature of the Peace &amp; Tranquillity Special Quality within the AONB. Non-significant, adverse visual night time effects have been assessed for the Isle of Anglesey.</p> <p>Lighting mitigation measures have also been included following Section 42 consultation.</p> <p>Further measures that could further reduce the adverse night-time effects in the Isle of Anglesey AONB are set out in Table 16 of the SLVIA (APP-027) and in response to ExQ1.17.27.</p>
<p>REP1-080-6.1.34</p>	<p>The proposals are likely to have adverse, non-significant night-time visual effects on some views within the Snowdonia NP, through intensification of light pollution e.g. from viewpoint 60 Foel Lus, where red lights would be visible in an otherwise dark sea beyond the Great Orme. There would be no adverse effect on the core areas of the Dark Sky Reserve.</p>	<p>The Applicant notes that NRW agrees with the ES that the proposals are likely to have adverse, though non-significant night-time visual effects on some views within the Snowdonia NP and that there would be no adverse effect on the core areas of the Dark Sky Reserve.</p>
<p>REP1-080-6.1.35</p>	<p>Effects on Designated Landscapes</p> <p>NRW considers that the proposal will result in numerous likely significant adverse effects on the Isle of Anglesey AONB and Snowdonia NP which conflict with their purpose of conservation and enhancement of natural beauty, which is enshrined in the purposes of these designated landscapes. NRW consider that the proposal is contrary to Planning Policy Wales (PPW) (Edition 11). Paragraph 6.3.5 of PPW states that <i>“the duty to have regard to national park and AONB purposes applies in relation to all activities affecting these areas, whether those activities (including development proposals) lie within or in the setting of the designated areas”</i>. Paragraph 6.3.6 states that <i>“In National Parks, planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities”</i>. Paragraph 6.3.7 states that <i>“planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs”</i>. Paragraph 6.3.8 states that <i>“National Parks and AONBs are of equal status in terms of landscape and scenic beauty and must both be afforded the highest status of protection from inappropriate development.”</i></p>	<p>In full, Paragraph 6.3.5 of the Planning Policy Wales (PPW) (Edition 11) states ‘the statutory landscape designations that apply in Wales are National Parks, and AONBs. Planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans.’</p> <p>The SLVIA Chapter (AS-027) has assessed that there would be significant adverse effects on the settings of Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (SNP) as a result of visibility of AyM as part of the wider context. The effects are assessed in Section 10.11.3 and Section 10.11.5 respectively.</p> <p>Following consideration of the factors set out in the assessment it is considered that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Paragraph 6.3.9 states that <i>"the special qualities of designated areas should be given weight in the development planning and development management process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable"</i>.</p>	<p>of the AONB associated with these. This is not considered to occur to such a degree that it would affect the overall integrity of the AONB or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating new energy development.</p> <p>The assessment of the Effects on the landscape/ seascape character views and Special Qualities of Snowdonia National Park starts at paragraph 780.</p> <p>Following consideration of the factors set out in the assessment it is considered that there may be some perceived diminishment of (harmful effects on) the Special Qualities of Diverse Views and Tranquillity but such effects are not considered to be significant and are therefore limited. There would also be some localised areas where significant adverse visual effects would arise. It is not considered that the SLV receptors within the SNP would be diminished to such a degree that it would affect the overall integrity of the SNP or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating alternative energy.</p> <p>In light of the above, AyM would not affect the overall integrity of the AONB or NP or their inherent natural beauty. Therefore AyM is consistent with the purposes of the Isle of Anglesey AONB and the SNP designations, and compliant with paragraphs 6.3.5 to 6.3.9 of the Wales PPW (Edition 11).</p>
<p>REP1-080- 6.1.36</p>	<p>NRW considers that the numerous likely significant adverse effects and the widespread nature of these effects (see Figure 4 below), extending along the coast from Bull Bay in northeast Anglesey to Conway Mountain in Snowdonia NP, inland to the northern uplands of the Carneddau and within the seascape setting of two designated landscapes, would result in an substantial level of harm to these nationally designated landscapes. In addition, NRW considers that there would be nonsignificant, but adverse effects on the Clwydian Range and Dee Valley AONB as well as other non-significant but adverse effects on the Isle of Anglesey AONB and Snowdonia NP.</p> <p>(NRW provided a figure - Figure 4: Extract from ES Vol 6 Annex 10.4 Fig 11 (Visual Receptors &amp; Viewpoint Locations) illustrating the extent of adverse effects along</p>	<p>The SLVIA Chapter (AS-027) has assessed that there would be significant adverse effects on the settings of Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Snowdonia National Park (NP) as a result of visibility of AyM as part of the wider context. The effects are assessed in Section 10.11.3 and Section 10.11.5 respectively.</p> <p>The potential for significant effects on the seascape, landscape and visual resource is recognised in policy NPS EN-1 at paragraphs 5.9.8 and 5.9.12 and Paragraph 2.6.208 of EN-3.</p> <p>The assessment of the Effects on the landscape/ seascape character, views and Special Qualities of Isle of Anglesey AONB starts at paragraph 546.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>the North Wales coast from Viewpoint 1 Bull Bay in the west to Viewpoint 24 Graig Fawr in the east and inland to Viewpoint 10 Carnedd Llewelyn.)</p>	<p>Following consideration of the factors set out in the assessment it is considered that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty of the AONB associated with these. This is not considered to occur to such a degree that it would affect the overall integrity of the AONB or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating new energy development.</p> <p>As set out as a requirement in Countryside and Rights of Way Act (2000) (CRoW) the 'relevant authorities' and the Applicant have had regard to the importance of the relationship of AyM to the AONB and its statutory purpose. This has been a focus of ETG discussions with IoA stakeholders and as a result the Applicant has sought to reduce the SLV effects of AyM on the IoA AONB through measures set out in Section 10.9. This includes a substantial reduction in the AyM array area, which has increased its separation from the AONB, reduced its horizontal extent within many views and substantially reduced the number of WTGs. In addition, the Applicant has proposed mitigation of visible aviation lighting effects to minimise the night time effects.</p> <p>It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the AONB and that development of AyM would therefore not be consistent with objectives that seek to enhance the AONB. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.</p> <p>The assessment of the Effects on the landscape/ seascape character views and Special Qualities of Snowdonia National Park starts at paragraph 780.</p> <p>Following consideration of the factors set out in the assessment it is considered that there may be some perceived diminishment of (harmful effects on) the Special Qualities of Diverse Views and Tranquillity but such effects are not considered to be significant and are therefore limited. There would also be some localised areas where significant adverse</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>visual effects would arise. It is not considered that the SLV receptors within the SNP would be diminished to such a degree that it would affect the overall integrity of the SNP or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating alternative energy.</p> <p>As set out as a requirement in Countryside and Rights of Way Act (2000) (CRoW) the 'relevant authorities' and the Applicant have had regard to the importance of the relationship of AyM to the SNP and its statutory purpose. This has been a focus of ETG discussions with SNP Stakeholders and as a result the Applicant has sought to reduce the SLV effects of AyM on the SNP through measures set out in Section 10.9. This includes a substantial reduction in the AyM array area, which has reduced its horizontal extent within views and substantially reduced the number of WTGs. In addition, the Applicant has proposed mitigation of visible aviation lighting effects to minimise the night time effects.</p> <p>It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the SNP and that development of AyM would therefore not be consistent with objectives that seek to enhance the natural beauty or quality of the National Park. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.</p>
REP1-080-6.1.37	Adverse effects would be experienced along a substantive part of the North Wales coastline from Anglesey in the west to the Clwydian Range and Dee Valley AONB in the east.	<p>OWFs are an acknowledged feature of the seascape character off the North Wales coast. SLVIA Figure 25 (APP-227) illustrates that there are few areas within SNP and the Clwydian Range and Dee Valley AONB where AyM would be theoretically visible where existing OWFs are not already theoretically visible. This suggests that the change would be incremental rather than a complete change, although it is acknowledged that the scale of the proposed WTGs proposals is larger than those of the existing OWFs and the overall spread of OWFs would be increased.</p> <p>The visibility of the operational OWFs from the Isle of Anglesey is less evident and it is therefore acknowledged that AyM would result in OWF</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		views becoming more widespread, largely within the coastal areas of the Isle of Anglesey AONB.
REP1-080-6.1.38	Much of the eastern coastline of Anglesey and northern uplands of Snowdonia include areas assessed by LANDMAP to be of 'Outstanding' and 'High' value for their visual and sensory aspects. The entire area is popular with visitors for coastal recreation, both water and land based. The area includes the Isle of Anglesey Coastal Path (Wales Coast Path), the North Wales Path, other public rights of way, openaccess land, beaches, headlands, islands, and coastal upland. The juxtaposition of the coastal and mountain scenery with open sea views combine to make the area of exceptional scenic quality. The seascape setting forms a crucial part of how the public experience the character and special qualities of the area.	SLVIA Figure 9 (APP-201) illustrates the LANDMAP assessment areas that are 'Outstanding' and 'High' value for their visual and sensory aspects. In addition to the seascape setting the eastern coastline of Anglesey and the northern uplands of Snowdonia have many other attributes that are important to how the public experience the character and special qualities of the area. There are numerous Special Qualities that would not be affected by views of AyM.
REP1-080-6.1.39	We agree that the Special Qualities of the Isle of Anglesey AONB that required detailed assessment were: Expansive views, Peace & Tranquillity, Islands around Anglesey. We agree with the SLVIA that there would be significant adverse effects on these Special Qualities.	The Applicant notes NRW's agreement on this matter.
REP1-080-6.1.40	The Special Qualities of Snowdonia National Park that required detailed assessment were: Diverse Landscapes and Tranquillity & Solitude – Peaceful Areas. We agree with the SLVIA that the effects on these Special Qualities are non-significant. Nevertheless, the effects are adverse and would detract from these qualities and on scenic views in the northern part of the park. Scenic views are a characteristic of Snowdonia's landscapes, as noted in the SNP Partnership Plan 2020.	<p>The Applicant notes NRW's agreement on the Special Qualities of Snowdonia National Park that required detailed assessment and that the effects on these two Special Qualities are Non-significant.</p> <p>NRW suggests that scenic views are a characteristic of Snowdonia's landscapes on the basis that this is noted in the SNP Partnership Plan 2020.</p> <p>A word search of the SNP Partnership Plan 2020 has been undertaken but the Applicant has not found any instances of the term 'scenic views' or scenic view.</p> <p>The terms 'scenery' and 'views' are used several times in the Partnership Plan document in a variety of different contexts some of which relate to the 'diverse landscapes' Special Quality which has been assessed.</p> <p>Whilst scenery and views may be noted as occurring in Snowdonia National Park scenic views are not an identified Special Quality.</p> <p>The Partnership Plan notes that 'Snowdonia's nine Special Qualities help us understand what should be safeguarded and enhanced. They help us build the content of this Plan so that we can make sure we're all working</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		together to look after and improve the things that make Snowdonia special, and they define what gives Snowdonia its unique sense of place.'
REP1-080-6.1.41	The Special Qualities of the Clwydian Range & Dee Valley AONB that required detailed assessment are: Landscape Character and Quality – Tranquillity and Landscape Character and Quality – Remoteness & Wildness. We agree that the likely effects on these special qualities would be non-significant. However, we consider that there would be adverse effects, through an intensification of wind farm development within views from the AONB and erosion of the special qualities.	The Applicant notes NRW's agreement on the Special Qualities of the Clwydian Range & Dee Valley AONB that required detailed assessment and that the effects on these two Special Qualities are Non-significant.
REP1-080-6.1.42	The ES considers that the acknowledged harmful effects arising from the project would not affect the overall integrity of the Isle of Anglesey AONB or Snowdonia NP or their inherent natural beauty. NRW considers that the degree of harm to nationally designated landscapes is substantial and contrary to the purpose of conservation and enhancement of natural beauty.	See Applicant's response to REP1-080-6.1.36.

## 2.8 REP1-081 – Eversheds Sutherland (International) LLP on behalf of Network Rail Infrastructure Limited

9 Network Rail included a copy of its preferred protective provisions as Appendix 2 of its written representations which are referred to in the Written Representation below, and noted in Document 2.5 of the Applicant's Deadline 2 submission.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-081-1.1	<p>Introduction</p> <p>We are instructed by Network Rail Infrastructure Limited ("Network Rail") in relation to the development consent application made by Awel y Môr Wind Farm Limited ("the Promoter") for an array of offshore Wind Turbine Generators in Welsh waters with an overall capacity greater than 350 Megawatts with supporting infrastructure to connect the array to the National Grid ("the Project"). This Written Representation is made on behalf of Network Rail. In addition, Network Rail's response to the ExA's written questions is attached at <b>Appendix 1</b>.</p>	This is noted by the Applicant.
REP1-081-1.2	<p>Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it.</p>	
REP1-081-1.3	<p>Network Rail aims to protect and enhance the railway infrastructure and therefore any proposed development on, over or under the railway network or which is adjacent to and interfaces with the railway network or potentially affects Network Rail's land interest will be carefully considered.</p>	
REP1-081-1.4	<p>The draft DCO includes powers for the Promoter to acquire compulsorily new rights and imposition of restrictions to enable access over plots 99 and 97 and temporary possession over land where Network Rail enjoys the benefit of restrictive covenants over plots 94, 96 and 98 as shown on the Land Plans and set out in the Book of Reference.</p>	This is noted by the Applicant.
REP1-081-1.5	<p>Network Rail recognises that the DCO Project requires the use of subsoil under Network Rail's operational railway. This is identified as Work No 5 in Schedule 1 of the DCO and detailed on Sheet No 2 of the DCO Works Plans. Both the Works and Land Plans identify the location of the Works in the Order as being directly adjacent and parallel to the operational Network Rail railway.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-081-2.1	<p>Role of Network Rail</p> <p>Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate.</p>	This is noted by the Applicant.
REP1-081-2.2	<p>Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it.</p>	
REP1-081-2.3	<p>Network Rail's role in relation to the DCO process derives from the PA 2008 and secondary legislation made under the same.</p>	
REP1-081-2.4	<p>Network Rail is a consultee under sections 42 and 56 of the PA 2008, meaning applicants must consult with Network Rail before submitting a DCO application and once an application has been accepted for examination.</p>	
REP1-081-2.5	<p>Network Rail is a Statutory Party in the DCO examination process and has previously submitted a Written Representation to the Planning Inspectorate ("PINS").</p>	
REP1-081-2.6	<p>Due to the DCO seeking to authorise work either above or adjacent to Network Rail's operational railway and works which may impede Network Rail's ability to ensure the safe, efficient and economical operation of the railway network, Network Rail requires certain standard protections for the benefit of the operational railway and to manage this interface. Network Rail's requirements for the protection of its operational railway and associated railway infrastructure are set out in further detail in this representation.</p>	This is noted by the Applicant.
REP1-081-3.1	<p>Powers sought in the DCO</p> <p>Network Rail is an affected landowner. There are references in the DCO Book of Reference to land for which Network Rail is the owner and occupier, see Plot 99 in the Book of Reference, and also in respect of restrictive covenants for the benefit of Network Rail. Whilst Network Rail does not object in principle to the DCO, Network Rail does object to the powers contained in articles 20 (compulsory acquisition of rights etc), 22 (private rights), 27 (temporary use of land for carrying out the authorised development, 28 (temporary use of land for maintaining the authorised development) of the draft DCO authorising the</p>	This is noted by the Applicant.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	Promoter to compulsory acquire rights in or over land, or temporarily use land, which forms part of Network Rail's operational railway land and which Network Rail relies upon for the carrying out of its statutory undertaking.	
REP1-081-3.2	Furthermore, any temporary use of or entry upon Network Rail's operational railway can only be granted with Network Rail's consent as any such use of the railway must be in accordance with the statutory requirements imposed on Network Rail as operator of the railway network and all requirements necessary to ensure the safe operation of the railway.	This is noted by the Applicant.
REP1-081-3.3	Any acquisition of permanent rights could be granted with Network Rail's consent and would require an easement agreed with Network Rail. It would also need to go through network Rail's land clearance process as required by Network Rail's Network Licence.	This is noted by the Applicant.
REP1-081-3.4	Network Rail are currently reviewing whether there are any other rights over the DCO Land which would need to be retained. Any existing rights which Network Rail have over the land would need to be retained and cannot be subject to extinguishment under the Order.	This is noted by the Applicant.
REP1-081-4.1	Protective Provisions and associated agreements Network Rail notes and is pleased to see that the Promoter has included Protective Provisions for the protection of Network Rail in the draft DCO. However, these protective provisions are inadequate insofar as they do not protect Network Rail from the powers in the DCO to use compulsory power over land and rights.	Active discussions are ongoing on Protective Provisions with Network Rail. The Applicant has received a mark up of the Protective Provisions included in the draft DCO and has responded with further comments. The Applicant anticipates that both parties will be able to agree the Protective Provisions before the end of the Examination.
REP1-081-4.2	The inclusion of Network Rail's standard form Protective Provisions in both TWAOs and DCOs is well precedented and includes, for example, protections for compulsory purchase of Network Rail's land and interest and processes for approving works on or affecting the railway. Network Rail requires its standard form Protective Provisions in the DCO.	Active discussions are ongoing on Protective Provisions with Network Rail. The Applicant has received a mark up of the Protective Provisions included in the draft DCO and has responded with further comments. The Applicant anticipates that both parties will be able to agree the Protective Provisions before the end of the Examination.
REP1-081-4.3	In addition to comprehensive protective provisions for the benefit of Network Rail being included in the Order, Network Rail also requires the Promoter to enter into an asset protection agreement to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near Network Rail's operational railway are applied to the DCO Scheme.	The Applicant has entered into a Basic Asset Protection Agreement with Network Rail and continues to progress the design of the crossing in line with Network Rail's requirements.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-081-4.4	Network Rail has shared a copy of its preferred protective provisions with the Promoter's solicitor and are currently negotiating the terms of the protective provisions to be include in the DCO. A copy of Network Rail's preferred protective provisions are attached at <b>Appendix 2</b> . (APPENDIX 2 IS ON PAGE 6)	This is noted by the Applicant.
REP1-081-5.1.1	<p>Removal of objections</p> <p>It is acknowledged discussions with the Promoter to date are ongoing. If the following criteria are met, then it is anticipated that Network Rail would be in a position to withdraw the objections made above:</p> <p>Network Rail's required amendments to the protective provisions are to be included in the Order for the DCO Scheme;</p>	This is noted by the Applicant.
REP1-081-5.1.2	It is acknowledged discussions with the Promoter to date are ongoing. If the following criteria are met, then it is anticipated that Network Rail would be in a position to withdraw the objections made above: the Promoter enters into any required easement, licences and asset protection agreements or any other required agreements are entered into in respect of addressing both the acquisition of rights over and/or temporary use of Network Rail's existing operational land; and	Discussions are ongoing with regards to the Protective Provisions, easements and licences with Network Rail. The Applicant anticipates agreements on such matters before the end of the Examination.
REP1-081-5.1.3	Network Rail is provided clearance to enter into any of the agreements referred to above following internal consultation with affected stakeholders across the business.	This is noted by the Applicant.
REP1-081-6.1	Network Rail reserves its position both in representation and in submissions at hearings to seek the amendments to the draft Order to ensure protective provisions are interest for the benefit of Network Rail's operational infrastructure which is affect by the DCO Scheme.	This is noted by the Applicant.

## 2.9 REP1-085 – North Hoyle Wind Farm Ltd

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-085-1.1	<p>Introduction</p> <p>North Hoyle Wind Farm Limited ("NHWFL") operate the North Hoyle wind farm ("NH") to the south of the proposed Awel Y Môr wind farm ("AYM"). The location of NH can be seen on sheet 2 of the Works Plans.</p>	<p>This is noted by the Applicant.</p>
REP1-085-2.1	<p>Cable Route</p> <p>The Works Plans shows that Work No.2 crosses the export cable of NH. Whilst an optioneering exercise was conducted in relation to the preferred cable route, there are alternative routes which would avoid the need to cross the North Hoyle cable. The Promoter has not satisfactorily explained why the two shortlisted cable routes (out of three) were rejected since at least one of these does not affect North Hoyle, whilst not affecting Constable Bank. It is noted that ExQ1 question 3.27 requests the Applicant to comment on the alternative route which avoids Constable Bank and the North Hoyle Cable. NHWFL reserves its position on this point pending receipt of the Applicant's response to question 3.27.</p>	<p>This matter was raised by NHWFL in its Relevant Representation and the Applicant has provided a response to this accordingly in document REP1-001. The Applicant provided further detail in its response to ExQ1.3.28, document REP1-007. On this basis, the Applicant considers it has fully justified the need for the offshore export cable corridor to cross NHWF's cables.</p>
REP1-085-3.1	<p>Property Impacts</p> <p>Work No.2 intrudes into the "Designated Area" for the NH export cable identified in the lease of the NH by the Crown Estate Commissioners to NH for the operation of NH. Within the Designated Area, there is provision in the Crown Estate lease which protects the position of NH. The Crown Estate Commissioners have covenanted with NH not to grant any lease, licence or consent (other than where the lease requires that NH's consent is obtained) for the construction of any works within the restriction zone without NH's consent (not to be unreasonably withheld). There is provision in the lease for the Crown Estate Commissioners giving consent for the laying of conduits in the Designated Area but this is subject to agreement with NH on protection for the NH export cable both in relation to the original installation and future inspection, maintenance, repair or renewal work.</p>	<p>The Applicant is seeking an Agreement for Lease from The Crown Estate which it understands can be granted without the consent of NHWFL. Following development consent (DCO and Marine Licence) being secured for the project, and AyM progressing with the proposals, it will be necessary to define the area to be leased for the cable, and NHWFL's consent (via the cable crossing agreement) will be one of the conditions at that stage in order for TCE to grant the Lease. Therefore, the Applicant considers that this is not an issue which prevents the project from moving ahead at this stage.</p>
REP1-085-3.2	<p>The Applicant has proposed that NH consent can be covered in the cable crossing agreement which is being discussed between the parties. In principle, that would be an appropriate mechanism to deal with the need for consent. At present, however, a cable crossing agreement has not been concluded and</p>	<p>The Applicant considers that cable crossing agreements of this nature are routinely secured in the development of offshore windfarms (often after consent is granted and just before construction commences). NHWF cannot unreasonably withhold its consent under the terms of its</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	the consent of NH has not been granted. This represents an impediment to delivery of the scheme.	Lease with The Crown Estate, therefore the Applicant considers that there is no such impediment to the project.
REP1-085-4.1	<p>Protective Provisions</p> <p>Provisions are required to ensure that the construction of the development, including its cable connection, does not interfere with NH or any planned works which might be required to NH, together with an indemnity for any impacts which are caused. Whilst there are protective provisions in Part 1 of Schedule 9 for electricity undertakers, these do not apply to the offshore works. Appropriate provision must be included for the offshore works which may impact on NH.</p>	<p>NHWFL is expected to have a schedule of routine maintenance for its offshore export cable, as is common practice in the industry. The Applicant will provide NHWFL with the schedule and details of works for laying the offshore export cable for NHWFL review and coordination of the respective schedules to ensure no conflict between works. In the event of emergency maintenance works being required on NHWFL offshore export cable during the Applicant's works, the crossing agreement will make provision for a coordinated NHWFL access to the works' area for the purposes of urgent maintenance work.</p>
REP1-085-4.2.a	<p>The Applicant has proposed a cable crossing agreement to regulate the impacts of cable installation. Whilst this is an acceptable approach in principle, the terms of the agreement have yet to be agreed. The three principle issues that require to be resolved are:-</p> <p>a) NHWFL requires control over the timing of the AyM cable installation to ensure that this does not conflict with any work which may be planned for NH;</p>	<p>The Applicant will provide NHWFL with the schedule and details of works for laying the offshore export cable for NHWFL review and coordination of the respective schedules to ensure no conflict between works. No other protective provisions in consideration for the Applicant's offshore works give control of works programmes nor timings to a third party, therefore the Applicant does not consider this to be normal industry practice.</p>
REP1-085-4.2.b	<p>b) The draft agreement has been prepared on a reciprocal basis with NHWFL being placed under new obligations (including the need for insurance and indemnities) if NH intend to carry out works to their cable connection. NHWFL is no currently subject to any such restrictions and the imposition of these is not acceptable.</p>	<p>The draft crossing agreement is in line with normal industry practice (and based on a standard and previously-used template provided by NHWFL). Once the initial crossing works have been completed, any further works by either party will be subject to a process of notification and coordination, and the liability of the party carrying out the works will be limited to physical damage to the other party's cables only.</p>
REP1-085-4.2.c	<p>c) Appropriate indemnities are required from the Applicant in relation to any losses suffered by NHWFL as a result of works carried out under the DCO. The Applicant has proposed an indemnity but this is limited to the cable installation works. NHWFL is concerned on the basis of previous experience that works elsewhere in the scheme could lead to temporary loss of their export connection and a consequent interruption to the service which they provide. It is noted that protective provisions for other electricity undertakers provide an indemnity for loss caused by interruption to service provision. A similar indemnity is required for any such impacts caused to NHWFL.</p>	<p>The only works the Applicant will be carrying out, and that directly interact with NHWFL infrastructure, are the cable crossing works. The crossing agreement will provide suitable protection for NHWFL for any damages caused by the Applicant's crossing works. For works carried out by any other parties that may affect NHWF infrastructure, and which are outside of Applicant's control, NHWFL will need to seek and agree indemnities with those parties.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-085-4.3	It is noted that the Applicant has sought to make a distinction between matters which require protective provisions to be included in the Order and other matters where a crossing agreement is required. NHWFL does not accept this distinction. They are both examples of where the potential negative impacts of the proposed development on existing apparatus require to be addressed by a legal mechanism to protect the position of the existing undertaker. It may be that the most appropriate mechanism to deal with the potential impact on NHWFL is through a cable crossing agreement. However, if such an agreement cannot be concluded by the end of the examination then it may be necessary for the obligations to be recast in the form of protective provisions.	The Applicant has adopted a draft crossing agreement based on a standard and previously-used template provided by NHWFL. The Applicant believes this is the appropriate mechanism for dealing with the matters raised.
REP1-085-4.4	NHWFL will continue to engage with the Promoter with a view to reaching agreement on the cable crossing agreement. However, pending resolution of such matters, development consent should not be granted.	The Applicant has adopted a draft crossing agreement based on a standard and previously-used template provided by NHWFL. The Applicant believes this is the appropriate mechanism for dealing with the matters raised.

