



# Awel y Môr Offshore Wind Farm

## Comments on Other Submissions Received at Deadline 1

## Deadline 2

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# 1 Introduction

- 1 Awel y Môr Offshore Wind Farm Limited (The Applicant) acknowledges that a number of documents were submitted by interested parties at Deadline 1 in addition to Written Representations (WRs) and responses to the Examining Authority's First Written Questions (ExQ1).
- 2 This document acknowledges those additional submissions and provides the Applicant's comment where appropriate and necessary.
- 3 The Applicant has provided responses to WRs in full, and comments on the responses by other Interested Parties (IPs) to ExQ1 in Documents 2.2 and 2.3 of the Applicant's Deadline 2 submission, respectively.

## 2 Other Submissions Received at Deadline 1

### 2.1 Dŵr Cymru Welsh Water

4 At Deadline 1, Dŵr Cymru Welsh Water (DCWW) did not submit a written representation (WR), nor did it submit any responses to the Examiners' first written questions (ExAQ1s). DCWW did however submit the following documents at Deadline 1:

- ▲ REP1-058 - Cover Letter
- ▲ REP1-059 - Conditions for Development
- ▲ REP1-060 - Sewer Plans 1-5
- ▲ REP1-061 - Water Plans 1-4

5 DCWW's Cover Letter (REP1-058) included the following text:

*"We refer to your consultation on a scoping consultation and notification in accordance Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure), which relates to a Development Consent Order for the Awel y Môr Offshore Wind Farm project. We have reviewed the documents available at this stage in the process and specifically the consultation received. We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:*

#### **APPRAISAL**

*Firstly, it appears the application does not propose to connect to the public sewerage system or potable water network, and therefore Dwr Cymru Welsh Water has no objections in principle. However, should circumstances change and a connection to the public sewerage system/potable water network is preferred we must be re-consulted on this application.*

#### **Surface Water Drainage**

*As part of the development falls within Wales, as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended*

*that the developer engage in consultation with the Denbighshire Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation."*

- 6 The letter then lists a series of Asset Protections with associated grid references. Similarly, DCWWs Conditions for Development lists a set of conditions with grid references. Both lists make reference to the Water Plans and Sewer Plans also provided by DCWW.
- 7 The Applicant wishes to highlight that consent through a SAB application would not be sought. Instead, it is proposed that DCC would approve final surface water drainage through DCO Requirement 16. This is set out in Section 1.5.1 of the OnSS Flood Consequences Assessment (REP1-044] as follows:

*schedule 3 paragraph 7 to the Flood and Water Management Act 2010 contains the requirement for approval, from the relevant approval body, of the SuDS prior to construction of the development. However, para 7(3) contains an exemption for "work requiring development consent under section 31 of the Planning Act 2008" (I.e. nationally significant infrastructure projects). This is confirmed in the relevant statutory guidance under exemptions from the need for SAB approval. It is therefore our intention that relevant SuDS principles will be applied to the substation development and secured through a requirement of the DCO. Discharge of the DCO Requirement would require review and approval of SuDS details by DCC post-consent and before the commencement of works rather than in parallel to the planning application*

## **2.2 Gwynedd Council**

- 8 At Deadline 1, Gwynedd Council did not submit a WR but it did provide responses to a number of ExAQ1s. The Applicant's response to these responses can be found in Document 2.3 of the Applicant's Deadline 2 submission. Other documents received by Gwynedd Council at Deadline 1 are as follows:

- ▲ REP1-064 - Cover Email
- ▲ REP1-065 - Supplementary Planning Guidance
- ▲ REP1-066 - Anglesey and Gwynedd Joint LDP (Welsh)

- 9 Gwynedd Council's cover email reads as follows

*“Prynhawn da,*

*Gweler ynghlwm ymateb Cyngor Gwynedd i'r Cwestiynau Ysgrifenedig Cyntaf yr Awdurdod*

*Archwilio (ExQ1) gyda'r atodiadau perthnasol.*

*Nodir fod y CCA Llechi ar gael yn Saesneg ar y linc yma:*

*<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supplementary-Planning-Guidance/SlateWHS-S.pdf> ac fod fersiwn Saesneg o bolisiau'r Cynllun Datblygu Lleol ar gael ar y linc yma:*

*<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Anglesey-and-Gwynedd-Joint-LocalDevelopment-Plan-Written-Statement.pdf>”*

- 10 The English translation of Gwynedd Council's cover email reads as follows:

*“Good afternoon,*

*Please find attached Gwynedd Council's response to the Examining Authority's First Written Questions (ExQ1) with the relevant appendices.*

*Note that the Slate SPG is available in English through this link:*

*[https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supplementary-Planning-Guidance/Slate- WHS-S.pdf](https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supplementary-Planning-Guidance/Slate-WHS-S.pdf)*

*and that an English version of the Local Development Plan policies is available through this link: <https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Anglesey-and-Gwynedd-Joint-Local-Development-Plan-Written-Statement.pdf>”*

- 11 REP1-065 - Supplementary Planning Guidance and REP1-066 - Anglesey and Gwynedd Joint LDP (Welsh) are received in response to the ExQ1.0.2
- 12 The Applicant does not have further comment to add on Gwynedd Council's submission beyond the comments provided on the Written Representation and responses to ExA First Questions already provided in Documents 2.2 and 2.3 of the Applicant's Deadline 2 submission.