## 2.10 REP1-088 – Rhyl Flats Wind Farm Limited

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-088-1.1	<p>Introduction</p> <p>Rhyl Flats Wind Farm Limited ("RFWFL") operate the Rhyl Flats wind farm ("RF") to the south of the proposed Awel Y Môr wind farm ("AYM"). The location of RF can be seen on sheet 2 of the Works Plans.</p>	This is noted by the Applicant.
REP1-088-2.1	<p>Legal and Policy Context</p> <p>Section 104(3) of the Planning Act 2008 requires the Secretary of State, subject to certain exceptions, to determine a DCO application in accordance with any relevant national policy statement.</p>	This is noted by the Applicant.
REP1-088-2.2.a	<p>The relevant national policy statements for AyM are EN-1 (Overarching National Policy Statement for Energy) and EN-3 (Renewable Energy Infrastructure). The key provisions for current purposes are in paragraphs 2.6.176 – 2.6.188 of EN-3. These set out policy on how potential impacts of proposed offshore wind farms on oil, gas and other offshore infrastructure and activities should be considered. EN-3 recognises that offshore wind development may be proposed in locations where existing offshore activities may be taking place and provides guidance on how potential conflict should be managed. The most relevant sections of EN-3 are:-</p> <p>a) "Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by Government, the applicant should undertake an assessment of the potential effect of the proposed development on such existing or permitted infrastructure or activities. The assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy for offshore wind farm EIAs." (2.6.179)</p>	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.2.b	<p>b) "Applicants should engage with interested parties in the potentially affected offshore sectors early in the development phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application to the IPC." (2.180)</p>	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-088-2.2.c	c) "Where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the IPC. Much of this infrastructure is important to other offshore industries as is its contribution to the UK economy. In such circumstances the IPC should expect the applicant to minimise negative impacts and reduce risks to as low as reasonably practicable." (2.6.183).	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.2.d	d) "...the IPC should be satisfied that the site selection and site design of the proposed offshore wind farm has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. The IPC should not consent applications which pose unacceptable risks to safety after mitigation measures have been considered.) (2.6.184)	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.2.e	e) "Where a proposed development is likely to affect the future viability or safety of an existing or approved/licensed offshore infrastructure or activity, the IPC should give these adverse effects substantial weight in its decision-making." (2.6.185)	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.2.f	f) "Detailed discussions between the applicant for the offshore wind farm and the relevant consultees should have progressed as far as reasonably possible prior to the submission of an application to the IPC. As such, appropriate mitigation should be included in any application to the IPC, and ideally agreed between relevant parties. (2.6.187)"	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.3.a	The following key points can be taken from EN-3:- a) Applicants are expected to assess the potential impact of proposed offshore wind development on existing infrastructure;	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.3.b	b) Applicants should engage with existing operators with the aim of resolving matters before submission;	The Applicant has engaged with existing operators since inception, and has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.3.c	c) Site design should seek to minimise disruption, economic loss or safety to other offshore operators;	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-088-2.3.d	d) The Applicant is expected to minimise negative impacts to existing infrastructure;	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.3.e	e) Mitigation should be included in the application and ideally agreed with other parties; and	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-2.3.f	f) If there are unacceptable safety implications after mitigation is applied then the application should not be consented.	There is no question of the safety of RFWF being affected by the Project. RWE and its partners build and operate to the highest safety standards. RFWFL has not raised safety as an issue.
REP1-088-2.4	RF is an operational offshore windfarm and constitutes existing offshore infrastructure. The provisions of paragraphs 2.6.176 – 2.6.1 are therefore engaged in relation to the potential impact of AYM on RF. As matters currently stand, RFWFL consider that the Applicant has not followed the guidance in the relevant parts of EN-3. Consent should not be granted until the impact of the proposed development on RF is properly assessed and appropriate provision is made to minimise negative impacts, disruption and economic loss to RF as required by EN-3.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-3.1	Property Impact It initially appeared to RFWL from the Works Plans show that Work No.2 intruded into the area of the sea bed which is leased by the Crown Estate Commissioners to RFWFL for the operation of RF. The Applicant has provided plans which demonstrate that the Work No.2 is in fact outwith the area leased to RFWL.	The Applicant accepts that Work No.2 intrudes into the restricted zone for RFWF and provided a plan accordingly (REP1-048). The Applicant notes that RFWFL now agrees with this position.
REP1-088-3.2	However, Work No.2 still intrudes into the 250m restriction zone around the perimeter of the areas leased by the Crown Estate Commissioners to RFWFL for the operation of RF. The restriction zone exists to ensure that other proposed developments do not adversely affect the operation of RF. The Crown Estate Commissioners have covenanted with RF not to grant any lease, licence or consent (other than where the lease requires that RF's consent is obtained) for the construction of any works within the restriction zone. Although the Applicant referred at Specific Issue Hearing 1 to commercial discussions taking place with RFWFL, there have been no approach made to resolve this issue. It therefore remains an impediment to delivery of the scheme	The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-088-4.1	<p>Impact of Construction Work and Need for Protective Provisions</p> <p>Work No. 2 would permit construction activities in close proximity to the eastern-most RF turbine. Although AYM has indicated that best practice will be used during cable laying, this is not currently secured by the draft DCO. There are protective provisions in Part 1 of Schedule 9 for electricity undertakers but these do not apply to the offshore works. It is essential that the DCO provides protective provisions for the benefit of RFWFL.</p>	<p>The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments.</p>
REP1-088-4.2.a	<p>The Applicant has now accepted that protective provisions are required for the benefit of RF. This acknowledgement is welcome and the Applicant has provided draft protective provisions which are under discussion between the Applicant and RFWFL. The key areas in which RFWFL consider that further provision is required are:-</p> <p>a) A mechanism is required for RF to approve the details of how works are to be carried out (including timing) out as well as details of the works themselves. This is necessary to ensure that the works are carried out in accordance with good practice and that the method and timing of the works do not prejudice the operation of RFWFL or any works which may be planned to RFWFL.</p>	<p>The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments.</p> <p>RFWFL is expected to have a schedule of routine maintenance for its offshore export cable, as is common practice in the industry. The Applicant will provide its own schedule of works for laying the offshore export cable. Coordination of the two schedules will ensure no conflict between works.</p> <p>The draft protective provisions include an obligation on the Applicant and RFWFL to act in good faith and to use reasonable endeavours to co-operate with each other. There is also an obligation on the Applicant to ensure that RFWFL has continued access to its apparatus subject to the agreement of RFWFL or interference with access is required by law or for health and safety reasons.</p> <p>No other protective provisions in consideration for AyM offshore works give approval of works programmes to a third party, therefore the Applicant does not consider this to be reasonable or necessary.</p>
REP1-088-4.2.b	<p>b) The protective provisions need to make provision for RF to have representatives present when the work is carried out to ensure that work is carried out in accordance with the approved details.</p>	<p>The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments. The Applicant is content to allow RFWFL representatives to be present when work is carried out.</p>
REP1-088-4.2.c	<p>c) Provision is required for the Applicant to reimburse the reasonable expenses incurred by RFWFL as a result of the works carried out by the Applicant. The principle of this point is established in the draft produced by the Applicant but further detail is required.</p>	<p>The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments. The Applicant is content to reimburse reasonable expenses incurred by RFWFL as a result of the</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		works subject to further amendments on the wording proposed by RFWFL.
REP1-088-4.2.d	d) An indemnity is required in relation to any damage or loss caused to the RFWFL as a result of the Applicant's works, including where there is any interruption or reduction in any electricity generated by RF. The Applicant has included such wording in the DCO for various onshore electricity undertakers and similar provision is required in relation to RFWFL.	The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments. The Applicant is content to provide indemnity in respect of its works subject to further amendments on the wording proposed by RFWFL.
REP1-088-4.3	As explained below, there is currently a dispute between the parties on wake loss. RFWFL is seeking further discussion with the Applicant to establish whether this is a matter which is capable of being resolved between the parties. Provision for wake loss has therefore not currently been made in the draft protective provisions. However, in the event that satisfactory progress is not made then RFWFL would intent to provide additional protective provision to address wake loss at Deadline 2.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.  The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments. The Applicant does not consider that the provisions relating to wake loss are necessary or justified.
REP1-088-5.1	Operational Impact and Wake Loss  There is the potential for further impacts on RF during the operation of AYM such as if maintenance activity is required to the AYM export cable. This can be addressed by adjustment of the draft protective provisions and RFWFL has proposed such revisals.	The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has responded to those comments. The Applicant is content with the changes subject further amendments on the wording proposed by RFWFL.
REP1-088-5.2	The main issue between the parties relates to potential wake loss. As wind passes through the upstream turbines in a wind farm, due to energy extraction by the first rows of turbines and churning effect of the rotating blades, the flow will get weakened and disturbed. This is termed as the wake effect. As a result of wakes, the power produced by downwind turbines can be less than the upwind turbines. Wake effect can therefore reduce the productivity and economic performance of the turbines which are impacted by the wake effect.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-5.3	AYM turbines would lie to the north and north west of the existing RF turbines. There is the potential for the AYM turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the RF turbines. It is understood that the Applicant accepts that there may be a wake effect on the RF turbines but that the extent of the impact will depend on the proposed layout and turbine specification of AYM.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-088-5.4	During Issue Specific Hearing 1, the Applicant suggested that the issue of wake loss was a commercial matter between the parties and stated that commercial discussions were ongoing on this matter between the parties. Dealing first with the issue of discussions, although there communications between the parties in relation to the proposed development there have been no commercial discussions on wake loss. No proposals have been made by the Applicant on how to address this issue.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-5.5	Moving to the issue of the relevance to the issue of wake loss, and as set out above at 2.3, EN3 expects applicants to (1) assess the potential impact of proposed offshore wind development on existing infrastructure; (2) minimise disruption and economic loss to existing infrastructure; and (3) minimise negative impacts on existing infrastructure. If AYM would potentially cause a negative impact on RF with a negative impact on the economic performance of RF then this is clearly an issue which EN-3 requires to be considered. Even without the terms of EN-3, if the operation of AYM would result in a drop in energy yield from RF then that would affect the net contribution which AYM would make towards renewable energy targets. That in itself would be an important and relevant consideration to which the Secretary of State would require to have regard in terms of section 104(2)(d) of the 2008 Act.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-5.6	Although Chapter 12 of the Environmental Statement [APP-058] considers the impacts of the on other marine users and activities - including existing offshore wind farms – this assessment does not extend to assessment of wake loss impacts on RF. Nor does the ES explain why this has been scoped out. There is no material before the examination which assesses the potential impact of the proposed development on the energy yield of RF. There is therefore currently insufficient material to enable the ExA to satisfy themselves that the development has been designed so as to minimise disruption or economic loss to other offshore operators. Nor can the ExA be satisfied that negative impacts to existing infrastructure have been minimised.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.
REP1-088-5.7	RFWFL will continue to engage with the Applicant to seek a satisfactory resolution to the issue of wake loss. However, in the absence of such a solution, the ExA cannot currently be satisfied that the proposed development would	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	comply with paragraphs 2.6.176 – 2.6.1 and the development should not be consented.	

## 2.11 REP1-090 - Royal Society for the Protection of Birds

10 The RSPB appended a total of 46 copies of referenced literature in their Written Representation, which the Applicant has noted but not commented specifically on.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090- Summary 1.1	<p>Introduction</p> <p>The RSPB</p> <p>The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million<sup>1</sup>. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.</p> <p>(1 - reference redacted)</p>	<p>These summary responses are noted by the Applicant. The Applicant has provided detailed responses to the specific points raised by RSPB at REP1-090-4.1 to REP1-090-4.34 in the rows below.</p>
REP1-090- Summary 1.2	<p>The RSPB's interest in offshore wind development</p> <p>Faced with the threats of climate change to the natural world the RSPB considers that a low carbon energy revolution to reach net zero is essential to safeguard biodiversity. However, inappropriately designed and/or sited developments can also cause serious and irreparable harm to biodiversity and damage the public acceptability of the necessary low-carbon energy transition technologies. The RSPB recognises the significant role that offshore wind will play in decarbonising our energy systems and the renewed urgency with which this must happen. Installing this technology at the scale and pace needed is no easy task: there are significant challenges rooted in the planning frameworks and the state of our seas which threaten both nature and our ability to reach net zero.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090- Summary 1.3	<p>The available evidence suggests that the main risks of offshore wind farms for birds are collision, disturbance/displacement, barriers to movement (e.g. migrating birds, or disruption of access between the breeding areas and feeding areas), and habitat change particularly with associated changes in food availability and the cumulative and in-combination effects of these across multiple wind farms. Such impacts are avoidable, and the RSPB has spent considerable time working with stakeholders in the UK offshore wind industry to ensure that decisions about deployment of renewable energy infrastructure take account of environmental constraints and seek to avoid or minimise impacts wherever possible. The RSPB therefore strongly advocates the use of rigorous, participative environmental assessments to inform the development of projects.</p>	
REP1-090- Summary 1.4	<p>Scope of written submission</p> <p>This Written Submission covers the following:</p> <ul style="list-style-type: none"> <li>➤ The nature conservation importance of the seabirds affected by the Awel y Môr Offshore wind farm scheme</li> <li>➤ Legislation and policy background</li> <li>➤ Offshore ornithology</li> </ul>	
REP1-090- Summary 2.1	<p>The nature conservation importance of the waterbirds and seabirds affected by the Awel y Môr offshore wind farm scheme</p> <p>The UK is of outstanding international importance for its wintering waterbirds including large aggregations of non-breeding red-throated diver (<i>Gavia stellata</i>) in UK coastal areas; and breeding seabirds, including northern gannet (<i>Morus bassanus</i>) for which the UK supports over 50% of the world population and around 78% of the world population of Manx shearwater (<i>Puffinus puffinus</i>). As with all Annex I and regularly occurring migratory species, the UK has particular responsibility under the Birds Directive(2) to secure the conservation of these important waterbird and seabird populations. (2 - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive))</p>	
REP1-090- Summary 2.2	<p>The RSPB considers the project has the potential to impact several Special Protection Areas (SPAs), classified under the EU Birds Directive. It is vital to consider whether the SPAs and their qualifying features meet the attributes and targets set by Natural Resources Wales when considering whether the SPA's</p>	<p>This is noted by the Applicant. Please see NRW relevant representations (RR-015) and written representations (REP1-080) in relation to agreements</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>conservation objectives to maintain or restore site integrity can be met and the SPAs achieve favourable conservation status throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	<p>between the Applicant and NRW with respect to assessment of ornithological features of designated sites.</p>
<p>REP1-090- Summary 3.1</p>	<p>Legislation and policy background</p> <p>Energy National Policy Statements (NPSs) set out the Government's approach to considering new energy infrastructure. Consent for energy infrastructure is subject to tests set out in Section 104 of the Planning Act. NPS EN-3, National Policy Statement for Renewable Energy Infrastructure, specifically identifies birds as a biodiversity concern to be taken into account (paragraph 2.6.59 and 2.6.68).</p>	<p>These summary responses are noted by the Applicant. The Applicant has provided detailed responses to the specific points raised by RSPB at REP1-090-4.1 to REP1-090-4.34 in the rows below.</p>
<p>REP1-090- Summary 3.2</p>	<p>There is a statutory duty to comply with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, as amended) which offer protection for protected sites (Ramsar, SPA, SAC) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Regulations)(as amended). The Habitats and Offshore Regulations set out a sequence of steps to be taken by the competent authority (here the Secretary of State for Business, Energy and Industrial Strategy (BEIS)) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project.</p>	
<p>REP1-090- Summary 3.3</p>	<p>We set out a series of related matters to be considered in this context, including:</p> <ul style="list-style-type: none"> <li>▲ SPA and SAC Conservation Objectives;</li> <li>▲ Appropriate assessment;</li> <li>▲ In-combination effects and compensation for other schemes;</li> <li>▲ Habitats Regulations General Duties;</li> <li>▲ Environmental Impact Assessment.</li> </ul>	
<p>REP1-090- Summary 4.1</p>	<p>Offshore ornithology</p> <p>We continue to have significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment. We have significant concerns regarding the findings of some of the impact assessments. As a result of the methodological concerns, set out below, the RSPB considers that the impacts have not been adequately assessed and, as such consider that an adverse effect on the integrity (AEOI) on</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	the following qualifying feature of the Liverpool Bay Special Protection Area (SPA) cannot be ruled out:	
REP1-090-Summary 4.2	Project alone – RSPB AEOL conclusions Impact on the following feature of the Liverpool Bay SPA: <ul style="list-style-type: none"> <li>➤ The impact of displacement on the red throated diver population</li> </ul>	These summary responses are noted by the Applicant. The Applicant has provided detailed responses to the specific points raised by RSPB at REP1-090-4.10.
REP1-090-Summary 4.3	Project in combination with other plans and projects – RSPB AEOL conclusions In-combination impacts on the following feature of the Liverpool Bay SPA: <ul style="list-style-type: none"> <li>➤ The impact of displacement on the red throated diver population</li> </ul>	
REP1-090-Summary 4.4	The RSPB's key methodological concerns are with the baseline survey methodology, the scoping out of collision impacts for Manx shearwater, the use of avoidance rates in gannet collision risk modelling, lack of consideration of impacts compounded by highly pathogenic avian influenza (HPAI)	
REP1-090-Summary 4.5	Due to these methodological concerns the RSPB consider that it is not currently possible to rule out adverse impacts upon Manx shearwater occurring within the study area from the following SPAs: <ul style="list-style-type: none"> <li>➤ Copeland Islands SPA</li> <li>➤ Irish Sea Front SPA</li> <li>➤ Rum SPA</li> <li>➤ St Kilda SPA</li> <li>➤ Glannau Aberdaron ac Ynys Enlli/ Aberdaron Coast and Bardsey Island SPA, and</li> <li>➤ Skomer, Skokholm and the Seas off Pembrokeshire/ Sgomer, Sgogwm a Moroedd Penfro SPA</li> </ul>	These summary responses are noted by the Applicant. The Applicant has provided detailed responses to the specific points raised by RSPB at REP1-090-4.1 to REP1-090-4.34 in the rows below.
REP1-090-Summary 4.6	Due to these methodological concerns the RSPB consider that it is not currently possible to rule out adverse impacts upon gannet occurring within the study area from the following SPAs: <ul style="list-style-type: none"> <li>➤ Grassholm SPA</li> <li>➤ Ailsa Craig SPA</li> <li>➤ Saltee Islands SPA</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-1.1	<p>Introduction</p> <p>The RSPB</p> <p>The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million<sup>1</sup>. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.</p> <p>(1 - reference redacted)</p>	<p>These background and contextual responses are noted by the Applicant. The Applicant has provided detailed responses to the specific points raised by RSPB at REP1-090-4.1 to REP1-090-4.34 in the rows below.</p>
REP1-090-1.2	<p>The RSPB's interest in offshore wind development</p> <p>Faced with the threats of climate change to the natural world the RSPB considers that a low carbon energy revolution to reach net zero is essential to safeguard biodiversity. However, inappropriately designed and/or sited developments can also cause serious and irreparable harm to biodiversity and damage the public acceptability of the necessary low-carbon energy transition technologies.</p>	
REP1-090-1.3	<p>The RSPB recognises the significant role that offshore wind will play in decarbonising our energy systems and the renewed urgency with which this must happen. Installing this technology at the scale and pace needed is no easy task: there are significant challenges rooted in the planning frameworks and the state of our seas which threaten both nature and our ability to reach net zero</p>	
REP1-090-1.4	<p>The UK is of outstanding international importance for its breeding seabirds, including northern gannet for which the UK supports over 50% of the world population and around 10% of the world populations of kittiwake and puffin. The UK is also of international importance for its nonbreeding seabirds and</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>waterbirds. As with all Annex I and regularly migratory species, the UK has particular responsibility under the Birds Directive<sup>2</sup> to secure the conservation of these birds.</p> <p>(2 - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive))</p>	
REP1-090-1.5	<p>The available evidence suggests that the main risks of offshore wind farms for birds are collision, disturbance/displacement, barriers to movement (e.g. migrating birds, or disruption of access between the breeding areas and feeding areas), and habitat change particularly with associated changes in food availability and the cumulative and in-combination effects of these across multiple wind farms.</p>	
REP1-090-1.6	<p>Such impacts are avoidable, and the RSPB has spent considerable time working with stakeholders in the UK offshore wind industry to ensure that decisions about deployment of renewable energy infrastructure take account of environmental constraints and seek to avoid or minimise impacts wherever possible. The RSPB therefore strongly advocates the use of rigorous, participative environmental assessments to inform the development of projects.</p>	
REP1-090-1.7	<p>Scope of written submission</p> <p>This Written Submission covers the following:</p> <ul style="list-style-type: none"> <li>➤ The nature conservation importance of the seabirds affected by the Awel y Môr Offshore wind farm scheme</li> <li>➤ Legislation and policy background</li> <li>➤ Offshore ornithology</li> </ul>	
REP1-090-1.8	<p>In compiling this Written Representation, the RSPB has considered the application documents, including in particular the following:</p> <p>Section 4 (offshore ornithology) and Appendix A</p> <ul style="list-style-type: none"> <li>➤ APP-050 6.2.4 Volume 2, Chapter 4: Offshore Ornithology</li> <li>➤ APP-095 6.4.4.1 Volume 4, Annex 4.1: Offshore Ornithology Baseline Characterisation Report</li> <li>➤ APP-096 6.4.4.2 Volume 4, Annex 4.2: Offshore Ornithology Displacement</li> <li>➤ APP-097 6.4.4.3 Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>➤ APP-100 6.4.4.6 Volume 4, Annex 4.6: Offshore Ornithology Population Viability Analysis</li> <li>➤ APP-027 5.2 Report to Inform Appropriate Assessment</li> <li>➤ APP-029 5.2.2 RIAA Annex 2: HRA Screening Update (Ornithology)</li> <li>➤ AS-022 Response to post-Acceptance s51 advice: 5.2.3 Report to Inform Appropriate Assessment (RIAA) Annex 3: European Site Information</li> <li>➤ APP-032 5.2.5 RIAA Annex 5: Ornithology Apportioning Note</li> <li>➤ APP-033 5.2.6 RIAA Annex 6: Screening Matrices</li> <li>➤ APP-034 5.2.7 RIAA Annex 7: Integrity Matrices</li> <li>➤ APP-035 5.2.8 RIAA Annex 8: Abundance and Distribution of Red Throated Diver in Gwynt y Môr Offshore Wind Farm and Wider Area</li> </ul>	
REP1-090-2.1	<p>The nature conservation importance of the waterbirds and seabirds affected by the Awel y Môr offshore wind farm scheme</p> <p>Introduction</p> <p>The UK is of outstanding international importance for its wintering waterbirds including large aggregations of non-breeding red-throated diver (<i>Gavia stellata</i>) in UK coastal areas; and breeding seabirds, including northern gannet (<i>Morus bassanus</i>) for which the UK supports over 50% of the world population and around 78% of the world population of Manx shearwater (<i>Puffinus puffinus</i>). As with all Annex I and regularly occurring migratory species, the UK has particular responsibility under the Birds Directive(3) to secure the conservation of these important waterbird and seabird populations. (3 - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive))</p>	
REP1-090-2.2	<p>The RSPB considers the project has the potential to impact several Special Protection Areas (SPAs), classified under the EU Birds Directive. Below we provide a brief summary of each affected SPA (including one SPA in the Republic of Ireland) and the relevant qualifying features</p>	
REP1-090-2.3	<p>Liverpool Bay/Bae Lerpwl SPA</p> <p>The Liverpool Bay/Bae Lerpwl SPA comprises of areas for foraging breeding seabirds, and nonbreeding seabirds and waterbirds. The main feature of the Liverpool Bay SPA affected by the Application is the non-breeding red-throated diver population. The SPA was originally classified in 2010 on the basis that it supported an internationally important population of 1,171 individual wintering</p>	<p>Information provided by RSPB regarding designated sites and regulatory requirements is noted by the Applicant.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>red-throated divers and the largest aggregation of common scoters (<i>Melanitta nigra</i>) in the UK; the SPA was reclassified in 2017<sup>4</sup> following changes to the designated site boundary and the addition of internationally important populations of little gull (<i>Hydrocoloeus minutus</i>), common tern (<i>Sterna hirundo</i>) and little tern (<i>Sterna albifrons</i>) to its qualifying features. Cormorant (<i>Phalacrocorax carbo</i>) and red-breasted merganser (<i>Mergus serrator</i>) were added to the waterbird assemblage as named species.</p> <p>(4 - Liverpool Bay/Bae Lerpwl SPA Citation)</p>	
REP1-090-2.4	<p>The conservation objectives for Liverpool Bay SPA<sup>5</sup> are as follows:</p> <p>“...to ensure that subject to natural change, the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>▲ The extent and distribution of the habitats of the qualifying features;</li> <li>▲ The structure and function of the habitats of the qualifying features;</li> <li>▲ The supporting processes on which the habitats of the qualifying features rely;</li> <li>▲ The population of each of the qualifying features; and,</li> <li>▲ The distribution of the qualifying features within the site.” <p>(5 - Liverpool Bay/Bae Lerpwl SPA Conservation Objectives )</p> </li></ul>	
REP1-090-2.5	<p>Copeland Islands SPA</p> <p>The main feature of the Copeland Islands SPA affected by the Application is the breeding Manx shearwater population. The SPA was originally classified in 2010<sup>6</sup> on the basis that it supported an internationally important population of 4800 breeding pairs of Manx shearwater. The site also qualifies by supporting nationally important populations of Arctic tern.</p> <p>(6 - Copeland Islands SPA Citation)</p>	
REP1-090-2.6	<p>The Conservation Objectives<sup>7</sup> for the site are:</p> <p>“To maintain each feature in favourable condition. The SPA selection feature objectives are as follows:</p> <ul style="list-style-type: none"> <li>▲ To maintain or enhance the population of the qualifying species;</li> <li>▲ Fledging success sufficient to maintain or enhance population;</li> <li>▲ To maintain or enhance the range of habitats utilised by the qualifying species;</li> <li>▲ To ensure that the integrity of the site is maintained;</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>➤ To ensure there is no significant disturbance of the species; and</li> <li>➤ To ensure that the following are maintained in the long term:</li> <li>➤ Population of the species as a viable component of the site;</li> <li>➤ Distribution of the species within site;</li> <li>➤ Distribution and extent of habitats supporting the species; and</li> <li>➤ Structure, function and supporting processes of habitats supporting the species."</li> </ul> <p>(7 - Copeland Islands SPA Conservation Objectives)</p>	
REP1-090-2.7	<p>For each feature there are a number of component objectives which are outlined below (Manx shearwater):</p> <ul style="list-style-type: none"> <li>➤ Manx shearwater breeding population – no significant decrease in population against national trends;</li> <li>➤ Manx shearwater breeding population – fledging success sufficient to maintain or enhance population.</li> </ul>	
REP1-090-2.8	<p>Irish Sea Front SPA</p> <p>The feature of the Irish Sea Front SPA affected by the Application is the population of Manx shearwater. The SPA is a foraging area for the Manx shearwater breeding population across the Irish Sea region, with a population of 12,039 birds during the breeding season (1.1% of the biogeographic population).</p>	
REP1-090-2.9	<p>The site Conservation Objectives<sup>8</sup> are as follows:</p> <p>"To avoid significant deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, subject to natural change, thus ensuring that the integrity of the site is maintained in the long term and makes an appropriate contribution to achieving the aims of the Birds Directive for each of the qualifying species</p> <p>(8 - Irish Sea Front SPA Draft Conservation Objectives and Advice on Operations)</p>	
REP1-090-2.10.a	<p>This contribution would be achieved through delivering the following objectives for each of the sites qualifying features:</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	A. Avoid significant mortality, injury and disturbance of the qualifying features, so that the distribution of the species and ability to use the site are maintained in the long-term;	
REP1-090-2.10.b	B. Maintain the habitats and food resources of the qualifying features in favourable condition.	
2.10.c REP1-090-	C. Ensure access to the site from linked breeding colonies	
REP1-090-2.11	<p>Rum SPA</p> <p>The main feature of the Rum SPA affected by the Application is the breeding Manx shearwater population. The SPA was originally classified in 1982, with marine extension classified in 2009 and red-throated diver added to the marine extension in 2020<sup>9</sup>.</p> <p>(9 - Rum SPA citation)</p>	
REP1-090-2.12	The site qualifies under Article 4.2 by regularly supporting populations of European importance of the migratory species Manx shearwater (61,000 pairs, 23% of the world biogeographic population).	
REP1-090-2.13	<p>The Draft Conservation Objectives<sup>10</sup> are as follows:</p> <p>“1. To ensure that the qualifying features of Rum SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.</p> <p>2. To ensure that the integrity of Rum SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:</p> <p>2a. The populations of the qualifying features are viable components of Rum SPA</p> <p>2b. The distributions of the qualifying features throughout the site are maintained by avoiding significant disturbance of the species.</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>2c. The supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained, or where appropriate, restored at Rum SPA"</p> <p>(10 - Rum SPA Conservation Objectives)</p>	
REP1-090-2.14	<p>St Kilda SPA</p> <p>The main feature of the St Kilda SPA affected by the Application is the breeding Manx shearwater population. The SPA was originally classified in 1992, with marine extension classified in 2009<sup>11</sup>.</p> <p>(11 - St Kilda SPA citation)</p>	
REP1-090-2.15	<p>St Kilda SPA qualifies under Article 4.2 by regularly supporting in excess of 20,000 individual seabirds. It regularly supports 600,000 seabirds including nationally important populations of the seabirds including up to 5,000 pairs of Manx shearwater (1% of the GB population).</p>	
REP1-090-2.16	<p>The Draft Conservation Objectives<sup>12</sup> are as follows:</p> <p>"1. To ensure that the qualifying features of St Kilda SPA and the Seas off St Kilda SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.</p> <p>2. To ensure that the integrity of St Kilda SPA and the Seas off St Kilda SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:</p> <p>2a. The populations of qualifying features are viable components of St Kilda SPA and Seas off St Kilda SPA.</p> <p>2b. The distributions of the qualifying features throughout St Kilda SPA and Seas off St Kilda SPA are maintained by avoiding significant disturbance of the species.</p> <p>2c. The supporting habitats and processes relevant to qualifying features and their prey/food resources are maintained, or where appropriate restored, at St Kilda SPA and/or Seas off St Kilda SPA."</p> <p>(12 - St Kilda SPA Conservation Objectives)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-2.17	<p>Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA</p> <p>The main feature of the SPA affected by the Application is the breeding Manx shearwater population. The SPA was originally classified in 1992, with marine extension classified in 2015(13). (13 - Glannau Aberdaron ac Ynys Enlli SPA Citation)</p>	
REP1-090-2.18	<p>The site qualifies under Article 4.2 as it is used regularly by 1% or more of the biogeographical population of Manx shearwater with 6930 pairs in 1996. There are more recent population figures with 20675 apparently occupied burrows (pairs) in 2016.</p>	
REP1-090-2.19	<p>The Conservation Objectives for Manx shearwater<sup>14</sup> are:</p> <p>"The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>➤ Breeding population of Manx shearwater (confined to Ynys Enlli) is stable or increasing;</li> <li>➤ Reproductive rates remain stable;</li> <li>➤ Deaths from the lighthouse attractions, fencing and other infrastructure are minimal;</li> <li>➤ No ground predators are introduced;</li> <li>➤ Nesting birds are not disturbed by restoration works on boundary walls or recreational activities; and</li> <li>➤ All factors affecting the achievement of these conditions are under control." <p>(14 - Glannau Aberdaron ac Ynys Enlli SPA Core Management Plan (including Conservation Objectives))</p> </li></ul>	
REP1-090-2.20	<p>Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA</p> <p>The main feature of the SPA affected by the Application is the breeding Manx shearwater population. The SPA was originally classified in 1982, with site reclassified and boundary extended to include marine area in 2014. The seaward boundary of the site was extended in 2017<sup>15</sup>.</p> <p>(15 - Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA citation)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-2.21	<p>The site qualifies under Article 4.2 as it is used regularly by 1% or more of the GB or biogeographical population of Manx shearwater with 150,968 pairs in late 1990s (51.3% of the European population). There are more recent population figures with 390,000 apparently occupied burrows (pairs) in 2018.</p>	
REP1-090-2.22	<p>The Conservation Objective for Manx shearwater<sup>16</sup> are:</p> <p>"The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>▲ During the breeding season the population of Manx shearwater will be at least 150,000 pairs within the SPA (this represents around half of the current breeding population);</li> <li>▲ Breeding success will be at least 0.5 chicks per egg laid; and</li> <li>▲ The factors affecting the feature are under control." <p>(16 - Skomer, Skokholm and the Seas off Pembrokeshire SPA Core Management Plan (including conservation objectives))</p> </li></ul>	
REP1-090-2.23	<p>Grassholm SPA</p> <p>The feature of Grassholm SPA affected by the Application is the breeding gannet population. Grassholm SPA was classified in 1986 and reclassified in 2015<sup>17</sup>.</p> <p>(17 - Grassholm SPA citation)</p>	
REP1-090-2.24	<p>Grassholm qualifies under Article 4.2 by regularly supporting internationally important numbers of breeding gannet with 33,000 pairs in 1994/95. It is the third biggest gannet colony in the world.</p>	
REP1-090-2.25	<p>The Conservation Objectives<sup>18</sup> for gannet are:</p> <p>"The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:</p> <ul style="list-style-type: none"> <li>▲ The population will not fall below 30,000 pairs in three consecutive years.</li> <li>▲ It will not drop by more than 25% of the previous year's figures in any one year.</li> <li>▲ There will be no decline in this population significantly greater than any decline in the North Atlantic population as a whole." <p>(18 - Grassholm SPA Core Management Plan (including conservation objectives))</p> </li></ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-2.26	<p>Ailsa Craig SPA</p> <p>The main feature of the SPA affected by the Application is the breeding gannet population. The SPA was classified in 1990 with marine extension classified in 2009<sup>19</sup>. It qualifies under Article 4.2 by regularly supporting populations of European importance of the migratory species, including gannet with 23,000 pairs (8.7% of the world biogeographic population).</p> <p>(19 - Ailsa Craig SPA Citation)</p>	
REP1-090-2.27	<p>The Conservation Objectives<sup>20</sup> for the site are as follows:</p> <p>"To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>➤ Population of the species as a viable component of the site;</li> <li>➤ Distribution of the species within site;</li> <li>➤ Distribution and extent of habitats supporting the species;</li> <li>➤ Structure, function and supporting processes of habitats supporting the species; and</li> <li>➤ No significant disturbance of the species." <p>(20 - Ailsa Craig SPA Conservation Objectives)</p> </li></ul>	
REP1-090-2.28	<p>Saltee Islands SPA</p> <p>The main feature of the SPA affected by the Application is the breeding gannet population. The SPA was classified in 2011<sup>21</sup>. The Saltee Islands are internationally important for holding an assemblage of over 20,000 breeding seabirds. The qualifying interests include the nationally important gannet colony on Great Saltee which held 2,446 pairs in 2004.</p> <p>(21 - Saltee Islands SPA Site Synopsis)</p>	
REP1-090-2.29	<p>The Conservation Objectives for Gannet<sup>22</sup> are:</p> <p>"To maintain the favourable conservation condition of Gannet in the Saltee Islands SPA, which is defined by the following list of attributes and targets:</p> <ul style="list-style-type: none"> <li>➤ No significant decline in breeding population abundance: apparently occupied nests (AONs);</li> <li>➤ No significant decline in productivity rate;</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>⤴ No significant decline in distribution: breeding colonies;</li> <li>⤴ No significant decline in prey biomass available;</li> <li>⤴ No significant increase in barriers to connectivity;</li> <li>⤴ No significant increase in disturbance at the breeding site; and</li> <li>⤴ No significant increase in disturbance at marine areas immediately adjacent to the colony."</li> </ul> <p>(22 - Saltee Islands SPA Conservation Objectives)</p>	
REP1-090-3.1	<p>Legislation and policy background</p> <p>Introduction</p> <p>The following planning policy and statutory guidance relevant to Wales are to be considered:</p> <ul style="list-style-type: none"> <li>⤴ Future Wales<sup>23</sup></li> <li>⤴ Planning Policy Wales<sup>24</sup></li> <li>⤴ Future Generations Act<sup>25</sup></li> <li>⤴ Denbighshire County Council Local Development Plan<sup>26</sup> (for Landfall)</li> </ul> <p>(23 - <a href="https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf">https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf</a>)</p> <p>(24 - <a href="https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf">https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf</a>)</p> <p>(25 - <a href="https://gov.wales/well-being-future-generations-statutory-guidance">https://gov.wales/well-being-future-generations-statutory-guidance</a>)</p> <p>(26 - <a href="https://www.denbighshire.gov.uk/en/planning-and-building-regulations/local-development-plan/local-development-plan.aspx">https://www.denbighshire.gov.uk/en/planning-and-building-regulations/local-development-plan/local-development-plan.aspx</a>)</p>	
REP1-090-3.2	<p>The suite of Energy National Policy Statements (NPSs) set out the Government's approach to ensuring the security of energy supplies and the policy framework within which new energy infrastructure proposals are to be considered. The presumption in favour of granting consent, as identified in NPS EN-1, Overarching National Policy Statement for Energy<sup>27</sup>, is subject to the tests set out below in section 104 of the Planning Act 2008<sup>28</sup> (see NPS EN-1 paragraphs 4.1.2 and 1.1.2).</p> <p>(27 - Overarching National Planning Policy Statement for Energy (EN-1): <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf</a>)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	(28 - Planning Act, 2008: <a href="http://www.legislation.gov.uk/ukpga/2008/29/contents">http://www.legislation.gov.uk/ukpga/2008/29/contents</a> )	
REP1-090-3.3	<p>Section 104 of the Planning Act provides that an application for development consent for energy infrastructure must be decided in accordance with the relevant NPS except where in doing so it would lead to the UK:</p> <ul style="list-style-type: none"> <li>➤ being in breach of its international obligations;</li> <li>➤ being in breach of any statutory duty that applies to the Secretary of State; or would</li> <li>➤ be unlawful;</li> <li>➤ result in adverse impacts which would outweigh the benefits; or</li> <li>➤ be contrary to regulations about how decisions are to be taken.</li> </ul>	
REP1-090-3.4	<p>The statutory duties include the Conservation of Habitats and Species Regulations 2017<sup>29</sup> (the Habitats Regulations, as amended) (NPS EN-1 paragraph 4.3.1) and the wider objective of protecting the most important biodiversity conservation interests (see NPS EN-1 section 5.3 generally). It notes the Habitats Regulations' statutory protection for important sites including Ramsar sites, listed under the Ramsar Convention<sup>30</sup>, SPAs designated under the Birds Directive and Special Areas of Conservation (SACs) designated under the Habitats Directive<sup>31</sup>.</p> <p>(29 - The Conservation of Habitats and Species Regulations 2017: <a href="https://www.legislation.gov.uk/uksi/2017/1012/contents">https://www.legislation.gov.uk/uksi/2017/1012/contents</a>. The Conservation of Offshore Marine Habitats and Species Regulations 2017 are also relevant - <a href="https://www.legislation.gov.uk/uksi/2017/1013/contents">https://www.legislation.gov.uk/uksi/2017/1013/contents</a> but unfortunately Legislation.gov.uk has not been updated to reflect the changes made due to Brexit)</p> <p>(30 - The Convention on Wetlands of International Importance 1971. Para 5.3.9 of the NPS EN-1 confirms that for the purposes of considering development proposals affecting them, listed Ramsar sites should also, as a matter of policy, receive the same protection)</p> <p>(31 - Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-3.5	<p>NPS EN-3, <i>National Policy Statement for Renewable Energy Infrastructure</i>, specifically identifies birds as a biodiversity concern to be taken into account (paragraph 2.6.59 and 2.6.68). Whilst it is stated that the designation of an area as a protected European site does not necessarily restrict the construction or operation of offshore wind farms (paragraph 2.6.69), the legislative requirements identified above are still to be met. The protection afforded by legislation, to which the 2008 Act and the NPSs refer, are addressed briefly below.</p>	
REP1-090-3.6	<p>The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 SACs and SPAs are protected as “European sites” in inshore waters (up to 12 nautical miles from the baselines) under provisions within the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)(as amended); and in offshore waters (i.e. from 12-200 nautical miles) under provisions within the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Habitats Regulations)(as amended)<sup>32</sup>.</p> <p>(32 - The Conservation of Habitats and Species Regulations 2017: <a href="https://www.legislation.gov.uk/uksi/2017/1012/contents">https://www.legislation.gov.uk/uksi/2017/1012/contents</a>. The Conservation of Offshore Marine Habitats and Species Regulations 2017 are also relevant - <a href="https://www.legislation.gov.uk/uksi/2017/1013/contents">https://www.legislation.gov.uk/uksi/2017/1013/contents</a> but unfortunately Legislation.gov.uk has not been updated to reflect the changes made due to Brexit)</p>	
REP1-090-3.7	<p>The Habitats &amp; Offshore Habitats Regulations set out the sequence of steps to be taken by the competent authority (here the Secretary of State for Business, Energy and Industrial Strategy (BEIS)) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project. These are as follows (with references to just the Habitats Regulations):</p> <ul style="list-style-type: none"> <li>➤ Step 1: consider whether the project is directly connected with or necessary to the management of the SPA and its species (regulation 63 (1)). If not –</li> <li>➤ Step 2: consider, on a precautionary basis, whether the project is likely to have a significant effect on the SPA and its species, either alone or in combination with other plans or projects (the Likely Significance Test) (regulation 63 (1)).</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>➤ Step 3: make an appropriate assessment of the implications for the SPA and its species in view of its conservation objectives with the aims and objectives of the requirements including the National Sites Network management objectives (reg 16A) to also be considered. There is no requirement or ability at this stage to consider extraneous (nonconservation e.g. economics, renewable targets, public safety etc) matters in the appropriate assessment (regulation 63 (1)).</li> <li>➤ Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and its species, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test) (regulation 63 (6)).</li> <li>➤ Step 5: In light of the conclusions of the assessment, the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the SPA, alone or in combination with other plans or projects (regulation 63 (5)).</li> <li>➤ Step 6: only if the competent authority is satisfied that, there being no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to (regulation 64(2)), may be of a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site (regulation 64 (1)).</li> <li>➤ Step 7: in the event of the no alternative solutions and imperative reasons of overriding public interest tests being satisfied, the Secretary of State must secure that any and all necessary compensatory measures are taken to ensure that the overall coherence of the National Site Network is protected (regulation 68) taking account of the National Site Network management objectives (reg 16A, as set out below).</li> </ul>	
REP1-090-3.8	<p>It is important to add that in addition to the requirements set out above, in relation to both inshore marine area and the offshore marine area, any competent authority must exercise its functions so as to secure compliance with the requirements of the Habitats Directive and the Birds Directive as set out in regulations 9 and 10, Habitats Regulations; and in particular to take such steps as it considers appropriate to secure the preservation, maintenance and reestablishment of a sufficient diversity and area of habitat for wild birds<sup>33</sup>, having regard to the requirements of Article 2 of the Birds Directive.<sup>34</sup> And for offshore SPAs and SACs regulation 26, Offshore Habitats Regulations requires competent authorities to exercise their functions (as far as possible) to secure</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>steps to avoid the disturbance of species and the deterioration of habitats or habitats of species within those sites.</p> <p>(33 - As required by Article 3, Birds Directive)</p> <p>(34 - See regulation 9(1) and 10(1)(2)(3) and (8) of the Habitats Regulations and regulation 6 of the Offshore Regulations. Article 2 Birds Directive imposes a requirement on Member States to maintain all wild bird populations at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or if necessary, to restore the population of these species to that level (Article 2))</p>	
REP1-090-3.9	<p>SPA and SAC Conservation Objectives</p> <p>Under the Habitats Regulations, a site's Conservation Objectives are intrinsic to the Integrity Test when considering whether to grant consent for a plan or project – see Habitats Regulations 63(1).</p>	
REP1-090-3.10	<p>In order to understand the Conservation Objectives and the Supplementary Advice in the context of Regulation 63(1) it is important to remind oneself of the role of SPAs within these legislative requirements. These protected sites are part of the requirement for special conservation measures in order to ensure that their contribution to national and international “conservation status” of the species<sup>35</sup> is maximised, as set out in the headline words at the start of all Conservation Objectives:</p> <p>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring...”<sup>36</sup>.</p> <p>(35 - Please see points below on the management objectives of the National Sites Network and the requirements for SPAs to ensure that the species are maintained and/or restored across their natural range)</p> <p>(36 - The SPA generic Conservation Objectives)</p>	
REP1-090-3.11	<p>The Conservation Objectives are to be an articulation of the contribution that it is appropriate for the SPA to make in an enduring way. It would be inconsistent with the purposes of the protection and the role of SPAs to have SPA Conservation Objectives (or the interpretation of them) aiming for lower</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>populations particularly since so many sites were designated at a time when populations were not in favourable condition.</p>	
<p>REP1-090-3.12</p>	<p>Appropriate assessment</p> <p>As part of the assessment requirements, regulation 63, Habitats Regulations (regulation 28, Offshore Habitats Regulations) require the application of the precautionary principle. Meaning that if it cannot be excluded, on the basis of objective scientific information, that it is likely to have a significant effect on an SPA or SAC and its species an appropriate assessment will be required: see <i>Waddenzee</i>.<sup>37</sup></p> <p>(37 - CJEU Case-127/02; [2004] ECR-7405 at [45])</p>	
<p>REP1-090-3.13</p>	<p>Following that appropriate assessment, a project may only be granted consent if the competent authority is convinced that it will not have an adverse effect on the integrity of the European site(s) and their species of concern, having applied the precautionary principle and taken account of the conservation objectives for those European sites and their habitats and species. <i>Waddenzee</i> confirmed that where doubt remains as to the absence of adverse effects on the integrity of the European site, approval should be refused<sup>38</sup> (subject to the considerations of alternative solutions, imperative reasons of overriding public interest and the provision of compensatory measures as set out in regulations 64 and 68).</p> <p>(38 - [56]-[57])</p>	
<p>REP1-090-3.14</p>	<p>An appropriate assessment requires all aspects of the project which could affect the European site, its species and its conservation objectives to be identified in the light of the best scientific knowledge in the field.<sup>39</sup> The competent authority,</p> <p>"taking account of the conclusions of the appropriate assessment of the implications...for the site concerned, in the light of the conservation objectives, are to authorise such activity <u>only if they have made certain</u> that it will not adversely affect the integrity of the site. That is the case where <u>no reasonable scientific doubt remains as to the absence of such effects</u>"<sup>40</sup>.</p> <p>(39 - [61])</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	(40 - [59])	
REP1-090-3.15	<p>Defra Circular 01/2005 states at page 20, that the 'integrity of the site' should be defined as 'the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified'.<sup>41</sup> An European site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required. When looking at the 'integrity of the site', it is therefore important to take into account a range of factors, including the possibility of effects manifesting themselves in the short, medium and long-term".<sup>42</sup></p> <p>(41 - 1 Please note the Defra Circular 01/2005 is also titled ODPM Circular 6/2005)</p> <p>(42 - See too the European Commission Guidance; Wind Energy Developments and Natura 2000, 2011, page 82-83, paragraph 5.5.3)</p>	
REP1-090-3.16	<p>As is clear from the requirements of the Habitats and Offshore Habitats Regulations, the assessment of integrity is to be considered by reference to the impact of the project alone and in-combination with other plans and projects, taking account of the European site(s) conservation objectives. As clearly set out in <i>Waddenzee</i>, para 61:</p> <p>"61 In view of the foregoing, the answer to the fourth question must be that, under Article 6(3) of the Habitats Directive, an appropriate assessment of the implications for the site concerned of the plan or project implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications of mechanical cockle fishing for the site concerned in the light of the site's conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects." (emphasis added)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-3.17	<p>In-combination effects and compensation for other schemes</p> <p>Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64.</p>	
REP1-090-3.18	<p>It therefore follows that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is:</p> <ul style="list-style-type: none"> <li>➤ likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently</li> <li>➤ whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects.</li> </ul>	
REP1-090-3.19	<p>It is difficult to see on what basis the fact that compensation has been provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage. There are two points we would stress in that context:</p> <ul style="list-style-type: none"> <li>➤ Firstly, the admonition of AG Sharpston in <i>Sweetman (No 1)</i> at AG47 (cited above). To exclude the adverse effects of scheme one when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the "death by a thousand cuts" phenomenon discussed in that case;<sup>43</sup> and</li> <li>➤ Secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused: see C-164/17 <i>Grace v Sweetman</i> at 52-3.</li> </ul> <p>(43 - For the avoidance of doubt, we would stress that the starting point would always need to be the scheme itself – and there would need to be some effect</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>from the scheme which when combined with effects from the earlier scheme could give rise to likely significant effects / outcome )</p>	
<p>REP1-090-3.20</p>	<p>Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 <i>Grace v Sweetman</i> that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project. It is difficult to see why the compensatory measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects. We set out the material passages from that decision out below for ease of reference:</p> <p>“50 In that regard, the Court has previously ruled that the measures provided for in a project which are aimed at compensating for the negative effects of the project cannot be taken into account in the assessment of the implications of the project provided for in Article 6(3) of the Habitats Directive...(44).</p> <p>51 It is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out<sup>45</sup>.</p> <p>52 As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future)<sup>46</sup>.</p> <p>53 It is not the fact that the habitat concerned in the main proceedings is in constant flux and that that area requires ‘dynamic’ management that is the cause of uncertainty. In fact, such uncertainty is the result of the identification of adverse effects, certain or potential, on the integrity of the area concerned as a habitat and foraging area and, therefore, on one of the constitutive characteristics of that area, and of the inclusion in the assessment of the implications of future benefits to be derived from the adoption of measures</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>which, at the time that assessment is made, are only potential, as the measures have not yet been implemented. Accordingly, and subject to verifications to be carried out by the referring court, it was not possible for those benefits to be foreseen with the requisite degree of certainty when the authorities approved the contested development. 54 The foregoing considerations are confirmed by the fact that Article 6(3) of the Habitats Directive integrates the precautionary principle and makes it possible to prevent in an effective manner adverse effects on the integrity of protected areas as a result of the plans or projects being considered<sup>47</sup>."</p> <p>(44 - Judgments of 15 May 2014, Briels and Others, C-521/12, EU:C:2014:330, paragraph 29, and of 21 July 2016, Orleans and Others, C-387/15 and C-388/15, EU:C:2016:583, paragraph 48)</p> <p>(45 - See, to that effect, judgment of 26 April 2017, Commission v Germany, C-142/16, EU:C:2017:301, paragraph 38)</p> <p>(46 - See, to that effect, judgment of 21 July 2016, Orleans and Others, C-387/15 and C-388/15, EU:C:2016:583, paragraphs 52 and 56 and the case-law cited)</p> <p>(47 - See, to that effect, judgment of 15 May 2014, Briels and Others, C-521/12, EU:C:2014:330, paragraph 26 and the caselaw cited)</p>	