## 2.3 National Grid Electricity Transmission PLC (NGET)

13 At Deadline 1, National Grid Electricity Transmission PLC (NGET) submitted a WR (the Applicant's response to which can be found in Document 2.2 of the Applicant's Deadline 2 submission) and responses to ExAQ1s (the Applicant's comments on which can be found in Document 2.2 of the Applicant's Deadline 2 submission). Other documents submitted by NGET at Deadline 1 are as follows:

- ▲ REP1-072 - Protective Provisions
- ▲ REP1-073 - Notification of wish to speak at any Open Floor Hearing and Compulsory Acquisition Hearing - Addleshaw Goddard LLP on behalf of National Grid Electricity Transmission PLC (NGET)

14 REP1-072 - Protective Provisions is a copy of NGET's standard Protective Provisions as requested by the ExA in ExQ1.3.24.

15 REP1-073 reads as follows:

*"I write on behalf of my client National Grid Electricity Transmission PLC (NGET) in relation to the Awel Y Mor DCO Deadline 1 submissions.*

*Please see attached NGET's Written Representation and responses to ExQ1 as well as a copy of its standard protective provisions. I would be grateful if you could please confirm receipt. I also write to request attendance at any open floor hearing/compulsory acquisition hearing that may be scheduled. Negotiations with the Promoter are progressing and NGET hopes that attendance at hearings will not be necessary. However, NGET would like to reserve the right to attend should any outstanding issues not be resolved by the week commencing 5 December. We will keep you updated as to progress of negotiations and confirm whether attendance will be necessary closer to the scheduled hearing dates."*

16 The Applicant notes the comments and confirms it is in the process of discussions to form an agreement on Protective Provisions with NGET.



## 2.4 Natural Resources Wales (NRW)

17 At Deadline 1, Natural Resources Wales (NRW) submitted a WR (the Applicant's response to which can be found in Document 2.2 of the Applicant's Deadline 2 submission) and responses to ExAQ1s (the Applicant's comments on which can be found in Document 2.3 of the Applicant's Deadline 2 submission). Other documents submitted by NRW at Deadline 1 are as follows:

- ▲ REP1-078 - Request to attend Accompanied Site Inspection
- ▲ REP1-079 - Confirmation of non-attendance at the Compulsory Acquisition Hearing and Open Floor Hearing
- ▲ REP1-080 - Written Representation and Response to the Examining Authority's First Written Questions with further information letter referenced in section 4 of the Written Representation

18 REP1-078 reads as follows:

*"Please accept this email as confirmation that Natural Resources Wales wish to accompany the Examining Authority on the Accompanied Site Visit scheduled for the week commencing the 5<sup>th</sup> December. Currently, NRW wish to attend for the whole inspection. We have no observations or suggested changes on the proposed itinerary."*

19 REP1-079 reads as follows:

*"Please accept this email as confirmation that Natural Resources Wales will not be attending the Compulsory Acquisition Hearing or Open-Floor Hearing the week commencing the 5<sup>th</sup> December 2022. We reserve our position on attendance at the Issue-specific hearings until such time that the high-level agendas are published."*

20 A copy of a letter requesting further information was received as part of submission REP1-080. This letter (dated 8 September 2022) requests further information from the Applicant in regard to its application for a Marine Licence.

21 The Applicant confirms it has received this letter and has agreed with NRW to respond by 25 November 2022.

- 22 As noted in the Applicant's Update on the Marine Licence Submission and Progress (Document 2.21 of the Applicant's Deadline 2 submission), The Applicant has met with NRW MLT on 26 October 2022 to discuss the timescales for provision of further information requested in NRW MLT's letter. It has been agreed that the following will be submitted to NRW MLT on 25 November:
- All Deadline 1 submissions with relevance to the Marine Licencing process (as set out in the matrix);
  - Detailed response to representations submitted to the Marine Licence consultation process (cross-referenced to the above); and
  - Detailed answers to NRW's request for further information where not answered by the above two submissions.
- 23 This deadline was agreed in support of alignment of materials submitted to the two consenting processes around Deadline 3 (on 23 November 2022).

## **2.5 Eversheds Sutherland (International) LLP on behalf of Network Rail Infrastructure Limited**

- 24 At Deadline 1, Eversheds Sutherland (International) LLP on behalf of Network Rail Infrastructure Limited (Network Rail) submitted a WR (the Applicant's response to which can be found in Document 2.2 of the Applicant's Deadline 2 submission) and responses to ExAQ1s (the Applicant's comments on which can be found in Document 2.3 of the Applicant's Deadline 2 submission). The other document submitted by Network Rail at Deadline 1 is as follows:
- REP1-081 - Written Representation and Response to the Examining Authority's First Written Questions (APPENDIX 2)
  - REP1-082 - Request to be considered as an Interested Party - Eversheds Sutherland (International) LLP on behalf of Network Rail Infrastructure Limited
- 25 Appendix 2 to REP1-081 provides Network Rail's preferred Protective Provisions