REP1-090-3.21	<p>Habitats Regulations General Duties</p> <p>We would like to also highlight, in particular, the requirements in regulation 9(3)<sup>48</sup>:</p> <p>"9.— Duties relating to compliance with the Directives</p> <p>(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.</p> <p>...</p> <p>(3) Without prejudice to the preceding provisions, a competent authority, in exercising any of its functions, must have regard to the requirements of the [Birds and Habitats] Directives so far as they may be affected by the exercise of those functions.<sup>49</sup></p> <p>(48 - <a href="https://www.legislation.gov.uk/uksi/2017/1012/regulation/9">https://www.legislation.gov.uk/uksi/2017/1012/regulation/9</a>)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>(49 - The terms of regulation 9(3) are not amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations although it needs to be read with the amended definitions of the relevant Directives and with the new regulation 9(4A) – regard must be had to any Secretary of State guidance – currently we do not believe this has been fully produced)</p>	
<p>REP1-090-3.22</p>	<p>And the further duties in Regulation 10<sup>50</sup>:</p> <p>10.— Duties in relation to wild bird habitat</p> <p>(1) Without prejudice to regulation 9(1), the appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.</p> <p>...</p> <p>(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom including by means of the upkeep, management and creation of such habitat, as appropriate), having regard to the requirements of Article 2 of the new Birds Directive (measures to maintain the population of bird species).</p> <p>...</p> <p>(7) In considering which measures may be appropriate for the purpose of securing or contributing to the objective in paragraph (3), appropriate account must be taken of economic and recreational requirements.</p> <p>...</p> <p>(8) So far as lies within its powers, a competent authority in exercising any function in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds"<sup>51</sup>.</p> <p>(50 - <a href="https://www.legislation.gov.uk/ukSI/2017/1012/regulation/10">https://www.legislation.gov.uk/ukSI/2017/1012/regulation/10</a>)</p> <p>(51 - Again the terms of regulation 10 are not amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations although it needs to be read with the amended definitions of the relevant Directives)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-3.23	As mentioned above following the UK's departure from the EU these regulations have been changed to include (amongst other changes) management objectives for the National Sites Network. Although these requirements already existed, it is helpful to have them clearly within our domestic legislation.	
REP1-090-3.24	In summary regulation 16A <sup>52</sup> , Habitats Regulations sets out the requirements for the Network jointly and separately recognising the differences between SPAs and SACs (as set out above).  (52 - <a href="https://www.legislation.gov.uk/uksi/2017/1012/regulation/16A">https://www.legislation.gov.uk/uksi/2017/1012/regulation/16A</a> )	
REP1-090-3.25	Authorities with relevant responsibilities must manage the National Site Network with a view to contributing to the achievement of the management objectives of it, namely (focusing just on SPAs):	
REP1-090-3.26	For SPAs to contribute, in their area of distribution, to ensuring the survival and reproduction of:  <ul style="list-style-type: none"> <li>▲ the species of birds listed in Annex I to the new Wild Birds Directive;</li> <li>▲ regularly occurring migratory species of birds; and</li> <li>▲ to contribute, to securing compliance with regulation 9(1) (as set out above).</li> </ul>	
REP1-090-3.27	Overall, take account of:  <ul style="list-style-type: none"> <li>▲ the importance of SACs and SPAs;</li> <li>▲ the importance of the sites for the coherence of National Site Network;</li> <li>▲ the threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed; and</li> <li>▲ in the case of migratory bird species, the importance of their breeding, moulting and wintering areas and staging points along their migration routes.</li> </ul>	
REP1-090-3.28	The RSPB believes it is essential both during the appropriate assessment and consideration of compensation measures stages for these management objectives to be taken into account.	
REP1-090-3.29	Environmental Impact Assessment  The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 <sup>53</sup> state that development consent cannot be granted for Environmental Impact Assessment (EIA) development unless the decision-maker has taken into account environmental information including an environmental statement	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>which describes the significant effects, including cumulative effects, of the development on the environment. This will include effects on all wild bird species whether SPA species or not.</p> <p>(53 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017: <a href="https://www.legislation.gov.uk/uksi/2017/572/contents/made">https://www.legislation.gov.uk/uksi/2017/572/contents/made</a>)</p>	
REP1-090-3.30	<p>Offshore wind farms have the potential to impact on birds through collision with rotating blades, direct habitat loss, disturbance from construction activities, displacement during the operational phase (resulting in loss of foraging/roosting area) and impact on bird flight lines (i.e. barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas. This is acknowledged in NPS EN-3<sup>54</sup>. These potential impacts have been taken into account by the RSPB and its remaining concerns with the applications are set out below, in the context of the legislative provisions summarised above, in particular those relating to appropriate assessment.</p> <p>(54 - Paragraph 2.6.101; see paragraphs 2.6.100-110 and 2.6.58-71 generally. Effects on foraging areas outside a SPA are to be taken into account when assessing the effects on bird populations of the SPA: see <i>Hargreaves v Secretary of State for Communities and Local Government</i> [2011] EWHC 1999 (Admin), which concerned effects on pink-footed geese which commuted inland from their roosting sites in the SPA to feed on grain and winter cereal crops on fields adjacent to the proposed development site)</p>	
REP1-090-3.31	<p>Summary</p> <p>Energy National Policy Statements (NPSs) set out the Government's approach to considering new energy infrastructure. Consent for energy infrastructure is subject to tests set out in Section 104 of the Planning Act. NPS EN-3, National Policy Statement for Renewable Energy Infrastructure, specifically identifies birds as a biodiversity concern to be taken into account (paragraph 2.6.59 and 2.6.68).</p>	
REP1-090-3.32	<p>There is a statutory duty to comply with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, as amended) which offer protection for protected sites (Ramsar, SPA, SAC) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Regulations) (as amended). The Habitats and Offshore Regulations set out a sequence of steps to be taken by the competent authority (here the Secretary</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	of State for Business, Energy and Industrial Strategy (BEIS)) when considering authorisation for a project <i>likely to have an effect</i> on a European site and its species before deciding to authorise that project.	
REP1-090-3.33	<p>We set out a series of related matters to be considered in this context, including:</p> <ul style="list-style-type: none"> <li>➤ SPA and SAC Conservation Objectives;</li> <li>➤ Appropriate assessment;</li> <li>➤ In-combination effects and compensation for other schemes;</li> <li>➤ Habitats Regulations General Duties;</li> <li>➤ Environmental Impact Assessment.</li> </ul>	
REP1-090-4.1	<p>Offshore Ornithology</p> <p>Introduction</p> <p>The RSPB supports the deployment of renewable energy projects, providing that they are sited in appropriate places and designed to avoid potential adverse impacts on wildlife. We are grateful for the constructive pre-application discussions that have taken place with Awel y Môr Offshore Wind Farm Limited in respect of this proposal, particularly through the Evidence Plan process.</p>	The Applicant has addressed the individual concerns raised by the RSPB separately below in REP1-090-4.10.
REP1-090-4.2	While methodological concerns remain, progress towards resolving a number of issues was made during the pre-application discussions for this project. We continue to have significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment.	
REP1-090-4.3	<p>Offshore ornithology impacts - summary of RSPB position</p> <p>We have significant concerns regarding the findings of some of the impact assessments. As a result of the methodological concerns, set out below, the RSPB considers that the impacts have not been adequately assessed and, as such consider that an adverse effect on the integrity (AEOI) on the following qualifying feature of the Liverpool Bay Special Protection Area (SPA) cannot be ruled out:</p>	
REP1-090-4.4	<p>Project alone – RSPB AEOI conclusions</p> <p>Impact on the following feature of the Liverpool Bay SPA:</p> <ul style="list-style-type: none"> <li>➤ The impact of displacement on the red throated diver population</li> </ul>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-4.5	<p>Project in combination with other plans and projects – RSPB AEOI conclusions</p> <p>In-combination impacts on the following feature of the Liverpool Bay SPA:</p> <ul style="list-style-type: none"> <li>▲ The impact of displacement on the red throated diver population</li> </ul>	
REP1-090-4.6	<p>We also have methodological concerns and consider that it is not currently possible to rule out adverse impacts upon other SPA species occurring within the study area, in particular:</p> <ul style="list-style-type: none"> <li>▲ Manx shearwater</li> <li>▲ Gannet</li> </ul>	<p>The Applicant has addressed the individual concerns raised by the RSPB separately below in response to REP1-090-4.15 to REP1-090-4.30.</p>
REP1-090-4.7	<p>Red throated diver displacement</p> <p>Red throated diver is a migratory waterbird that breeds in fresh water lakes but winters in coastal marine waters, often in groups of considerable size. The Liverpool Bay Special Protected Area is designated, in part, due to the important its population of wintering red throated diver. The conservation objectives for the Liverpool Bay SPA are:</p> <p>“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>▲ The extent and distribution of the habitats of the qualifying features</li> <li>▲ The structure and function of the habitats of the qualifying features</li> <li>▲ The supporting processes on which the habitats of the qualifying features rely</li> <li>▲ The population of each of the qualifying features, and,</li> <li>▲ The distribution of the qualifying features within the site.”</li> </ul>	<p>The Applicant has addressed the individual concerns raised by the RSPB separately below in response to REP1-090-4.10.</p>
REP1-090-4.8	<p>Red throated divers are one of the most sensitive species to displacement effects from offshore windfarms, ranked as having the highest species concern value (along with black-throated diver) in relation to displacement of all the species considered in an assessment of vulnerability of seabirds to offshore windfarms (Furness et al., 2013<sup>55</sup>). Similarly, a review of attraction and avoidance of offshore windfarms by seabirds clearly demonstrated that divers showed strong avoidance of turbines (Dierschke et al., 2016<sup>56</sup>). This strong displacement effect has been shown in studies in the German North Sea to be significant at 15km from the wind farm, based on before and after studies on a long term data set (Mendel et al., 2019<sup>57</sup>), a finding confirmed by satellite tracking and digital aerial surveys (Heinänen et al. 2020<sup>58</sup>). Recent analysis by</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>the Centre for Research into Ecological and Environmental Modelling of aerial surveys carried out in Liverpool Bay also showed a strong effect whereby, in all cases, the presence of a wind farm decreased the estimated number of birds compared to the absence of a wind farm. This effect was apparent up to 3.8km from the centre of the wind farm (Burt et al., 2022<sup>59</sup>).</p> <p>(55 - Furness, R. W., Wade, H. M., &amp; Masden, E. A. (2013). Assessing vulnerability of marine bird populations to offshore wind farms. <i>Journal of environmental management</i>, 119, 56-66</p> <p>(56 - Dierschke, V., Furness, R. W., &amp; Garthe, S. (2016). Seabirds and offshore wind farms in European waters: Avoidance and attraction. <i>Biological Conservation</i>, 202, 59-68</p> <p>(57 - Mendel, B., Schwemmer, P., Peschko, V., Müller, S., Schwemmer, H., Mercker, M., &amp; Garthe, S. (2019). Operational offshore wind farms and associated ship traffic cause profound changes in distribution patterns of Loons (<i>Gavia spp.</i>). <i>Journal of environmental management</i>, 231, 429-438</p> <p>(58 - Heinänen, S., Žydelis, R., Kleinschmidt, B., Dorsch, M., Burger, C., Morkūnas, J., ... &amp; Nehls, G. (2020). Satellite telemetry and digital aerial surveys show strong displacement of red-throated divers (<i>Gavia stellata</i>) from offshore wind farms. <i>Marine environmental research</i>, 160, 104989)</p> <p>(59 - Burt, M.L., Mackenzie, M.L., Bradbury, G. and Darke, J. 2022. Investigating effects of shipping on common scoter and red-throated diver distributions in Liverpool Bay SPA. NECR425. Natural England)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-4.9	<p>As such, there is clear evidence of the displacement of red-throated diver from offshore wind farms with a significant effect detectable in some cases at considerable distance from the wind farm. The Awel y Môr proposed development directly abuts the Liverpool Bay SPA, and so these displacement effects will act upon the wintering red throated diver population of the SPA. The numbers of red throated diver, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are relevant to the SPA conservation objectives but are not considered by the Applicant. If, as the evidence suggest, red throated diver will be displaced from part of the SPA which would otherwise be suitable for them the effect will be to reduce the functional size of the SPA, directly contravening the conservation objectives. The RSPB therefore cannot rule out the impact of displacement on the integrity of the Liverpool Bay SPA, arising through the project alone and in combination.</p>	
REP1-090-4.10	<p>Therefore, and as set out in paragraphs 4.4 and 4.5 above, the RSPB's position on adverse effect on integrity in respect of the permanent displacement of red-throated diver in the Liverpool Bay SPA is as follows:</p> <ul style="list-style-type: none"> <li>➤ Adverse effect on integrity cannot be ruled out due to displacement from Liverpool Bay SPA alone; and</li> <li>➤ Adverse effect on integrity cannot be ruled out due to displacement from Liverpool Bay SPA in-combination with existing plans and projects.</li> </ul>	<p>The Applicant and NRW are in agreement (REP1-080) that an AEol on the red-throated diver qualifying feature of the Liverpool Bay SPA can be ruled out. NRW were able to come to this conclusion based on a precautionary assessment of the information provided by the Applicant and contained within the RIAA (APP-027). Furthermore, NRW agreed with the Applicant (REP1-080) that the behaviour exhibited by red-throated divers from the Liverpool SPA in response to the presence of OWFs is inconsistent with other areas of sea (in particular those areas studied in the Southern North Sea) based on the post-consent monitoring surveys for Gwynt y Mor and site-specific baseline data collected for AyM presented within the Offshore Ornithology chapter of the ES (APP-050).</p>
REP1-090-4.11	<p>Other SPA species of concern present on site</p> <p>Manx shearwater are BoCC5 Amber listed (Stanbury et al., 2021<sup>60</sup>) and are a Birds Directive Migratory Species. Awel y Môr is within the mean-max foraging range (1,347 km, Woodward et al., 2019) of six SPAs of which they are a qualifying feature (Copeland Islands, Irish Sea Front, Rum, St Kilda, Glannau Aberdaron ac Ynys Enlli/ Aberdaron Coast and Bardsey Island, and Skomer, Skokholm and the Seas off Pembrokeshire/ Sgomer, Sgogwm a Moroedd Penfro).</p> <p>(60 - Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win, I., 2021. The status of our bird</p>	<p>The Applicant has addressed the individual concerns raised by the RSPB separately below in response to REP1-090-4.1.3.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds, 114, pp.723-747)	
REP1-090-4.12	Gannet is Amber listed in BoCC5 (Stanbury et al., 2021). Gannet is a qualifying feature of Grassholm SPA and also known to breed in Ireland's Eye SPA and Lambay Island SPA, all of which are within mean-max foraging range of Awel y Môr (Woodward et al., 2019).	
REP1-090-4.13	Impact assessment – methodological concerns The RSPB's key concerns are with the baseline survey methodology, the scoping out of collision impacts for Manx shearwater, the use of avoidance rates in gannet collision risk modelling, lack of consideration of impacts compounded by highly pathogenic avian influenza (HPAI).	
REP1-090-4.14	Baseline surveys The RSPB are content that digital aerial surveys can provide useful data in order to provide baseline characterisation of an offshore wind farm footprint. However full methodological detail needs to be provided alongside the outputs and the details the Applicant has provided are scant. In particular, but not exclusively there is <ul style="list-style-type: none"><li>▲ insufficient consideration of potential biases in the survey and analysis methods. For example these could be biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. Any biases such should have been carefully described</li><li>▲ there is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow. This could be behavioural responses such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment</li><li>▲ there is no detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for. Spatial autocorrelation in this instance is the correlation among values of a count variable strictly attributable to their relatively close locational positions, introducing a deviation from the assumption of independent observation. The assessment should explicitly demonstrate an analysis of the data showing whether spatial autocorrelation is present or not</li></ul>	The level of methodological detail the Applicant has provided within Volume 4, Annex 4.1 of the ES (Offshore Ornithology Baseline Characterisation Report) (APP-095), matches that provided by other recently consented projects such as East Anglia One North and East Anglia Two (both SPR, 2019) and Norfolk Boreas (Vattenfall, 2019). The most appropriate and robust survey method for offshore ornithological baseline survey data collection was consulted on and agreed upon during the early stages of the evidence plan process (see the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303). The Applicant and survey provider (APEM Ltd) also consulted with stakeholders, including NRW, ahead of the first surveys being undertaken for AyM in order to gain agreement on the design of the surveys ahead of any data collection taking place. The Applicant will endeavor to clarify and close out the concerns raised by the RSPB via the SoCG between the Applicant and RSPB.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>➤ there is no rationale provided as to why a grid rather than transect survey design has been used. Both survey designs are commonly used in the assessment of the impacts of offshore wind farms, and both have strengths and weaknesses. Detail is required as to why a grid design was used for this assessment.</li> <li>➤ there is no detail given of any independent validation of identification and detection rates. While it is clear that this validation is carried out as part of the internal quality assurance procedures of the survey providers, no detail of any independent external quality assurance appears to have been carried out.</li> </ul>	
REP1-090-4.15	<p>Manx shearwater</p> <p>The Applicant has scoped out Manx Shearwater as being a receptor at risk of collision impacts. We disagree with this approach and consider there to be risk of collision. Fundamental to the consideration of collision risk for this species is the extent to which nocturnally active seabirds, such as Manx shearwaters, may be attracted to the illuminations required for turbines, support vessels and the construction or expansion of ports. Such attraction will cause behaviour change, which could in turn increase collision risk, for example if birds fly higher when attracted to lights.</p>	<p>The assessment of Manx Shearwater was discussed and agreed upon during the evidence plan process, which concluded that, on a precautionary basis, Manx Shearwater would be assessed for displacement effects only. Manx Shearwater was scoped out for assessment of collision risk as agreed with NRW (see the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303, respectively).</p> <p>The assessment conclusions for Manx shearwater for Awel y Môr (AyM) follow the best available evidence and guidance. Whilst we acknowledge the Royal Society for the Protection of Birds (RSPB's) concerns, no new guidance has been published regarding collision risk assessment for nocturnally active species and The Applicant considers the assessment undertaken for AyM follows the current best practice.</p>
REP1-090-4.16	<p>There is also abundant evidence of light-induced disorientation of Manx shearwaters. This evidence includes the grounding of fledglings in lit areas (Miles et al., 2010<sup>61</sup>) and collision with lighthouses and other illuminated structures (Guilford et al., 2019<sup>62</sup>, Archer et al., 2015<sup>63</sup>). If light-induced disorientation leads to individual birds circling the navigation lights on the nacelle or tower of turbines for protracted periods (as has been reported for birds disorientated by lighthouses or gas flares) the probability of collision with turbine blades or other surfaces is vastly increased.</p> <p>(61 - Miles, W., Money, S., Luxmoore, R., &amp; Furness, R. W. (2010). Effects of artificial lights and moonlight on petrels at St Kilda. <i>Bird Study</i>, 57(2), 244-251)</p> <p>(62 - Guilford, T., Padgett, O., Bond, S., &amp; Syposz, M. M. (2019). Light pollution causes object collisions during local nocturnal manoeuvring flight by adult Manx Shearwaters <i>Puffinus puffinus</i>. <i>Seabird</i>, 31)</p> <p>(63 - Archer, M., Jones, P. H., &amp; Stansfield, S. D. Departure of Manx Shearwater <i>Puffinus puffinus</i> fledglings from Bardsey, Gwynedd, Wales, 1998 to 2013)</p>	<p>The Applicant would also like to refer the RSPB to the extensive flight height data published in Cook et al. (2011), Johnston et al. (2014) and Johnston et al. (2016), which remain the most in depth analysis of Manx shearwater flight heights. All three of these publications, that form the basis of current guidance on collision risk for seabirds in UK waters from UK Statutory Nature Conservation Bodies (SNCBs), demonstrate a very low proportion of Manx shearwater fly at potential collision height. To date (November 2022), no other relevant analyses of Manx shearwater flight heights have been published.</p> <p>The Applicant also notes that of the numerous other consented offshore wind farms (OWFs) in Irish Sea, including Gwynt y Mor, Rhyl Flats, North Hoyle, Burbo Bank and Burbo Bank Extension, none identified any</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-4.17	Such light induced behavioural change invalidates the simplistic assumptions of bird behaviour in the vicinity of turbines of the Band Collision Risk Model. For example, the model assumes that birds will fly at a fixed height and speed once through the rotor swept area, in a direction perpendicular to the turbine blades. Light-induced changes in flight height, disorientation and circling flight behaviour mean that this assumption would not be met.	impacts from collision risk on Manx shearwater during their environmental impact assessments (EIAs). Furthermore, none of these consented and now operational OWF's were required to undertake monitoring programmes to detect collision risk to Manx shearwater, as the potential for this impact on this species was determined to be and agreed as highly unlikely to occur.
REP1-090-4.18	<p>Currently in assessment, there is an assumption that Manx shearwater are not at risk of collision because of their low flight height. However, current flight height data for this species is based on aerial or vessel-based at-sea surveys, which can only take place during daylight and in relatively calm weather and may not be representative of the behaviour of Manx Shearwaters under all conditions. The species rarely uses level, flapping flight, but usually engages in slope-soaring, which leads to constant variation in flight height, although generally birds will remain low to the sea surface where the shear is strongest (Spivey et al., 2014<sup>64</sup>). Furthermore, flight heights may increase in stronger winds (Spear and Ainley, 1997<sup>65</sup>, Ainley et al., 2015<sup>66</sup>). As such, the assumption of low flight height, and consequent low collision risk, is likely to be unsafe.</p> <p>(64 - Spivey, R. J., Stansfield, S., &amp; Bishop, C. M. (2014). Analysing the intermittent flapping flight of a Manx Shearwater, <i>Puffinus puffinus</i>, and its sporadic use of a wave-meandering wing-sailing flight strategy. <i>Progress in Oceanography</i>, 125, 62-73</p> <p>(65 - Spear, L. B., &amp; Ainley, D. G. (1997). Flight behaviour of seabirds in relation to wind direction and wing morphology. <i>Ibis</i>, 139(2), 221-233)</p> <p>(66 - Ainley, D. G., PORZIG, E., ZAJANC, D., &amp; SPEAR, L. B. (2015). Seabird flight behavior and height in response to altered wind strength and direction. <i>Marine Ornithology</i>, 43, 25-36)</p>	<p>In addition to the AyM site-specific aerial digital survey data (agreed with Natural Resources Wales (NRW) to be appropriate), Global Positioning System (GPS) tracking studies of Manx shearwater by Guilford et al. (2008) and Padgett et al. (2019) from multiple Irish Sea colonies demonstrate very little or no diurnal (daytime), nocturnal (night-time) or crepuscular (dawn and dusk) usage of the Liverpool Bay and / or AyM array area by Manx shearwater. The species' preferred foraging areas appear to be further offshore in the central Irish Sea with a very limited number of tracks into the Liverpool Bay area. Therefore, the Applicant is confident that the low abundances of Manx shearwater recorded in the site-specific aerial digital surveys are representative of nocturnal and crepuscular abundances and reflect the site's unimportance as a foraging or commuting region for Manx shearwater.</p> <p>Therefore, the Applicant remains confident in the conclusions, as agreed with NRW, that the collision risk to Manx shearwater as a result of AyM is very low and there is no potential for an adverse effect on the integrity of the Manx shearwater feature of any designated site.</p>
REP1-090-4.19	Manx shearwater can be active throughout the day and night and with different levels of activity at different times. For example for birds tracked from Skomer, diving occurred during the day and peaked in the evening (Shoji et al., 2016 <sup>67</sup> ), while nocturnal foraging was observed from tracking of birds from High Island, Ireland (Kane et al., 2020 <sup>68</sup> ). These diel variations in activity mean that the somewhat limited amount of time aerial surveys were carried out, restricted to the hours of full light are unlikely to properly characterise the activity of Manx shearwater at the Application site. these have generally taken place between	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>mid-morning and mid-afternoon. For these reasons the RSPB does not have confidence in the baseline densities of Manx shearwater presented, and therefore it is impossible to make any conclusions as to the significance of impacts.</p> <p>(67 - Shoji, A., Dean, B., Kirk, H., Freeman, R., Perrins, C. M., &amp; Guilford, T. (2016). The diving behaviour of the Manx Shearwater Puffinus puffinus. Ibis, 158(3), 598-606</p> <p>(68 - Kane, A., Pirotta, E., Wischnewski, S., Critchley, E. J., Bennison, A., Jessopp, M., &amp; Quinn, J. L. (2020). Spatio-temporal patterns of foraging behaviour in a wide-ranging seabird reveal the role of primary productivity in locating prey. Marine Ecology Progress Series, 646, 175-188)</p>	
REP1-090-4.20	<p>The concerns around the impact of offshore wind have been highlighted in a recent Offshore Wind Strategic Research and Monitoring Forum (OWSMRF) workshop which identified these species as of growing importance and a potential future consent risk to the Offshore Wind sector as there is currently limited understanding of key aspects of the life history, distribution and interaction of these species with offshore wind<sup>69</sup>.</p> <p>(69 - <a href="https://jncc.gov.uk/our-work/owsmrf/">https://jncc.gov.uk/our-work/owsmrf/</a>)</p>	
REP1-090-4.21	<p>Gannet</p> <p>In order to assess the mortality that could arise from avian collisions with turbine blades, the Applicant has used the stochastic version of the Band Collision Risk Model (sCRM)<sup>70,71</sup> and presented this in ES Volume 4 Annex 4.3 Offshore Ornithology Collision Risk Modelling<sup>72</sup> This approach is welcomed by the RSPB. This method combines a series of parameters describing the turbine design and operation with estimates of a bird's size and behaviour to generate a predicted number of birds that would collide with a turbine over a given time period. The stochastic formulation was initially developed by Masden (2015)<sup>73</sup> and then produced in an easier to use interface by McGregor et al, (2018)<sup>74</sup>. The stochastic version allows for some account of uncertainty and variability in parameters to be made.</p> <p>(70 - Band, B. 2012. Using a Collision Risk Model to Assess Bird Collision Risks for Offshore Wind Farms. Report by British Trust for Ornithology (BTO). Report for The Crown Estate)</p>	<p>The Applicant has addressed the individual concerns raised by the RSPB separately below in response to REP1-090-4.2.3.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>(71 - McGregor, R.M., King, S., Donovan, C.R., Caneco, B. and Webb, A. (2018) A Stochastic Collision Risk Model for Seabirds in Flight. Report to Marine Scotland Science)</p> <p>(72 - APP-097 6.4.4.3 Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling)</p> <p>(73 - 3 Masden, E. (2015). Scottish Marine and Freshwater Science Vol 6 No 14: Developing an avian collision risk model to incorporate variability and uncertainty. Published by Marine Scotland Science. DOI: 10.7489/1659-1. <a href="http://www.scotland.gov.uk/Resource/0048/00486433.pdf">http://www.scotland.gov.uk/Resource/0048/00486433.pdf</a>)</p> <p>(74 - McGregor, R.M., King, S., Donovan, C.R., Caneco, B. and Webb, A. (2018) A Stochastic Collision Risk Model for Seabirds in Flight. Report to Marine Scotland Science)</p>	
REP1-090-4.22	<p>The input parameters related to bird size and behaviour include a parameter known as "Avoidance Rate". This is defined by Band (2012)<sup>75</sup> as the inverse of the ratio of the number of actual collisions to number of predicted collisions. As such "Avoidance Rate" is a misnomer; it is a catch all term for the inconsistency between predicted and actual mortalities, an inconsistency that can be derived from a variety of sources, including avoidance behaviour per se, survey error and model misparameterisation.</p> <p>(75 - Band, B. 2012. Using a Collision Risk Model to Assess Bird Collision Risks for Offshore Wind Farms. Report by British Trust for Ornithology (BTO). Report for The Crown Estate)</p>	
REP1-090-4.23	<p>The Applicant has used Avoidance Rates (see above) in the sCRM, as recommended by the Statutory Nature Conservation Bodies (SNCBs 2014<sup>76</sup>) including Natural England. Whilst the RSPB agree with the majority of the advised rates including the use of a 98.9% avoidance rate for non-breeding gannets, in our opinion, a 98% avoidance rate is more appropriate for breeding gannets. This is because the figures used for the calculation of avoidance rates advocated by the SNCBs are largely derived from the non-breeding season for gannet<sup>77,78</sup>. During the breeding season, gannets are constrained to act as central placed foragers meaning they return to the colony after feeding in order to maintain territories, incubate eggs and provide for chicks. Once chicks have fledged adult gannets remain at sea and no longer visit the colony.</p>	<p>Input parameters for collision risk assessment were consulted upon and agreed during the evidence plan process. It was concluded that in relation to avoidance rates the Applicant should follow Joint SNCB (2014) guidance, which is to assess gannet using an avoidance rate of 98.9% for all seasons.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Differences in behaviour between the breeding and non-breeding season are likely to result in changes in avoidance behaviour.</p> <p>(76 - Joint Nature Conservation Committee (JNCC), Natural England (NE), Natural Resource Wales (NRW), Northern Ireland Environment Agency (NIEA), Scottish Natural Heritage (SNH) 2014, Joint Response from the Statutory Nature Conservation Bodies to the Marine Scotland Science Avoidance Rate Review)</p> <p>(77 - Cook, A S C P, Humphreys, E. M., Masden, E. A., &amp; Burton, N. H. K. 2014. The Avoidance Rates of Collision Between Birds and Offshore Turbines. Edinburgh)</p> <p>(78 - Cook, A.S.C.P., Humphreys, E.M., Bennet, F., Masden, E.A., Burton, N.H.K. 2018 Quantifying avian avoidance of offshore wind turbines: Current evidence and key knowledge gaps. Marine Environmental Research, 140, 278-288)</p>	
REP1-090-4.24	<p>There is evidence that the foraging movements and behaviour of gannets will vary in relation to stage of the breeding season in response to changes in the distribution and abundance of prey and changing constraints as they progress from pre-laying to chick-rearing<sup>79</sup>. GPS tracking of gannets breeding on the Bass Rock between 2010 and 2021 has shown variation in the two-dimensional foraging behaviour of birds across the breeding season (prior to chick-rearing and during chick-rearing), between sexes, and between years<sup>80,72,81</sup>. Three-dimensional tracking of gannets during chick-rearing has also revealed that flight height and flight speed both vary according to behaviour, sex and wind conditions<sup>82,83,84</sup> and similar patterns have been recorded in other seabirds<sup>85</sup> Because any error in the use of flight height and flight speed as input parameters in the sCRM should be corrected for in the use of the Avoidance Rate, any seasonal variation in these parameters should also be reflected in variation in the Avoidance Rate, in the absence of any actual evidence from the breeding season.</p> <p>(79 - Lane, J.V., Jeavons, R., Deakin, Z., Sherley, R.B., Pollock, C.J., Wanless, R.J., Hamer, K. C., 2020. Vulnerability of northern gannets to offshore wind farms; seasonal and sex specific collision risk and demographic consequences. Marine Environmental Research. 162)</p> <p>(80 - Cleasby, I.R., Wakefield, E.D., Bodey, T.W., Davies, R.D., Patrick, S.C., Newton, J., Votier, S.C., Bearhop, S., Hamer, K.C. 2015a. Sexual segregation in a wide-ranging marine predator is a consequence of habitat selection. Marine Ecology Progress Series, 518, 1-12.)</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>(81 - Lane, J.V. and Hamer, K.C. 2021. Annual adult survival and foraging of gannets at Bass Rock, Scotland: Report to the Ornithology subgroup of the Forth and Tay Regional Advisory Group (FTRAG-O) –October 2021)</p> <p>(82 - Cleasby, I.R., Wakefield, E.D., Bearhop, S., Bodey, T.W., Votier, S.C., Hamer, K.C., 2015b. Three-dimensional tracking of a wide-ranging marine predator: flight heights and vulnerability to offshore wind farms. <i>Journal of Applied Ecology</i>, 52, 1474–1482)</p> <p>(83 - Lane, J.V., Spracklen, D.V., Hamer, K.C., 2019. Effects of windscape on three-dimensional foraging behaviour in a wideranging marine predator, the northern gannet. <i>Marine Ecology Progress Series</i>, 628, 183–193.)</p> <p>(84 - Lane, J.V., Jeavons, R., Deakin, Z., Sherley, R.B., Pollock, C.J., Wanless, R.J., Hamer, K. C., 2020. Vulnerability of northern gannets to offshore wind farms; seasonal and sex specific collision risk and demographic consequences. <i>Marine Environmental Research</i>. 162)</p> <p>(85 - Masden, E.A., Cook, A.S.C.P., McCluskie, A., Bouten, W., Burton, N.H.K, Thaxter, C. 2021. When speed matters: the importance of flight speed in an avian collision risk model. <i>Environmental Impact Assessment Review</i>, 90)</p>	
REP1-090-4.25	<p>Further to advice from Natural England, the Applicant has applied a reduction of 60-80% to the baseline densities inputted into the gannet collision risk modelling in order to account for macroavoidance in Appendix 4 of ES Volume 4 Annex 4.3<sup>86</sup>. This approach follows suggestions in Cook (2021<sup>87</sup>), the recommendations from which have not yet been formally adopted by the SNCBs. Cook (2021) is currently being reviewed and revised by two projects, one funded by JNCC and one by Natural England. Until these projects have reported, the RSPB do not accept this approach.</p> <p>(86 - APP-097 6.4.4.3 Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling)</p> <p>(87 - Cook A.S.C.P. (2021) Additional analysis to inform SNCB recommendations regarding collision risk modelling. BTO research report 739)</p>	<p>In relation to macro avoidance, the Applicant was aware during the preparation of the ES that guidance documents were being drafted in relation to updated guidance on the inclusion of macro avoidance within collision risk assessments for gannet. The Applicant, therefore, consulted with SNCBs during the evidence plan process to agree on a suitable approach for the inclusion of macro avoidance in order to future proof assessments ahead of the guidance being issued and in the event such guidance may be published ahead of the AyM ES submission. The conclusion of this was to present an assessment of gannet based on reduced monthly seabird densities to account for macro avoidance as presented within Appendix 4 of Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling of the ES (APP-097). This advice is being routinely provided to other UK OWF assessments of collision risk for gannets as the guidance paper is still pending publication (as of 1<sup>st</sup> November 2022).</p>
REP1-090-4.26	<p>The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds<sup>28</sup>. The evidence for macro avoidance during the breeding season is limited with the exception of a study of gannets breeding on</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>Helgoland<sup>88</sup> in the German North Sea. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. Below we reproduce Figure 2 from this paper showing tracked gannets' movements in respect to wind farms. While some show clear avoidance others do not and may even be attracted to the wind farm.</p> <p>(88 - Peschko, V., Mendel, B., Mercker, M., Dierschke, J., &amp; Garthe, S. (2021). Northern gannets (<i>Morus bassanus</i>) are strongly affected by operating offshore wind farms during the breeding season. <i>Journal of Environmental Management</i>, 279, 111509.)</p>	
REP1-090-4.27	<p>In the Cook (2021) report that suggests the application of macro avoidance to baseline densities, the suggestion is based on reviews that do not include this German tracking study, although it does acknowledge that it shows clear differences between individuals in relation to their response to wind farms. The previous gannet recommended avoidance rate was based on 'all gulls' data because no gannet data were available. The evidence of macro avoidance of gulls in response to wind farms is equivocal, so this rate was only calculated from 'within wind farm' avoidance. As gannets can show macro avoidance it therefore was suggested that this was applied to the baseline densities, and then collision risk modelling was carried out using the 'all gull' avoidance rate, so effectively applying avoidance twice. In response to this suggestion Natural England commissioned a further review of gannet avoidance rates, including whether macro avoidance should be incorporated in this way but this has not yet been reported. In the absence of having this report, the recommendations from it should not be acted upon, and the suggestions in Cook (2021) should not be taken up without the context of this review.</p>	
REP1-090-4.28	<p>Notwithstanding the above, the RSPB does not agree with the approach for two reasons. Firstly, it does not take into account the likely seasonal variation in macro avoidance as described above. Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as gannets have much lower flight manoeuvrability than</p>	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>gulls<sup>89</sup>. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if any further changes are to be made.</p> <p>(89 - Furness, R. W., Wade, H. M., &amp; Masden, E. A. (2013). Assessing vulnerability of marine bird populations to offshore wind farms. <i>Journal of environmental management</i>, 119, 56-66)</p>	
REP1-090-4.29	<p>Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance<sup>90</sup> and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 2009<sup>91</sup>), and the imperfect detection of these corpses indicate that there may be many more.</p> <p>(90 - Vanermen, N.; Courtens, W.; Van de walle, M.; Verstraete, H.; Stienen, E. 2021. Macro-avoidance of GPS-tagged lesser black-backed gulls and potential habituation of auks and gannets. In Degraer, Brabant, Rumes &amp; Vigin (eds) 2021. <i>Environmental Impacts of Offshore Wind Farms in the Belgian Part of the North Sea, avoidance and habitat use at various spatial scales</i>. Brussels: Royal Belgian Institute of Natural Sciences, OD Natural Environment, Marine Ecology and Management)</p> <p>(91 - Rothery, P., Newton, I., &amp; Little, B. (2009). Observations of seabirds at offshore wind turbines near Blyth in northeast England. <i>Bird Study</i>, 56(1), 1-14)</p>	
REP1-090-4.30	<p>Subsequent to carrying out the collision risk modelling for gannet, the Applicant has not fully apportioned the gannet collision impacts to any of the SPAs that are within foraging range of the site only providing a "worked example", nor have they carried out an assessment of the implications of the mortality arising from collisions on these SPAs populations via population viability analysis. Due to these methodological concerns the RSPB consider that it is not currently possible to rule out adverse impacts upon gannet occurring within the study area from the following SPAs:</p> <ul style="list-style-type: none"> <li>▲ Grassholm SPA</li> <li>▲ Ailsa Craig SPA</li> <li>▲ Saltee Islands SPA</li> </ul>	<p>As requested by JNCC in their response to the Marine Licence consultation, the Applicant intends to submit all apportionment sheets within a clarification note to NRW in the Applicant's response to Marine Licence consultation. The Applicant did not undertake PVA for assessment of the gannet feature of Grassholm SPA, Ailsa Craig SPA and Saltee Islands SPA due to the predicted level of impact from AyM in combination with other consented projects resulting in an increase in the baseline mortality rate of each colony being less than a 1% increase per annum. It is common practice for impact assessments to only undertake population modelling through the use of PVA when an impact level reaches a 1% increase relative to the baseline mortality rate. Therefore,</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-090-Figure 2	<p>"Figure 2": from Peschko et al 2021<sup>92</sup> showing flight of tagged birds from Heligoland (indicated by a star) in the vicinity of wind farms (outlined in black). Original figure legend is: "Flight behaviours of gannets tagged in 2015 (n = 10) (a) and 2016 (n = 15) (b) that 'predominantly avoided' the OWFs (all individuals shown in the same colour). Gannets tagged in 2015 (n = 2) (c) and 2016 (n = 1) (d) that were classified as 'attracted individuals' (individuals shown in different colours). (e) &amp; (f) Large-scale movements of individuals shown in (c) and (d). OWFs: dashed black = under construction, solid black = operating, dark green line = 15 km buffer applied for PPM analysis." FIGURE 2 CAN BE FOUND ON PAGE 30 (92 - Peschko, V., Mendel, B., Mercker, M., Dierschke, J., &amp; Garthe, S. (2021). Northern gannets (<i>Morus bassanus</i>) are strongly affected by operating offshore wind farms during the breeding season. <i>Journal of Environmental Management</i>, 279, 111509.)</p>	<p>as the level of impact from AyM alone and in-combination is well under 1% it can be considered indistinguishable from natural fluctuations in the population and therefore an AEol could be confidently ruled out without the need for PVA to be undertaken.</p>
REP1-090-4.31	<p>Highly Pathogenic Avian Influenza (HPAI)</p> <p>A new virulent form of bird flu, Highly Pathogenic Avian Influenza (HPAI), that originated in poultry in east Asia has now killed tens of thousands of wild birds in the UK and around the world. First confirmed in Britain during winter 2021/22, it has had major impacts on populations of seabirds across Scotland, and there have been an increasing number of confirmed cases appearing across England, including east coast seabird colonies. At the Farne Islands in Northumberland, thousands of seabirds have died. Confirmed cases have also been recorded in Wales. At Grassholm SPA gannetry it has now been confirmed in a number of specimens from dead gannets and birds are continuing to die.</p>	<p>With respect to Highly Pathogenic Avian Influenza (HPAI), it should be noted that the site-specific aerial digital surveys used to characterise the baseline for AyM were collected prior to the first confirmed cases in Britain during winter 2021/22. As detailed within Section 4.5.2 of the Offshore Ornithology chapter of the ES (APP-050) with regards to the future baseline for AyM, there is potential for the numbers of marine birds occurring within the study area over the operational period of the project to change in accordance with any changes to the wider BDMPS population, due to external factors such as HPAI or climate change. Where such changes may occur, this would not affect the conclusions of the EIA and HRA assessments, as any change in the wider BDMPS population would also result in the same degree of change to the baseline for AyM. This aligns with the recent guidance note on HPAI published by Natural England (Natural England, 2022).</p>
REP1-090-4.32	<p>It is currently unclear what the population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development.</p>	
REP1-090-4.33	<p>Population Viability Analysis</p> <p>The Applicant did not carry out Population Viability Analysis for gannet. The RSPB would prefer that this was now carried out, to considering the likely</p>	<p>Please see Applicant's response to REP1-090-4.30.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	mortality arising from the outbreak of Highly Pathogenic Avian Influenza on the local and regional populations	
REP1-090-4.34	Finally, the RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.	This is noted by the Applicant. The Applicant will continue to engage with RSPB throughout the Examination process via the SoCG between the Applicant and RSPB.

## 2.12 REP1-095 – Trinity House

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-095-1.1	<p>Article 44 Arbitration</p> <p>Trinity House notes that Article 44 of the draft DCO makes provision in respect of Arbitration. It provides that any difference under any provision of the DCO, unless otherwise provided for, must be referred to and settled in arbitration</p>	A36 ensures there is no interference with Trinity House's statutory rights, duties and privileges. To the extent that these are not interfered with, Trinity House will be subject to the provisions of A44 (and also A43 in respect of Requirements).
REP1-095-1.2	Trinity House is concerned that the exercise of its statutory functions to provide for safety of navigation, including the requiring of the marking and lighting of potential obstructions during the construction, operation, maintenance and possible decay of the works authorised by the proposed DCO, might be regarded as being subject to the Arbitration provisions in the DCO.	The wording of A36 clearly states that 'nothing in [the] Order' shall prejudice or derogate from Trinity House's rights, duties or privileges. Making this change to A44 is therefore not necessary as it is already provided for in A36.
REP1-095-1.3	The "saving" provision included in the draft DCO at Article 36 is intended to preserve Trinity House's ability to exercise its statutory functions. Nothing in the DCO should, in our view, fetter the statutory powers of Trinity House in respect of DCOs and Marine Licences, to give direction in terms of aids to navigation requirements and for the prevention of danger to navigation.	See the Applicant's response to REP1-095-1.2.
REP1-095-1.4.a	<p>We consider therefore that it is important that there is clarity that the saving for Trinity House in the DCO, if adopted, should also not be subject to any other provision in the draft DCO. Trinity House would therefore submit that Article 44(1) (Arbitration) of the draft DCO should be amended as follows:-</p> <p><b>44.—(1) Any</b> Subject to article 36 (saving provisions for Trinity House), any difference under any provision of this Order, unless otherwise provided for, is to be referred to and settled in arbitration in accordance with the rules at Schedule 12 (arbitration rules) of this Order, by a single arbitrator to be agreed upon by the parties, within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State.</p>	See the Applicant's response to REP1-095-1.2.
REP1-095-1.4.b	(2) For the avoidance of doubt, any matter for which the consent or approval of the Secretary of State is required under any provision of this Order is not subject to arbitration.	See the Applicant's response to REP1-095-1.2.

## 2.13 REP1-101 - Davis Meade Property Consultants on behalf of Mr G and Mrs ME Hughes

11 Davis Meade Property Consultants provided an appended drawing detailing the location of the effected agricultural land owned by Mr G and Mrs ME Hughes.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-101-0.1	Further to the relevant representation lodged on 27/06/22 the following supplemental written representations are submitted in respect of our client, being the owners of agricultural land to the south of Glascoed Road , Groesffordd Marli (shown for identification purposes only edged in purple on the appended drawing) which is proposed to be adversely affected by the above mentioned Awel y Môr Scheme (by means of the intended cable route and temporary compound area )-: . (MAP PROVIDED ON PAGE 3)	This is noted by the Applicant.
REP1-101-1	Whilst the principle for renewal energy requirements is accepted our client is not supportive of their land being impacted for the following reasons -: 1. The proposed cable corridor will sterilise a significant proportion of the subject parcel and also reduce the prospects for any long-term development potential for the remainder of the enclosure.	The Applicant notes that land to the south of Glascoed Road that is within the DOL is not within the Development Boundary nor is it allocated within the DCC Local development Plan.  The ES Volume 1, Chapter 4: Site Selection and Alternatives (APP-044) sets out that the Applicant has engaged with the Planning Policy team at DCC regarding allocations within the current and emerging Local Development Plans. This included consideration of potential interaction with Local Development Plan candidate sites. The Order Limits avoids both current and potential allocations in this area.
REP1-101-2	2. Clarification is required on whether part of the land (directly adjoining Glascoed road) [being plot number 427 on the DCO Land Plans (and forming part of work no 34) ], is earmarked for the <b>creation of a new temporary or new permanent visibility splay</b> and improvement of existing visibility splays <b>[and the associated position regarding whether the existing field roadside boundary will be impacted (and if so detail will be needed on whether the 'splay' area, if permanent ,is proposed to be acquired (and the position as regards to new boundary installation ,location and type, in order for the subject parcel to remain livestock proof ) or if a form of perpetual obligation is intended to be imposed to preclude any impact on visibility) .</b>	The works in this location will be subject to detailed design of the substation access in consultation with DCC. The Applicant considers that there would be a perpetual obligation to keep any visibility zone clear from obstruction and any existing planting could be replaced by post and wire fencing.
REP1-101-3	3. There is objection to any established trees ,applicable to our client's subject land ,being felled for environmental reasons and to assist with enabling our client to meet the requirements to have at least 10% tree cover on their farm to qualify for the proposed Welsh Government Sustainable Farming scheme .	The Applicant confirms there are no proposals to remove areas of woodland as a result of AyM. There is potential for loss of hedgerows trees and individual trees. Where temporary hedgerow loss is proposed (other than for purpose of permanent visibility splay), compensation will

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>be provided by re-instating native, species-rich hedgerows with trees, and including ditches where these were also present originally. Hedges will be reinstated at their original location and comprise a locally appropriate mixture of at least seven woody species and including heavy standard trees at a 3:1 ratio for any lost. Trees and deep rooted plants will not be planted in the permanent cable easement area to avoid the risk of damage to the cable by their roots or within any permanent visibility splays.</p>
REP1-101-4	<p>4. The parcel would be temporarily severed during the intended scheme, and ,in consequence, it is envisaged that it would not be practical to farm the entire field area during the project.</p>	<p>The comments are noted. The Applicant is in ongoing discussions with the owner and their agent.</p>
REP1-101-5	<p>5. Based on experience with other land previously affected by utility installations our client has significant concerns that the affected part of the agricultural parcel will be subjected to lasting disturbance regardless of how well the reinstatement is undertaken (and that the provisions for statutory compensation will not fully recompense the ensuing loss of productive capacity). As it is heavy land it is considered imperative that topsoil , subsoil and the boulder clay are all kept separate within our client's land and are reinstated in sequence (of boulder clay followed by sub soil and then topsoil). Also, that topsoil is removed and a suitable membrane installed before any use takes place for 'compound' and haul road purposes.</p>	<p>The outline Soil Management Strategy proposes that Soil Condition Surveys are completed to inform the final Soil Management Plan to agree methods for protection of soils during construction. The final Soil Management Plan will include measures to prevent mixing of topsoil and subsoil and also for reinstatement of soils. This will enable reinstatement to be undertaken and for the soils to be returned to arable cultivation. The soil condition surveys and discussions with the landowner will assist in determining the extent of reinstatement measures and soil treatments required.</p>

## 2.14 REP1-103 - Davis Meade Property Consultants on behalf of Mr JB and Mrs E Evans

13 Davis Meade Property Consultants provided an appended drawing detailing the location of the effected land owned by Mr JB and Mrs E Evans and several annotated locations referred to in the written representation.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-103-0.1	Further to the relevant representation lodged on 27/06/22 the following supplemental written representations are submitted in respect of our client, being the owners of Faenol Bropor farm (and whom together with their son Mr Emyr Evans operate the agricultural enterprise) which is proposed to be adversely affected, to a most significant degree, by the above mentioned Awel y Môr Scheme (by means of the intended cable route and also the construction of a proposed substation thereon)-:	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-103-1	1.Whilst the principle for renewal energy requirements is accepted there is objection to the inevitable devastating impact that the proposed scheme will have on the viability of Faenol Bropor agricultural unit (being the 'property' shown for identification purposes only edged in red on the attached 'option plan') and accordingly the associated enterprise, given it is proposed that in excess of 54% ( up to 83.01acres /33.59 ha) of 'prime' agricultural land is to be acquired to locate a substation (together with 'mitigation/ bio diversity enhancement ') and a further 6% ( 9.55 Acres/3.86 ha) is earmarked for 'temporary occupation and use'( potentially ,it is currently anticipated ,up to 2030 ) in respect of the intended cable corridor and outfall pipe (in aggregate extending to over 60% of the farm).	
REP1-103-2	2.Given that the land required for the permanent substation itself is understood to be 12.36 acres ( 5.00 ha) ,and bio diversity net gain of 10% is perceived to be the 'norm'( whilst effective screening of the proposed development is regarded as imperative), it is considered that the total area of land allocated for acquisition is excessive (bearing in mind that a significant proportion of the subject area is classified as Grade 3a and therefore bio-diversity enhancements disproportionately compete with effective land needed for food production).	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> <li>▲ The area provides compensation for permanent loss of foraging habitat for Great Crested Newts as a result of development of the OnSS (up to 5Ha), and access road to the OnSS. This is required so that the proposals would not be detrimental to the favourable conservation status of this protected species. There is a well recorded population at St Asaph Business Park. GCN is protected through its inclusion in Schedule 5 of the Wildlife and Countryside Act and in Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is also a S7 species. Glascoed Nature Reserve at the extreme southwest of the business park includes numerous breeding ponds and is managed for the benefit of the species. Mitigation for GCN has been and remains an integral part of the development of the business park.</li> <li>▲ In line with the principles set out in the oLEMP (APP-305; Document 2.10 of the Applicant's Deadline 2 submission), the Permanent loss of hedgerows at the OnSS, which may be used by sheltering GCN, will be compensated via creation of new broadleaved woodland and species rich hedgerows comprising locally appropriate species. These will be located so as to link or buffer existing woodlands, scrub and hedgerows.</li> <li>▲ There is a need for compensation for loss of bat roosts as a result of the OnSS. Compensation measures for confirmed roost loss would be within the Core Sustainance Zone of the species concerned.</li> <li>▲ There is a requirement to provide landscape planting around the substation as visual mitigation for surrounding receptors</li> <li>▲ The provision of permanent landscape and ecological mitigation in the same location represents a more efficient mitigation proposal that reduces the overall long-term land-take of the project</li> <li>▲ The Mitigation proposals are considered satisfactory by DCC and NRW</li> </ul> <p>The Applicant acknowledges there would be loss of land identified as ALC Grade 3A and this is incorporated within the EIA.</p>
REP1-103-3	<p>3. Whilst item 8 (Schedule 2) of the Draft DCO is noted there is concern that information on location and type of permanent screening from Faenol Bropor homestead against adverse visual impact together with noise and light pollution (during construction and post development) together with vibration management (during scheme operations) is regarded as somewhat non-specific. Requests to arrange a site meeting and for further comprehensive information to address associated concerns (and for inclusion of coniferous species as part of the proposed woodland mixture-so as to enhance screening during the winter) are not being accommodated . Also, visualisation drawings</p>	<p>The Applicant has provided an outline Noise and Vibration Management Plan (NVMP) (an updated version of which has been provided at Document 2.20 of the Applicant's Deadline 2 submission) that describes suitable measures and management procedures to control and limit noise and vibration levels, and to minimise disturbance to residents and sensitive receptors as far as reasonably practicable.</p> <p>The Final NVMP will be developed following detailed design and will include proposals for acoustic screens and other measures to reduce</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>from Faenol Bropor homestead do not depict the effectiveness of screening during winter months or adequately, for the duration, from planting to maturity .</p>	<p>construction noise. The Final NVMP would need to be approved by DCC before construction commences, as secured by DCO R10 and the landowners would be welcome to contribute to those discussions.</p> <p>In addition, the Applicant has submitted an outline artificial Light Emissions Plan (ALEP) (APP-322; Document 2.45 of the Applicant's Deadline 2 submission) which sets out techniques aimed at minimising the emission of artificial light which will be implemented by the Applicant and its contractors during the construction of the onshore works. The final ALEP would be approved by DCC under DCO R10</p> <p>The Applicant believes that the reference to requests to arrange a meeting is in relation to meeting the approving authority referred to above, being DCC, to discuss their preferences on screening species selection as part of the final design of the screening. The Landowner would be welcome to contribute to discussions held as part of agreeing the final design of the proposed planting with the Applicant and DCC but no on site meetings are expected in this regard until detailed design stage. For the avoidance of doubt, face to face meetings have been held between the Applicant and their agent and this landowner and their agent in relation to voluntary land negotiations and these discussions are ongoing.</p> <p>The Applicant confirms that the proposed planting is shown in leaf and illustrates this between spring and autumn in the most straightforward manner possible in order to illustrate the mitigation planting, given the level of information currently being assessed in terms of the project and presented in the mitigation proposals. This could have been more simply portrayed as a dashed line to indicate the potential height of planting at Year 15 as was shown in the visualisations included in the S42 consultation submission, and in a similar manner to the rest of the parameters shown in the LVIA.</p> <p>It is acknowledged that the proposed planting is therefore different in appearance to the existing planting in the photography.</p> <p>It is also considered that given the depth and density of woodland proposed for the OnSS, that the mitigation potential of the woodland planting would be very similar in winter months and therefore the visualisations are representative of the worst-case scenario.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-103-4	4.As screening will be located on the proposed acquisition land, whilst item 9 (Schedule 2) of the draft DCO is noted, there is concern as to what obligations will exist after year 5 for maintenance /replacement of damaged or diseased trees . Accordingly ongoing perpetual obligations ,in this regard , is considered necessary for inclusion in the Development Consent Order.	Planning control ensures mitigation of operational phase effect via the landscaping scheme (DCO R8)  Long term management and maintenance for landscaped areas around the substation would be agreed with DCC via the final LEMP secured under DCO R13. Given this affords control over the type of maintenance and timescales for maintenance of the area around the OnSS for the lifetime of the project and so it is not considered necessary to amend the DCO.
REP1-103-5	5.As regards to damaging the viability of retained land ( <b>being all the property excluding that tinted red on the accompanying 'option plan'</b> ) , laying infrastructure (such as cables) at a depth of 0.75m below ground level will limit the ability to effectively subsoil and/or mole-plough ,when needed to address compaction to maintain natural drainage. Such apparatus should therefore be installed at a minimum of 0.9 m below surface level (to accord with, what is regarded as 'established standard practice with such schemes ' ) to mitigate impact on productive capacity . Furthermore , where excavations apply it is considered imperative that topsoil , subsoil, and the boulder clay are all kept separate within our client's land and are reinstated in sequence (of boulder clay followed by sub soil and then topsoil) with the aim of protecting the structure of the soil strata.	The outline Soil Management Plan (APP-316; Document 2.33 of the Applicant's Deadline 2 submission) sets out the approach to excavations and soil management as well as storage arrangements to minimize damage to disturbed soils and measures to avoid mixing of stored soils. The final SMP will set out the reinstatement measures to return the working area to pre-existing condition as far as reasonably practical in line with Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra 2009). The depth of cable comment is noted and is subject to ongoing negotiations.
REP1-103-6	6.Also, clarification as to depth of cables below existing drainage ditches on retained property is required given the need for ongoing future maintenance operations to the watercourses.	In the case of ditches (that are not main rivers or ordinary watercourses), the depth and design of cable crossing (i.e. depth of ducts beneath the base of the ditch), would be identified in discussion with the relevant landowner on a case by case basis. Ditches that are main rivers would need to be agreed with NRW, and ditches that are ordinary watercourses would need to be agreed with DCC. In addition, a surface water drainage scheme for the onshore ECC works will be informed by detailed design and provided for approval by DCC prior to construction
REP1-103-7.a	7.It is also considered that the Applicant (at own expense) is obligated to reasonably arrange for -:  a) ditches and culverts on Faenol Bropor retained land to be suitably upgraded (to our client's reasonable satisfaction) to duly accommodate ground and	The Substation Flood Consequences Assessment and Outline Drainage Strategy will determine the extent of work required (APP-138; REP1-044; REP1-045)

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	surface water discharging in consequence of the proposed development (so as to prevent land saturation and flooding).	
REP1-103-7.b	b) a 4m gated access to apply from the right of way extending from point C to the residual severed parcel to the south of point B ,as shown for identification purposes only , on the accompanying Option Plan .	This is noted by the Applicant.
REP1-103-8.a	<p>Comprehensive provisions for remediation together with post development compensation (for damage and loss reasonably sustained) need to be included in the Development Consent Order -:</p> <p>a)given concerns apply to interruption of existing drainage systems benefiting Faenol Bropor , owing to effective flood alleviation measures having been formerly implemented .Also specific design information is required to be made available for technical scrutiny and modification if deemed reasonable by an independent Drainage consultant (commissioned at the Applicant's expense) .</p>	<p>The Outline Soil Management Plan (APP-316; Document 2.33 of the Applicant's Deadline 2 submission) confirms that that Soil Condition Surveys will be undertaken to inform a final Soil Management Plan that will confirm methods for protection of soils during construction and reinstatement. DCO R17 secures reinstatement within 6 months of the completion of construction and in accordance with details approved by DCC.</p> <p>The Substation Flood Consequences Assessment and Outline Drainage Strategy will determine the extent of work required (REP1-044 and REP1-045).</p>
REP1-103-8.b	b)as regards to all disrupted services benefiting our clients retained property at Faenol Bropor (to include ,amongst others the private water supply from a well source located on land proposed to be acquired for the development ). Specifically, also, there is an underground telephone cable installed alongside the driveway leading to the homestead within the Order limits corridor which requires to be protected (and remedied forthwith if damaged).	<p>The Applicant is not aware that the well is registered as a private water supply as this was not included within the information on private water supplies provided by DCC. It is understood that the supply is non-potable.</p> <p>More extensive detail of the well's management and use is required to ensure any construction activities can be designed and managed to minimise any impacts.</p> <p>Protective Provisions will apply to third party utilities, including telecommunications providers, to ensure these are protected during construction of the proposed development.</p>
REP1-103-9	9.Access for all purposes requires to be maintained along the existing driveway leading to Faenol Bropor homestead throughout and subsequent to the proposed development.	This is understood by the Applicant and access will be maintained as set out in the Traffic Management Plan (Document 2.39 of the Applicant's Deadline 2 submission).
REP1-103-10	10.Detailed provisions need to be included in the Development Consent Order as to the applicant (and assigns ) being responsible for the installation (where appropriate) and maintenance of all boundaries between the area(s) proposed to be acquired (as shown tinted in red on the accompanying option	The general principle of installing and maintaining new boundaries is accepted and is the subject of ongoing discussions with the landowner's agent. The Applicant considers that this point of detail is most

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	plan) and Faenol Bropor retained property to a livestock (cattle and sheep) proof standard (to our clients reasonable requirements) .	appropriately addressed in the voluntary agreement negotiation at this time.
REP1-103-11	11.Provision is required to be contained within the Development Consent Order for a right of way for all purposes , for the benefit of Faenol Bropor retained property , from A-B-C as shown ,for identification purposes only ,on the accompanying 'option Plan' (in order to mitigate access disruption for farming operations).	The general principle of the right of way referred to is accepted and is the subject of ongoing discussions with the landowner's agent. The Applicant considers that this point of detail is most appropriately addressed in the voluntary agreement negotiation at this time.
REP1-103-12	12.Detailed information as to proposed location & dimension of surface intrusive apparatus such as manholes is required at the earliest opportunity, pre - development (with such apparatus to be kept to the minimum and sited to cause least disruption of farming operations ).	Comments noted. Further information will be available at detailed design stage and will be discussed with the landowner at that time.
REP1-103-13.a	13.In respect of negotiations involving proposed voluntary documentation -: a. detailed clarification and justification is required as regards to 'Environmental Mitigation Works' and intrusive surveys prior to completion of acquisition.	Environmental surveys, including ecological, archaeological, arboricultural and soil condition surveys will be required prior to construction commencement to further inform detailed design and final mitigation works.
REP1-103-13.b	b. the applicant needs to promptly and duly comply with all due diligence requirements attributed to Money Laundering & Terrorist Financing & Transfer of Funds (Information on the payer) Regulations 2017 (as amended)	The Applicant is liaising with the Landowner's Agent to provide necessary due diligence information.

## 2.15 REP1-093 - Joint LPA Response to LVIA and SLVIA

14 The North Wales LPAs also submitted a joint review of the SLVIA and LVIA (REP1-091) which the Applicant has responded to separately in Document 2.6 of the Applicant's Deadline 2 submission.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-0.1	Please find below our collective response to the SLVIA and LVIA submitted with the DCO application for the proposed Awel y Môr Offshore Wind Farm (AyM OWF). Following an extension of a funding opportunity presented by RWE, the LUC was appointed once again by a group of seven North Wales Local Planning Authorities in August 2022 to undertake an updated review of SLVIA/LVIA matters with regards to the Awel y Môr Offshore Wind Farm (AyM OWF). The LUC had previously been appointed by the group in July 2021 to undertake a review during the PEIR stage, which was submitted alongside LPA comments during that time. The proposed wind farm comprises of onshore and offshore elements and potential effects resulting from these are reported separately. A copy of this report is included with this letter.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-1.1	LUC Review Summary In their report the LUC concluded that both assessments (SLVIA and LVIA) are thorough, detailed and rounded in good practice. They do however provide the following summary and comments within the document.	
REP1-093-1.2	The array area, and the maximum design scenario (MDS) have been further reduced since PEIR, although the turbine height remains the same. Although now outside the area of 'high sensitivity' seascape around Anglesey, the reduced MDS has not resulted in any effects being reduced from significant at PEIR to non-significant at DCO.	The ES acknowledges that there was no reduction in the number or extent of the significant effects identified following the reduction in the westerly extent of the array area and the number of WTGs included therein when compared with the PEIR assessment  Whilst the mitigation has resulted in a reduction in impact, in most cases this has not been sufficient to alter the level of magnitude of change when compared to that assessed in the PEIR.
REP1-093-1.3	We do not support the approach taken to moderate effects, where these may be considered significant or not based on the assessor's judgement. There are a number of instances where effects of the same level (moderate) are assigned different significance. While we accept the importance of professional judgement in SLVIA, and the importance of reading the detailed assessment text, we consider this to be a potential source of confusion and unhelpful to the non-specialist reader. The approach lacks a clear distinction between	With regard to the SLVIA assessing some moderate effects as Significant and some as Non-significant the Applicant sets out the following response.  The threshold of how the various levels of sensitivity and magnitude are broadly combined to determine which effects are considered Significant and which are considered Non-significant is set out in the matrix at Table 4 of the SLVIA Methodology (APP-112). This remains as it was in the PEIR

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>significant and non-significant and leaves those findings of 'moderate but not significant' open to question.</p>	<p>which LUC reviewed at that time and was satisfied with the methodology. The difference is that following comments made in the S42 responses the SLVIA authors have added levels of significance to the matrix. Moderate effects are considered to be in the middle ranges between being Significant or Non-significant and therefore the threshold between these naturally sits within the Moderate level of effect with professional judgement used to determine whether effects are Significant or Non-significant in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>The Landscape Institute and Institute of Environmental Management &amp; Assessment 3rd Edition (2013). Guidelines for Landscape and Visual Impact Assessment notes on page 118 that:</p> <p>'Final judgements must be made about which visual effects are significant as required by the Regulations. There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances vary with the location and context and with the type of proposal.'</p>
<p>REP1-093-1.4</p>	<p>There are some viewpoints and visual receptors where non-significant effects are found in the SLVIA, that we have suggested could be significant. We accept that these are all borderline cases and do not represent areas of substantive disagreement. The viewpoints we have noted are;</p> <ul style="list-style-type: none"> <li>▲ VP44 Beaumaris Castle, Anglesey;</li> <li>▲ VP 36 Tal y Fan, Snowdonia National Park (this may be due to an inconsistency in the sensitivity assessment);</li> <li>▲ VP23 Rhyl Aquarium.</li> </ul>	<p>The Applicant notes this disagreement in relation VP44 Beaumaris Castle, Anglesey; VP 36 Tal y Fan, Snowdonia National Park; VP23 Rhyl Aquarium which is not considered by LUC to be substantive.</p>
<p>REP1-093-1.5</p>	<p>LUC take a more 'in the round' approach to assessing views on people within settlements. The SLVIA authors have focused on views from properties, rather than views experienced as people move around their communities. We consider that effects may therefore be slightly more widespread than is set out in the SLVIA. However, we accept that the SLVIA has recorded some significant effects in all the settlements where we consider this would be anticipated. As such, we consider that the SLVIA does not substantively under-report significant effects on settlements.</p>	<p>The Applicant notes the different approach taken by LUC in assessing views of people within settlements and that LUC does not consider the SLVIA to substantively under-report significant effects on settlements.</p> <p>The SLVIA methodology (APP-112) sets out how the effects on people in settlements is undertaken under the heading Visual Receptors from paragraph 42.</p> <p>'The assessment also includes consideration of groups of visual receptors that may be located within particular areas or using certain, primary routes through the study area. The SLVIA assesses the effects on views</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>from residential areas within settlements as well as people using the Wales Coast Path, National Cycle Route (NCR) 5 and the A55.</p> <p>The coastal areas of settlements where there may be parking, recreational facilities, commercial areas, beaches etc are not included in the assessment of the effects on settlements. This is to avoid double counting of effects from such areas as these are generally considered in relation to the representative viewpoints and the assessments of the effects on the Wales Coast Path and/ or NCR 5.</p> <p>This accords with paragraph 6.36 of GLVIA which advises that 'the combined effects on a group of people within an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid any double counting of the effects.'</p>
REP1-093-1.6	We agree with the assessments of effects on views from the Wales Coast Path and other routes, noting that some of these have been revisited.	The Applicant acknowledges LUC's agreement with the assessment of the effects on the Wales Coast Path and other routes.
REP1-093-1.7	We have identified some differences in interpretation of the extent of effects on landscape character. At the northern edge of the National Park, we suggest effects would be significant across part of LCA 01 Northern Uplands. We do not agree that existing development reduces the magnitude of change, as this is of different scale and character to the proposed turbines. Elsewhere the SLVIA offers quite precise statements of how far inland effects will extend, and while these distances may be queried, it is clear that the main areas where significant effects would occur have been correctly identified.	<p>The SLVIA (AS-027) assesses the effects on LCA 01 Northern Uplands from paragraph 687. The effects are assessed as Moderate (Non-significant) based on professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>NRW (and LUC) made a similar observation in its response to the S42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and magnitude of change in the ES (AS-027) providing further assessment and information as necessary.</p> <p>The area shown to have any theoretical AyM WTG visibility equates to 42% of the LCA at ranges of 16.5 to 33 km.</p> <p>The assessments for Viewpoints 12, 36 and 40 have assessed the magnitude of change in views as Medium or Medium-low. The lower levels of development characteristics and higher relative wildness/ tranquillity at found at Viewpoint 38 is a consideration. The greater distance of 28.4 km is however, also a factor.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>The northerly areas of the LCA are those that are at closest proximity to the AyM array area and the higher levels of magnitude of change in views as a result. Viewpoints 12, 36, 39, 40 and 60 demonstrate this. These areas generally coincide with areas where there is the strongest existing human influence on character through visibility of existing development which is detrimental to the qualities of tranquillity, remoteness and wildness. The further impact on the characteristics of these areas through the introduction of AyM OWF as part of their setting would not result in a marked change to their character.</p> <p>Landscape character effects are not derived purely as a result of visibility of something that is apparent in views in a single direction from the LCA but are also, in the main, comprised of the pattern of the elements within them, which makes them distinct and recognisable (GLVIA 3, p157).</p> <p>Views across the remotest parts of Snowdonia NP would not be affected by the proposed development as they are found to the north of LCA 01.</p> <p>Whilst it is agreed that existing coastal development is of a different scale and form to the proposed development it does indicate a human influence over the wider landscape of the intervening coastline. In addition the existing OWF are visible from much of the LCA that would also gain visibility of AyM so that changes in the contextual character in this part of the contextual views are incremental.</p>
REP1-093-1.8	We agree with the assessment of effects on special qualities of the AONBs and National Park as set out in the SLVIA	The Applicant notes LUC's agreement with the effects on the Special Qualities of the AONBs and Snowdonia National Park as set out in the SLVIA (AS-027).
REP1-093-1.9	Night time effects have been assessed for a 200 candela scenario, in contrast to the 2000 candela maximum brightness scenario considered at PEIR. A such, significant night time effects are only identified at the Great Orme. We agree with these conclusions, assuming that the mitigation through reduced brightness is fully secured in the DCO. We note that the dimming of aviation lighting to 200 candela is not listed in Document 8.11 Mitigation Schedule. The Applicant should be asked to confirm how this mitigation is secured in the DCO.	<p>The Applicant notes LUC's agreement with the assessed night time effects as set out in the SLVIA (AS-027).</p> <p>The lighting mitigation would be secured via the lighting and marking plan as set out in the Marine Licence Principles document (AS-023 and Document 1.24 of the Applicant's Deadline 1 submission) and the Schedule of Mitigation (APP-310 and Document 2.24 of the Applicant's Deadline 2 submission). In addition, a requirement has been added to R3 of the draft DCO (see Document 2.14 of the Applicant's Deadline 2 submission) which means that aviation lighting will be operated at the lowest permissible lighting intensity level.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-1.9.a	<p>Our observations in relation to the LVIA of the onshore works can be summarised as follows;</p> <ul style="list-style-type: none"> <li>As with the SLVIA, we do not support the approach to 'moderate' effects in the LVIA</li> </ul>	<p>This is noted by the Applicant.</p> <p>With regard to the SLVIA and LVIA assessing some moderate effects as Significant and some as Non-significant the Applicant sets out the following response.</p> <p>The threshold of how the various levels of sensitivity and magnitude are broadly combined to determine which effects are considered Significant and which are considered Non-significant is set out in the matrix at Table 4 of the SLVIA Methodology (APP-112). This remains as it was in the PEIR which LUC reviewed at that time and was satisfied with the methodology. The difference is that following comments made in the S42 responses the SLVIA authors have added levels of significance to the matrix. Moderate effects are considered to be in the middle ranges between being Significant or Non-significant and therefore the threshold between these naturally sits within the Moderate level of effect with professional judgement used to determine whether effects are Significant or Non-significant in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>The Landscape Institute and Institute of Environmental Management &amp; Assessment 3rd Edition (2013). Guidelines for Landscape and Visual Impact Assessment notes on page 118 that:</p> <p>'Final judgements must be made about which visual effects are significant as required by the Regulations. There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances vary with the location and context and with the type of proposal.'</p>
REP1-093-1.9.b	<ul style="list-style-type: none"> <li>The LVIA includes an additional viewpoint and further assessment to confirm that there would be no effects on the landscape of or views from the AONB. We agree with this finding</li> </ul>	<p>The Applicant notes LUC's agreement with the assessment of non-significant effects on the landscape of or views from the AONB as set out in the Landscape and Visual Impact Assessment (LVIA) (AS-029).</p>
REP1-093-1.9.c	<ul style="list-style-type: none"> <li>Further detail of both the proposed OnSS and the landscape mitigation are provided, and shown in visualisations. Year 15 visualisations are included to show maturing planting. We consider the visuals are helpful and appear accurate. Mitigation planting is shown at an appropriate size, but it is depicted in full leaf when the photographs have been taken in winter.</li> </ul>	<p>This is noted by the Applicant.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-1.9.d	<p>⬆ We agree with the assessment of effects on the physical landscape, although the extent of 'tall hedgerows' could be clarified further, as well as the assessment of effects on landscape character</p>	<p>The Applicant notes LUC's agreement of the effects on the physical landscape.</p>
REP1-093-1.9.e	<p>⬆ We agree with the assessments of short term and localised significant effects on a small number of receptors, as a result of construction of the ESS and landfall</p>	<p>The Applicant notes LUC's agreement of short term and localised significant effects on a small number of receptors as set out in the LVIA (AS-029).</p>
REP1-093-1.9.f	<p>⬆ There is no detailed consideration of the operational effects of the OnSS on the residents at Faenol Bropor, or visitors to the Glascoed Nature Reserve. We agree with the assessment of effects at other viewpoints and visual receptors</p>	<p>GLVIA 3 notes at paragraph 6.17 that where private viewpoints from residential properties are to be considered the scope of this should be agreed with the competent authority, noting that 'it is impractical to visit all properties that might be affected.'</p> <p>The viewpoints were agreed through the Evidence Plan process and no viewpoint was requested to represent the view from Faenol Bropor and no residential visual amenity assessment was requested by consultees. LUC noted in the response on behalf of the NWLPAs that an assessment of Faenol Bropor should be provided with reference to Viewpoint 1.</p> <p>The Applicant notes that visual effects of the OnSS at Viewpoint 1 are not representative of views from the Faenol Bropor residential property. Following extensive field work carried out during the course of the LVIA, work in the Applicant's view, the effect on Faenol Bropor would be lower than for Viewpoint 1. This is due to the greater distance from the substation area, the slightly lower lying position of the property and the screening effect of the intervening vegetation located along the bridleway at a slightly higher elevation.</p> <p>The Glascoed Nature reserve is managed primarily for great crested newts having been established in 2000 as mitigation for the development of the business park. As such the current level of usage is not known. The Applicant has provided an assessment of the effects on visitors to the Nature Reserve in Document 2.29 of the Applicant's Deadline 2 submission.</p>
REP1-093-1.9.g	<p>⬆ The LVIA has scoped out consideration of cumulative effects, and we accept the reasoning given.</p>	<p>The Applicant notes LUC's agreement regarding the consideration of cumulative effects as set out in the LVIA (AS-029).</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-2.1	<p>Conclusions</p> <p>The SLVIA authors have taken on board the contents of our PEIR review and have made changes in response. The remaining areas of disagreement set out above are points of detail and do not represent substantive differences in terms of the likely level of effects. We consider that the SLVIA and LVIA make clear the overall extent of likely significant effects.</p>	<p>The Applicant notes LUC's acknowledgement of the changes made following its PEIR review and that 'The remaining areas of disagreement set out above are points of detail and do not represent substantive differences in terms of the likely level of effects.'</p>
REP1-093-2.2	<p>Appendix B (of the LUC report) includes the LVIA and SLVIA queries from the Examining Authority's first round of questions (ExQ1). We have included relevant points from our review which may be useful in informing the LPAs' responses to the ExQ1.</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-093-2.3	<p>Appendix C includes our commentary on the documents relevant to securing mitigation of the onshore works.</p>	
REP1-093-3.1	<p>Specific Comments by the LPA's</p> <p>The North Wales Local Planning Authorities Expert Topic Group each have their own specific impacts from this scheme, and as such the next section is so that each Local Authority can set out their specific comments and views on the proposed development.</p>	
REP1-093-4.1	<p>Isle of Anglesey County Council</p> <p>The ES assessment of Seascape, Landscape and Visual Effects (SLVIA) identifies significant effects on seascape, the designated landscape (Ynys Môn AONB) and visual receptors. The significant effects identified include harm to natural beauty, seascape as a setting to the AONB and three AONB special qualities.</p>	<p>The SLVIA Chapter (AS-027) considers 'that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty of the AONB associated with these'. It also assesses significant adverse effects on parts of seascape character areas around the Isle of Anglesey AONB.</p> <p>The SLVIA Chapter (AS-027) has assessed that there would be significant adverse effects on the settings of Ynys Môn (Isle of Anglesey) Area of Outstanding Natural Beauty (AONB). The effects are assessed in Section 10.11.3.</p> <p>The assessment of the Effects on the landscape/ seascape character, views and Special Qualities of Ynys Môn AONB starts at paragraph 546.</p> <p>Following consideration of the factors set out in the assessment it is considered that there would be some perceived diminishment of (harmful effects on) three of the special qualities and the natural beauty</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		of the AONB associated with these. This is not considered to occur to such a degree that it would affect the overall integrity of the AONB or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating new energy development.
REP1-093-4.2	IOACC broadly agree with the nature and level of effect predicted in the SLVIA. The LUC Review of SLVIA documents (October 2022) questions a minor number of points from the SLVIA as summarised in Appendix 2 of that report. IOACC concur with LUC's assessment of effects.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-4.3	Despite design refinements since the PEIR, which it is acknowledged have reduced the extent of the horizontal and vertical fields of view and perceptible changes to the visualisations, there has been no reduction in the number or range of predicted significant effects between the PEIR and ES. As noted in our response to the PEIR consultation in 2021, and as informed by the LUC report reviewing the PEIR, effective reduction in effects would require substantial changes to the height and spread of the array. Changes of this magnitude have not occurred, with the height under MDS B actually increasing.	<p>Section 10.9 (AS-027) sets out the further mitigation of SLV effects that have been included in the AyM MDSs following Section 42 consultation. A key factor when reviewing the potential for mitigation of SLV effects was to try to reduce the impacts on the purpose and special qualities for which the SNP and AONBs have been designated.</p> <p>Volume 1, Chapter 4: Site Selection and Alternatives (APP-044) sets out the consideration of alternatives and the rationale for the extent to which the SLV effects can be mitigated (or minimised) through a reduction in the AyM array area and WTG dimensions.</p> <p>The ES acknowledges that there was no reduction in the number or extent of the significant effects identified following the reduction in the westerly extent of the array area and the number of WTGs included therein when compared with the PEIR assessment.</p> <p>The increase in the tip height of MDS B did not materially alter the magnitude of change in the assessment of the effects.</p> <p>Whilst the mitigation has resulted in a reduction in impact, in most cases this has not been sufficient to alter the level of magnitude of change when compared to that assessed in the PEIR.</p>
REP1-093-4.4	In essence, within an area extending from Moelfre to Beaumaris, significant visual effects would be experienced to visual receptors such as users of the Wales Coast Path and settlements. Significant effects are predicted on landscape character within landscape character areas distinguished by their close relationship to the coast, much of it designated as AONB. Significant	<p>Section 10.17.1 of the SLVIA (AS-027) provides a summary of the effects on Isle of Anglesey as follows:</p> <p>'The assessment of representative viewpoints has found there would be significant visual effects at viewpoints on or close to the east coast of Anglesey along sections of the coast including: VP 4: Moelfre Headland at sculpture (Daytime); VP5: Red Wharf Bay; VP6: Bwrdd Arthur - north of</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<p>seascape effects would affect the AONB's setting, important to its designation on the coast</p>	<p>trig point; VP 7: Penmon Point - north-east of parking; VP 8: Beaumaris - Wales Coast Path; VP 14: Wales Coast Path near Penrhyn (Traeth yr Ora); VP 16: Benlech Bay View Road; and VP 28: Trwyn y Penrhyn parking layby.</p> <p>Some limited significant effects on views from properties within the settlement areas of Moelfre and Benllech have been identified. Effects on the views gained by people using the Wales Coast Path have found to be significant along Sections C, D, E and F which covers the route between Point Lynas at the north-east corner of Anglesey to Beaumaris which is a total distance of 49 km (approximately 23% of the route round Isle of Anglesey). Such effects would mainly occur when moving south/east along the path.</p> <p>Significant effects on landscape character have been assessed as occurring along a coastal strip of up to approximately 1 km along the sections of the coast within the loA LCA 8: Dulas Bay Hinterland; loA LCA 9: Red between Moelfre headland and Benllech and south of Benllech and round Red Wharfe Bay to a point level with Ty-mawr north of Pentraeth Forest; loA LCA 10: Penmon and Puffin Island northerly exposed areas of the LCA; and loA LCA 11: Eastern Menai Strait in the north-easterly exposed areas to the north of Beaumaris and south of Viewpoint 28 – Trwyn y Penrhyn parking layby. These areas lie within the loA AONB.</p> <p>Significant effects on seascape character have been identified for parts of: SCA 3: Traeth Lafan; SCA 5: Penmon; SCA 6: Red Wharf Bay to Moelfre; and SCA 7: Dulas Bay.</p> <p>Effects on three Special Qualities of the loA AONB have been assessed. These are: Expansive Views; Peace and Tranquillity; and Islands around Anglesey. Some significant effects have been found to occur on each of these Special Qualities although it should be noted that such effects would occur within relatively limited parts of the AONB.'</p>
REP1-093-4.5	<p>Draft and current National Policy Statements for Energy (EN-1 and EN-3) note that for development outside but affecting designated landscape, <i>'the aim should be to avoid compromising the purposes of designation and such</i></p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	<i>projects should be designed sensitively given the various siting, operational, and other relevant constraints'.</i>	
REP1-093-4.6	<p>The ES questions in paragraph 560 of the SLVIA 'Would AyM cause such 'harm' to the loA AONB that its overall integrity would be diminished such that it could no longer be considered to qualify as an area of outstanding natural beauty'. IOACC opine that the question is one of whether the purpose of the designation would be compromised, and find that this would be the case over a substantial area.</p>	<p>This is noted by the Applicant. See Applicant's response to REP1-093-4.1.</p> <p>The assessment of the Effects on the landscape/ seascape character, views and Special Qualities of loA AONB starts at paragraph 546.</p> <p>It is considered that there would be some perceived diminishment of (harmful effects on) three (out of fourteen) of the special qualities and the natural beauty of the AONB associated with these.</p> <p>The conclusions were that the associated impacts are not considered to occur to such a degree that it would affect the overall integrity of the AONB or its inherent natural beauty and it would occur within a context and understanding of the need for change including accommodating new energy development.</p>
REP1-093-4.7	<p>Paragraph 560 quotes from the AONB management plan stating that 'There is a focus on Anglesey becoming an energy development Island both in Nuclear and Alternative Energy which may include large scale offshore wind farms, marine turbines and solar farms. The proximity of these industries to the AONB and the need to bring the energy ashore highlights their influence on both the landscape and the seascape of the AONB, and also the pressure from development in close proximity to the countryside and coast.'</p>	<p>The Applicant acknowledges this background information provided and does not consider it necessary to comment.</p>
REP1-093-4.8	<p>This needs to be balanced against Section 4.6 of the Management Plan (not quoted in the SLVIA) which states that 'from an AONB's perspective all proposed development as part of the Energy Island Programme should have regard to the AONB designation in terms of the AONB's primary purpose of conserving and enhancing natural beauty.'</p>	<p>This is noted by the Applicant. See Applicant's response to REP1-093-4.1.</p> <p>As noted at paragraph 561 of the SLVIA (AS-027) 'It is accepted by the Applicant that there would be some significant adverse impacts on the views towards the seascape from the AONB and that development of AyM would therefore not be consistent with objectives that seek to enhance the AONB. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.'</p> <p>The Applicant suggests that it would be very difficult for any energy development of this type within the AONB to meet the purpose of conserving and enhancing natural beauty.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-4.9	It is not considered by IOACC that this proposal would conserve or enhance natural beauty and would detract from the purpose of the designation in the extensive area affected.	As noted at paragraph 561 of the SLVIA (AS-027) 'It is accepted by the Applicant that there would be some significant adverse impact on the views towards the seascape from the AONB and that development of AyM would therefore not be consistent with objectives that seek to enhance the AONB. However, it is the case that almost no large-scale development would be able to comply with the principle of enhancement and therefore it must be anticipated that any major development would give rise to some degree of friction with such an aim.'
REP1-093-4.10	The Welsh National Marine Plan (November 2019) in Policy SOC_06 for Designated Landscapes notes: Designated landscapes Proposals should demonstrate how potential impacts on the purposes and special qualities for which National Parks or Areas of Outstanding Natural Beauty have been designated have been taken into consideration and should, in order of preference: a. avoid adverse impacts on designated landscapes; and/or b. minimise impacts where they cannot be avoided; and/or mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance designated landscapes are encouraged.	<p>As noted in section 6.4 of the Planning Statement (APP-298) the Applicant is constrained in its ability to apply a site selection process that would avoid all impacts, as a result of the 2017 Extensions round criteria. Notwithstanding this, the Applicant has sought, through consultation and iterative design, to minimise all environmental impacts as far as is practicable, whilst retaining an economically viable project. The Planning Statement provides a detailed breakdown of how the project has aligned with the requirements of section 4.5 of NPS EN-1, notably with regards the site selection process (paragraph 4.5.4 of EN-1), and paragraph 5.9.8 of NPS EN-1 with regards consideration of landscape effects.</p> <p>The Applicant is engaging with relevant interested parties, including North Wales LPAs, to understand the basis for and structure of a possible landscape enhancement scheme.</p>
REP1-093-4.11	IOACC acknowledge that with a project of this scale and location, some significant adverse effects are highly likely. Again, it is noted that the imbedded design mitigation which has resulted in some perceptible changes in visualisations has not reduced predicted significant effects from the PEIR to the ES for IOACC receptors. It is not clear that effects have been minimised and only changes to turbine lighting specifications have effectively mitigated predicted effects.	<p>The Applicant has sought, through consultation and iterative design, to minimise all environmental impacts as far as is practicable, whilst retaining an economically viable project. The Planning Statement provides a detailed breakdown of how the project has aligned with the requirements of section 4.5 of NPS EN-1, notably with regards the site selection process (paragraph 4.5.4 of EN-1), and paragraph 5.9.8 of NPS EN-1 with regards consideration of landscape effects.</p> <p>The Applicant notes that IOACC considers the lighting mitigation to have effectively mitigated predicted effects.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-4.12	<p>Additionally, the Welsh National Marine Plan (November 2019) in Policy SOC_07 for Seascapes notes: Proposals should demonstrate how potential impacts on seascapes have been taken into consideration and should, in order of preference: a. avoid adverse impacts on seascapes; and/orb. minimise impacts where they cannot be avoided; and/or mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Opportunities to enhance seascapes are encouraged.</p>	<p>As noted in section 6.4 of the Planning Statement (APP-298) the Applicant is constrained in its ability to apply a site selection process that would avoid all impacts, as a result of the 2017 Extensions round criteria. Notwithstanding this, the Applicant has sought, through consultation and iterative design, to minimise all environmental impacts as far as is practicable, whilst retaining an economically viable project. The Planning Statement provides a detailed breakdown of how the project has aligned with the requirements of section 4.5 of NPS EN-1, notably with regards the site selection process (paragraph 4.5.4 of EN-1), and paragraph 5.9.8 of NPS EN-1 with regards consideration of seascape, landscape and visual effects.</p> <p>The Applicant is engaging with relevant interested parties, including North Wales LPAs, to understand the basis for and structure of a possible landscape enhancement scheme.</p>
REP1-093-4.13	<p>The significant effects on Seascapes predicted will affect the setting of the Ynys Môn AONB. It is not clear that effects on Seascapes have been minimised or design mitigation effective in avoiding significant adverse impacts.</p>	<p>Refer to response to REP1-093-4.12.</p> <p>Section 10.9 of the SLVIA (AS-027) sets out the further mitigation of SLV effects that have been included in the AyM MDSs following Section 42 consultation.</p> <p>A key factor when reviewing the potential for mitigation of SLV effects was to try to reduce the impacts on the purpose and special qualities for which the SNP and AONBs have been designated.</p>
REP1-093-4.14	<p>IOACC has been party to discussions for a Landscape Conservation and Enhancement Contribution. It is not considered that this will offset effects as predicted but presents an opportunity for landscape enhancements related to natural beauty, features and special qualities of the baseline landscape resource and compatible with Marine Plan policy. It would not make the predicted seascape, landscape and visual effects acceptable or less harmful, but is considered essential in consideration of the adverse effects predicted and likely, should the DCO be consented.</p>	<p>The Applicant is engaging with relevant interested parties, including NRW, to understand the basis for and structure of a possible landscape enhancement scheme.</p>
REP1-093-5.1.1.i	<p>Conwy County Borough Council</p> <p>The Council's response to the Section 42 consultation raised four broad areas of concern:</p>	<p>See Applicant's response to REP1-055-4.1.i.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	i) The scale of the individual Wind Turbine Generators (WTGs) and the extent of the array as a whole;	
REP1-093-5.1.1.ii	ii) impacts on the setting of coastal features including the Great Orme Heritage Coast;	See Applicant's response to REP1-055-4.1.ii.
REP1-093-5.1.1.iii	iii) sequential and in-combination cumulative effects with other offshore wind farms;	See Applicant's response to REP1-055-4.1.iii.
REP1-093-5.1.1.iv	iv) inadequate cumulative assessment in respect of future onshore wind farms.	See Applicant's response to REP1-055-4.1.iv.
REP1-093-5.2.1	The following paragraphs provide an amplification of the Council's concerns on these matters, including an updated assessment following changes to the PEIR Scheme:	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-5.3.1	Scale and extent  The Council welcomes the reduction in the extent of the turbine array and in the number of turbines proposed under both Maximum Design Scenarios (MDS) since the PEIR Scheme. However, it notes that the extent of the turbine array is still very extensive, representing 88.6% of the area identified in the PEIR Scheme. The AMOWF would occupy an area similar to that of the Gwynt-y-Mor Offshore Windfarm, effectively doubling the area occupied as a continuous block of WTGs.	See Applicant's response to REP1-055-4.3.
REP1-093-5.3.2	Furthermore, the applicant has not revised either the height or the rotor diameters under MDS A since the PEIR. The Awel-y-Mor WTGs would each have a height of 2.4 times that of the Gwynt-y-Mor WTGs.	See Applicant's response to REP1-055-4.4.
REP1-093-5.3.3	Under MDS B, both the height and rotor diameters have actually increased since the PEIR Scheme. The Awel-y-Mor WTGs would each have a height of roughly double that of the Gwynt-y-Mor WTGs.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-5.3.4	The submitted visualisations in the SLVIA illustrate the comparative scale of both the WTGs and the arrays of the Gwynt-y-Mor Offshore Windfarm and AMOWF, and how the latter would form a significantly more dominant feature of seascapes and coastal landscapes.	See Applicant's response to REP1-055-4.6.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-5.4.1	<p>Impacts on the settings of coastal features</p> <p>The Council has significant concerns over the proximity of the Awel-y-Mor array to significant coastal features, in particular, to the Great Orme and the Little Orme.</p>	See Applicant's response to REP1-055-4.7.
REP1-093-5.4.2	<p>The Great Orme forms a discrete Aspect Area in NRW's Landmap Visual and Sensory evaluation. Landmap provides the following summary description for the Great Orme Aspect Area<sup>1</sup>:</p> <p>"Dramatic, steeply rising rugged whale backed peninsula with rocky slopes, rising to 207m AOD, with a highly prominent skyline which encloses the sweep of Llandudno Bay to the east and the Conwy estuary to the south. The hill is covered in an open mosaic of limestone moorland/coastal heath, gorse, rough grassland &amp; scrub, with some small scale pasture fields in places. Settlement is limited to the south eastern slopes and south western coastal fringe- the houses enjoying a spectacular view of Snowdonia across the bay. A large cemetery at St Tudno on the northern slopes has a distinctive character. There is a substantial amount of tourist infrastructure indicating the popularity of the area including mountain railway, overhead cable car, country park, carpark and associated facilities from which there are views. There is also a one way toll road around the edge of the landform which also allows scenic views in all directions. Some areas are degraded by former quarries. The Great Orme forms a distinctive landmark and a backcloth to the coast and natural limits to the otherwise sprawling settlement of Llandudno. The offshore wind farms to the north east and east are apparent in clear weather conditions."</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-5.4.3	<p>Landmap evaluates the Great Orme as being Outstanding in respect of Character, on the basis of its very strong sense of place, and High in respect of Scenic Quality, Rarity and Overall Evaluation. The Aspect Area is evaluated as being Moderate in respect of Integrity.</p>	
REP1-093-5.4.4	<p>In respect of Q28 (Trend), Landmap assesses the Great Orme Aspect Area as being Declining and notes that "the offshore wind farms may be seen to reduce attractiveness of sea views".</p>	See Applicant's response to REP1-055-4.10.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-5.4.5	In respect of Q32, one of the recommendations in the Landmap assessment is to "discourage further wind development in the sea and remove when operational period is complete".	See Applicant's response to REP1-055-4.11.
REP1-093-5.4.6	The SLVIA considers that the operational impacts of the AMOWF from Viewpoints 13 and 15 on the Great Orme would be moderate-major. A similar effect is recorded in relation to Section L of the Wales Coast Path, which runs along the north coast of the Great Orme. The Council suggests that the impact on the character and qualities of the Great Orme Heritage Coast should also be recorded as moderatemajor (rather than moderate) since the views from extensive areas of the Heritage Coast designation would be similar to those from the selected viewpoints and Section L of the Wales Coast Path, and the appreciation of those views is critical to the character and qualities of the Heritage Coast.	See Applicant's response to REP1-055-4.12.
REP1-093-5.4.7	<p>The Little Orme is situated on the eastern end of Llandudno's North Shore and forms a distinctive break along the coastline. Landmap includes the Little Orme and other hills within the Creuddyn Peninsula within the Coastal Hills Aspect Area, and provides the following summary description<sup>2</sup>:</p> <p>"Dramatic, steeply rising rugged coastal hills with rocky summits, rising to 360m AOD, with prominent skylines which enclose the surrounding gently sloping lower land and coastal edge . They are covered in an open mosaic of moorland/coastal heath, gorse, rough grassland &amp; scrub, with some small scale pasture fields in places. Mature deciduous woodland is found on the more sheltered inland facing slopes. Settlement is small scale and scattered and includes highlights like Bodysgallen Hall. Some areas are degraded by former quarries. The hills form the backcloth to the coast and natural limits to the otherwise sprawling settlements of Llandudno, Llandudno Junction, Rhos-on-Sea and Deganwy, although housing is encroaching in parts. Public access allows views over the coastal area and the areas form important local landscapes."</p>	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-5.4.8	Landmap evaluates the Coastal Hills Aspect Area as being High in terms of Scenic Quality, Character, Rarity and Overall Evaluation and Moderate in respect of Integrity.	

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-5.4.9	<p>The impact of the AMOWF on the setting of views towards, and from, the Great Orme and Little Orme is illustrated in particular in the following images in the SLVIA:</p> <ul style="list-style-type: none"> <li>▲ Figures 38c, 38d and 38e: Llanfairfechan (22.353km)</li> <li>▲ Figure 39b: Conwy Mountain (17.3km)</li> <li>▲ Figures 40c, 40d and 40e: Great Orme summit (11.89km)</li> <li>▲ Figures 42c, 42d and 42e: Great Orme café (11.294km)</li> <li>▲ Figures 45c, 45d, and 45e: Llandudno paddling pool (11.878km)</li> <li>▲ Figures 46b and 46c: Rhos-on-Sea (12.424km)</li> <li>▲ Figure 47c: Bryn Euryrn (13.428km)</li> <li>▲ Figure 48b: Mynydd Marian (16.246km)</li> <li>▲ Figure 64b: Cefn Coch stone circle (23.895km)</li> <li>▲ Figure 67c: Above Capelulo (19.13km)</li> <li>▲ Figure 75c: Pen Dinas (11.792km)</li> <li>▲ Figure 78b: Footpath above Cilgwyn Mawr (16.936km)</li> <li>▲ Figure 81c: Little Orme (11.258km)</li> <li>▲ Figure 82b, 82c and 82e Llandudno promenade – lifeboat slipway (12.051km)</li> <li>▲ Figure 83c, 83d and 83f: Foel Lus (19.599km)</li> <li>▲ Figure 84c and 84h: Llandudno Promenade near Venue Cymru (12.174km)</li> <li>▲ Figure 85b, 85d and 85e: Great Orme – Marine Drive (11.465km)</li> <li>▲ Figure 86c: A55 at Penmaenmawr (20.772km)</li> <li>▲ Figure 87c: A55 at Puffin roundabout, Dwygyfylchi (19.073km)</li> <li>▲ Figure 88b: A55 Jetty north of Penmaenrhos (15.417km)</li> </ul>	
REP1-093-5.5.1	<p>Cumulative effects (Offshore)</p> <p>In its Section 42 consultation response, the Council expressed concerns that the PEIR under-assessed the significance of impacts on the A55. In particular it raised concerns that the addition of the AMOWF could give rise to the possibility of significant sequential (and potentially, in combination) impacts. Similarly, it expressed concerns that westbound receptors on the A55 between Llanddulas and Colwyn Bay would be subject to in-combination effects of the AMOWF with the existing offshore windfarms.</p>	See Applicant's response to REP1-055-4.16.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-5.5.2	Following that response, the Council entered into discussions with the Applicant's landscape consultants with a view to identifying additional viewpoints. It suggested the inclusion of Viewpoints 6 (Figures 86) and Viewpoint 64 (Figures 87) as being representative for westbound receptors in the Penmaenmawr area, and Viewpoint 65 (Figures 88) as a suitable location for both westbound and eastbound receptors along the A55 to the east of Colwyn Bay. Whilst seaward views from Viewpoint 65 are partly obscured by Raynes Quarry Jetty, this Viewpoint was suggested on the basis that the North Wales Path and the A55 are almost at identical levels at this point and hence provided a safe place for photographer to capture the images.	See Applicant's response to REP1-055-4.17.
REP1-093-5.6.1	Cumulative effects (Onshore) In its response to the Section 42 Consultation, the Council raised concerns that the PEIR had not assessed cumulative effects with regards to potential windfarm development in the PAWEs identified in Future Wales.	See Applicant's response to REP1-055-4.18.
REP1-093-5.6.2	The Planning Inspectorate's Advice Note 17 advises that cumulative effects with other projects should be assessed on a 3-tier system, with projects "identified in the relevant Development Plan ... recognising that there will be limited information available on the relevant proposals" assigned to Tier 3.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-5.6.3	Paragraph 1498 notes of the ES notes the uncertainty associated with the potential offshore wind farm development within the PAWE areas (geographical extent and locations of WTGs as well as their height and number). It notes that there is no actual development to consider in the cumulative assessment of AMOWF other than that considered previously.	
REP1-093-5.6.4	Whilst the Council acknowledges the uncertainty in relation to the location and nature of development within the PAWE areas, it notes that Policy 17 of Future Wales sets a presumption in favour of large-scale wind energy development in these areas. Furthermore, criterion a) of Policy 18 (relating to unacceptable adverse impacts on landscape) does not apply to sites within the PAWE areas. In combination, Policies 17 and 18 provide a high degree of probability that large-scale wind energy development within PAWE areas will be approved. Given this policy context, and the proximity of PAWE Area 1 to the North Wales coast, the Council considers that cumulative impacts of such development with the AMOWF should be acknowledged as being potentially significant.	See Applicant's response to REP1-055-4.21.

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-5.6.5	Should Development Consent be granted, the North Wales Authorities' therefore consider it necessary to secure a package of landscape contributions secured by legal agreement, in consideration of the harm caused by the significant adverse effects identified.	See Applicant's response to REP1-055-4.22.
REP1-093-6.1.1	Denbighshire County Council Denbighshire County Council fully endorse the findings and recommendations set out in the LUC Review, and would request the Examining Authority gives significant weight to it in the assessment of seascape, landscape and visual effects.	The Applicant acknowledges this background information provided and does not consider it necessary to comment.
REP1-093-6.1.2	With respect to Denbighshire interests, the Council disagrees with the assessment of significant effects for the following receptors:	
REP1-093-6.2.1	Viewpoint 23. Rhyl Aquarium Assessment of effects on this receptor is not agreed. The SLVIA compares the perceived scale of proposed AyM OWF turbines with those of the existing GyM and Rhyl Flats developments, stating that " <i>The GyM WTGs are both smaller in scale than the AyM WTGs and are further away from this viewpoint than Rhyl Flats OWF so the scale comparison is greater. They are also more densely spaced</i> ". The baseline view shows a gap between GyM and Rhyl Flats, resulting in them being seen as distinct turbine groups. Differences in intervening distance and perceived scale are less noticeable as a result of this gap. The addition of AyM OWF turbines on the horizon will fill in gaps, accentuate the differences between existing and proposed developments and result in greater incidence of stacking and visual clutter. This change would be noticeable and would result in significant effects.	There seems to be some discord in the LUC Review (2022). In the text at paragraph 3.38 it is noted that LUC considers the effects on viewpoint 23 would potentially be significant, whilst in the tabulated assessment in Appendix A the SLVIA assessment of non-significant effects on this viewpoint is agreed although it is noted that LUC consider the magnitude of change would be greater than 'low'. The SLVIA (AS-027) assesses the effect on Viewpoint 23 as Moderate-Minor (Non-significant) in Table 12. The Viewpoint 23 visualisations are to be found at APP-252. The SLVIA assesses the Operation of MDS A as being of low magnitude of change. The AyM WTGs would infill the current gap between the Rhyl Flats OWF WTGs and the GyM OWF WTGs with turbines that would appear as similar in scale to those of Rhyl Flats which are closer to this viewpoint. Notably across other parts of the wide view (see APP-252) the other operational OWFs overlap without any perceived gap between the OWFs of different scales and distances to the viewpoint. It is accepted that the change in this view would be 'noticeable' due to the infilling of the current gap and addition of further WTGs. The overall extent of the skyline that is affected by WTGs would, however, not

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>increase and for some of the time the AyM WTGs would be less visible than the OWFs located at closer proximity due to climatic conditions.</p> <p>It is considered that the level of magnitude of the change falls within the definition of a low magnitude as set out in the SLVIA Methodology (APP-112).</p> <p>'The Development will result in a low level of alteration to the baseline view, providing a slightly apparent influence and/or introducing elements that are characteristic in the receiving view. The addition of the Development will result in a low incremental change, loss or addition to the baseline view.'</p>
REP1-093-6.3.1	<p>Settlement of Rhyl</p> <p>Assessment of effects on this receptor is not agreed. The SLVIA assesses a nonsignificant effect for Viewpoint 23 (Rhyl Aquarium), but the LUC Review disputes that finding. The aquarium, along with the wider promenade area, is a key location within Rhyl and the SLVIA acknowledges that the viewpoint <i>"provides an indication of the visibility that would be gained from properties close to the coast but also some of the visitor amenities along the seafront, which are an important component of the settlement"</i>. Although <i>"The majority of the settlement will have no or limited views of the AyM OWF due to the low-lying nature of the town and the visual screen created by the seafront properties"</i>, there is potential for significant visual effects to result locally.</p>	<p>There seems to be some discord between this response and that set out in the LUC Review (2022). In the text at paragraph 3.39 it is noted by LUC that:</p> <p>'We agree with the SLVIA findings of minor (non-significant) effects on views from the settlements of Rhyl and Prestatyn. In the case of Rhyl we accept that there are few locations within the settlement itself which have clear sea views.'</p> <p>In the tabulated assessment in Appendix A the SLVIA assessment of non-significant effects on the settlement of Rhyl is agreed.</p> <p>It would appear that LUC does not consider that there is potential for significant effects to result locally noting that:</p> <p>'in this case we accept that the developed sea front separates the settlement from the sea views, and that there are no elevated parts of the settlement. While we might conclude a greater level of effect than 'minor' we accept that this is likely to fall below the threshold of significance'.</p> <p>The Applicant notes the different approach taken by LUC in assessing views of people within settlements and that LUC does not consider the SLVIA to substantively under-report significant effects on settlements.</p> <p>The SLVIA methodology (APP-112) sets out how the effects on people in settlements is undertaken under the heading Visual Receptors from paragraph 42.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>'The assessment also includes consideration of groups of visual receptors that may be located within particular areas or using certain, primary routes through the study area. The SLVIA assesses the effects on views from residential areas within settlements as well as people using the Wales Coast Path, National Cycle Route (NCR) 5 and the A55.</p> <p>The coastal areas of settlements where there may be parking, recreational facilities, commercial areas, beaches, etc., are not included in the assessment of the effects on settlements. This is to avoid double counting of effects from such areas as these are generally considered in relation to the representative viewpoints and the assessments of the effects on the Wales Coast Path and/ or NCR 5.</p> <p>This accords with paragraph 6.36 of GLVIA which advises that 'the combined effects on a group of people within an area may also be considered, by aggregating properties within a settlement, as a way of assessing the effect on the community as a whole. Care must, however, be taken first to ensure that this really does represent the whole community and second to avoid any double counting of the effects.'</p> <p>In relation to the effects on the views from the seafront properties at Rhyl being represented by Viewpoint 23 the Applicant has assessed the effects on the viewpoint to be Non-significant for the reasons set out in response to REP1-093-6.2.1.</p>
REP1-093-7.1.1	<p>Flintshire County Council</p> <p>No additional comments</p>	<p>This is noted by the Applicant.</p>
REP1-093-8.1.1	<p>Gwynedd Council</p> <p>The Council previously noted concerns with regard the significant effects reported in the SLVIA at the viewpoint at Bangor Pier and Penrhyn Castle Terrace, where there is an open vista across Conwy Bay, the sensitivity of which is now higher due to the recent designation of the surrounding area as a World Heritage Site. This concern reflected the comments of the group as a whole and LUC's previous findings in that significant effects have been underreported due to the application and judgements made. As the SLVIA authors have revisited this in light of comments made, the Council agree with the findings</p>	<p>The Applicant notes the Council's agreement with the findings within the LUC report and considers that the SLVIA methodology is sound and comprehensive.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
	within this LUC report and considers that the SLVIA methodology is sound and comprehensive.	
REP1-093-9.1.1	Snowdonia National Park Authority Snowdonia National Park accept and agree with the findings and recommendations set out in the review undertaken by the LUC and in line with Denbighshire County Council's comment, we would request the Examining Authority gives significant weight to it in the assessment of seascape, landscape and visual effects. The LUC conclude the impact on the National Park to be the following;	This is noted by the Applicant.
REP1-093-9.1.1.a	<p>▲ Six viewpoints within the National Park have been assessed. The PEIR found significant effects at four of these, while we queried the finding of nonsignificant at VP36 Tal-y-Fan. Effects on the closer viewpoints 12 and 40 are recorded as major- moderate in the ES, with the more distant viewpoints 10 and 38 being moderate. A moderate-minor and non-significant effect is recorded at VP34 Snowdon Summit. The assessment for VP36 Tal-y-Fan is stated to be moderate but not significant. We suggest that, although close to the borderline, this should be identified as significant. We note that effects at VP38 Foel-fras are moderate (significant), on a very similar but more distant view. We highlight an inconsistency in the sensitivity assessment for VP36 that may account for this</p>	<p>The SLVIA assesses the effects on Viewpoint 36 Tal-y-fan as Moderate (Non-significant) in Table 9 (AS-027). Viewpoint visualisations are included in APP-265.</p> <p>Following the s42 consultation, the susceptibility at the viewpoint was increased to medium-high without correspondingly increasing the sensitivity to high to take account of this. The Applicant acknowledges that the sensitivity at Tal-y-Fan should have been high in the ES.</p> <p>Nevertheless with an assessed (and agreed) magnitude of change of medium-low the Applicant's SLVIA authors remain of the opinion that the effect is Moderate (Non-significant) based on their professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>The reason for the difference in the assessed significance at VP38 Foel-fras when compared with Viewpoint 36 is the less pronounced baseline influence of coastal and OWF development in Viewpoint 38.</p>
REP1-093-9.1.1.b	<p>▲ Regardless of this disagreement, it is clear that walkers visiting high ground in the northern section of the National Park will experience significant effects on views</p>	<p>As assessed in Table 9 of the SLVIA (AS-027) walkers visiting high ground areas of the northern section of the National Park such as those represented by Viewpoints 12 Conwy Mountain, Viewpoint 38 Foel-fras and Viewpoint 40 Above Capelulo – North Wales Path may experience significant visual effects. In addition there is a reported significant effect on walkers using the Wales Coast Path Section I-Conwy Mountain over a combined length of approximately 3 km (of the overall 16 km section of</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>the route) where it passes across the side slopes of Foel Lus and along the ridge of Conwy Mountain.</p>
<p>REP1-093-9.1.1.c</p>	<p>▲ In terms of landscape character, the LUC disagreed with the finding of nonsignificant effects on LCA 01 Northern Uplands at PEIR. The ES records moderate (non-significant) effects across the LCA. We consider this should have been classed as significant within the northern part of the LCA, though we accept non-significant effects over the more inland and upland parts of the LCA. We disagree that 'visibility of existing development' within the northern parts of the LCA will reduce the impact, since the proposed development is of a different scale and form to existing development, and would introduce a new characteristic rather than adding to an existing one.</p>	<p>The SLVIA (AS-027) assesses the effects on LCA 01 Northern Uplands from paragraph 687. The effects are assessed as Moderate (Non-significant) based on professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>LUC made a similar observation in its response to the s42 Consultation and the SLVIA authors reconsidered the assessments of sensitivity and magnitude of change in the ES (AS-027) providing further assessment and information as necessary.</p> <p>The area shown to have any theoretical AyM WTG visibility equates to 42% of the LCA at ranges of 16.5 to 33 km.</p> <p>The assessments for Viewpoints 12, 36 and 40 have assessed the magnitude of change in views as Medium or Medium-low. The lower levels of development characteristics and higher relative wildness/ tranquillity at found at Viewpoint 38 is a consideration. The greater distance of 28.4 km is however, also a factor.</p> <p>The northerly areas of the LCA are those that are at closest proximity to the AyM array area and the higher levels of magnitude of change in views as a result. Viewpoints 12, 36, 39, 40 and 60 demonstrate this. These areas generally coincide with areas where there is the strongest existing human influence on character through visibility of existing development which is detrimental to the qualities of tranquillity, remoteness and wildness. The further impact on the characteristics of these areas through the introduction of AyM OWF as part of their setting would not result in a marked change to their character.</p> <p>Landscape character effects are not derived purely as a result of visibility of something that is apparent in views in a single direction from the LCA but are also, in the main, comprised of the pattern of the elements within them, which makes them distinct and recognisable (GLVIA 3, p157).</p> <p>Views across the remotest parts of Snowdonia NP would not be affected by the proposed development as they are found to the north of LCA 01.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
		<p>Whilst it is agreed that existing coastal development is of a different scale and form to the proposed development it does indicate a human influence over the wider landscape of the intervening coastline. In addition the existing OWFs are visible from much of the LCA that would also gain visibility of AyM so that changes in the contextual character in this part of the contextual views are incremental.</p>
REP1-093-9.1.1.d	<p>▲ In terms of seascape character, the LUC note that the PEIR stated that significant effects on SCA 2 would be limited to areas on the Great Orme. We suggested effects could be more widespread, but the SLVIA maintains the same position. Both significant and non-significant effects are stated to be moderate, which does not help the reader to understand the difference. We accept that significant effects will not extend east of Penmaenmawr where turbines are increasingly screened by the Great Orme. However, with reference to SCA 3 it seems likely that there would be significant effects west of Penmaenmawr.</p>	<p>The SLVIA (AS-027) assesses the effect on SCA 2 - Conwy Bay from paragraph 755 based on professional judgement, in accordance with GLVIA 3 and the SLVIA Methodology set out in APP-112.</p> <p>Moderate (Significant), adverse effects are assessed for the areas on the upper and northerly slopes of the Great Orme.</p> <p>Moderate (Non-significant) adverse effects are assessed for the areas across the upland area between Foel Lus and Conwy Mountain, the low-lying coastal areas and rising land around and to the west of Penmaenmawr.</p> <p>The Applicant does not agree that significant seascape character effects on SCA 2 would extend west of Penmaenmawr.</p> <p>AyM would not physically alter SCA 2 but would affect it through views as part of the wider context. Views out across the wider seascape from SCA 2 (to where the array area is located) from the diverse coastal landscape and seascape are one of its characterising features. This coastal development influence includes overlooking of settlement and the A55 as well as other infrastructure at relatively close range from most locations along the elevated coastal edge, parts of which lie within Snowdonia NP.</p>
REP1-093-9.1.1.e	<p>▲ Two special qualities have been considered, and non-significant effects identified at each case. We note that our view of effects on landscape character differs slightly from what is presented in the SLVIA. However, we do not argue that this would lead to additional diminishment of special qualities. The conclusions in relation to effects on the special qualities of the National Park are reasonable. As with the AONB, we do not comment on the judgement of overall integrity, which approaches the question of the 'acceptability' of the effects.</p>	<p>The Applicant notes that LUC agrees with the assessment of the effects on the Special Qualities of National Park as being Non-significant.</p> <p>The Applicant notes that LUC does not comment on the judgement of overall integrity.</p>
REP1-093-9.1.1.f	<p>▲ In terms of night-time effects, significant effects are identified for the 200 candela scenario. This is agreed, noting that the PEIR concluded no significant effects in relation to the brighter 2000 candela scenario.</p>	<p>As assessed in the SLVIA (AS-027) from paragraph 1467 no significant night-time effects are identified in the ES for areas within Snowdonia NP.</p>

REFERENCE	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE
REP1-093-9.1.2	<p>The review undertaken by the LUC strengthens the National Park's long standing view that the proposed wind farm would have significant effects on areas of the northern part of the National Park and that some impacts have been under reported (e.g. VP36 Tal y Fan and the northern part of LCA 01 in general). Although the array area has decreased and the turbine numbers reduced, the turbine height is still unchanged which is a concern for the National Park.</p>	<p>This is noted by the Applicant.</p> <p>See the Applicant's responses to REP1-093-9.1.1 in relation to the effects on LCA 01, REP1-093-9.1.1 in relation to the effects on Viewpoint 36 Tal y Fan and REP1-075-3.5.2 in relation to the maximum turbine height, which is unchanged.</p>
REP1-093-9.1.3	<p>We feel the need to once again raise the issue of cumulative effects. The cumulative effect of the new proposed wind farm alongside the current ones seen at Gwynt y Môr and Rhyl Flats would mean that the cone of sight and sea horizon will be disrupted even further by wind turbines, particularly when considering that the proposed turbines would be double the height of those nearby currently. These impacts will include significant adverse effects from certain viewpoints and parts of the landscape in the National Park. Additionally there is also the prospect of another offshore windfarm in the area in the future (Mona) which would further add to the cumulative impact (although at the early stages of its planning).</p>	<p>OWFs are an acknowledged feature of the seascape character off the North Wales coast. SLVIA Figure 25 (APP-227) illustrates that there are few areas within Snowdonia National Park where AyM would be theoretically visible where existing OWFs are not already theoretically visible. This suggests that the change would be incremental rather than a complete change, although it is acknowledged that the scale of the proposed WTGs proposals is larger than those of the existing OWFs and the overall spread of OWFs would be increased, as noted.</p> <p>The varying climatic conditions off the coast frequently changes the range of visibility out to sea and the prominence of the existing offshore WTGs. AyM would not be the closest wind farm to the National Park so, that at times whilst other OWFs may be visible, climatic conditions may reduce visibility of AyM.</p> <p>The addition of AyM OWF to the seascape containing operational offshore wind farms is considered in the SLVIA (AS-027) including the further extent of the field of view affected by OWFs and the comparatively larger scale of the WTGs and this is accounted for in the significant effects identified within the National Park.</p> <p>The Applicant notes that Mona OWF may come forward to application stage in the future. This is one of the Round 4 Bidding Areas considered from paragraph 1479 of the SLVIA (AS-027).</p>
REP1-093-10.1	<p>Wrexham County Borough Council</p> <p>No additional comments</p>	<p>This is noted by the Applicant.</p>

### 3 References

- ASCOBANS (2014), 'Concept for the protection of harbour porpoises from sound exposures during the construction of offshore wind farms in the German North Sea (sound protection concept)', 21st ASCOBANS Advisory Committee meeting, Gothenburg, Sweden.
- Climate Xchange and The James Hutton Institute (March 2015) Comparative Review of Methodologies for Assessing Wind Farms' Impact on Tourism.
- Defra (2009), Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Department for Environment, Food and Rural Affairs (DEFRA)).
- JNCC (2020), 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs (England, Wales & Northern Ireland)', Report No. 654, JNCC, Peterborough.
- Lucke, K., U. Siebert, P. A. Lepper, and M. Blanchet (2009), 'Temporary shift in masked hearing thresholds in a harbor porpoise (*Phocoena phocoena*) after exposure to seismic airgun stimuli', *Journal of the Acoustical Society of America*, 125:4060-4070
- Malme, C.I.; Miles, P.R.; Clark, C.W.; Tyack, P.; Bird, J.E. (1983). Investigations of the Potential Effects of Underwater Noise from Petroleum Industry Activities on Migrating Gray Whale Behavior; U.S. Department of the Interior, Minerals Management Service: Anchorage, AK, USA, 1983.
- Malme, C.I.; Miles, P.R.; Clark, C.W.; Tyack, P.; Bird, J.E. (1984) Investigations of the Potential Effects of Underwater Noise from Petroleum Industry Activities on Migrating Gray Whale Behavior—Phase II: January 1984 Migration; U.S. Department of the Interior, Minerals Management Service: Anchorage, AK, USA, 1984.
- Natural England (September 2022). Highly Pathogenic Avian Influenza (HPAI) outbreak in seabirds and Natural England advice on impact assessment (specifically relating to offshore wind)
- Northumberland University (on behalf of Northumberland County Council) (October 2014), Evaluation of the Impacts of Onshore Wind Farms on Tourism.

- Orsted (2022a), Hornsea Four Gannet Displacement and Mortality Evidence Review (Document reference G2.9)
- Orsted (2022b), Hornsea Four Auk Displacement and Mortality Evidence Review (Document reference G1.47)
- Richardson, W.J.; Fraker, M.A.; Würsig, B.; Wells, R.S. Behaviour of bowhead whales *Balaena mysticetus* summering in the Beaufort Sea: Reactions to industrial activities. *Biol. Conserv.* 1985, 32, 195–230.
- Richardson, W.J.; Würsig, B.; Greene, C.R. Reactions of bowhead whales, *Balaena mysticetus*, to seismic exploration in the Canadian Beaufort Sea. *J. Acoust. Soc. Am.* 1986, 79, 1117–1128.
- Richardson, W.J.; Würsig, B.; Greene, C.R. Reactions of bowhead whales, *Balaena mysticetus*, to drilling and dredging noise in the Canadian Beaufort Sea. *Mar. Environ. Res.* 1990, 29, 135–160.
- Guan, S., and T. Brookens (2021). The Use of Psychoacoustics in Marine Mammal Conservation in the United States: From Science to Management and Policy. *Journal of Marine Science and Engineering* 9:507.



RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB

T +44 (0)8456 720 090

**[www.rwe.com](http://www.rwe.com)**

Registered office:

RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon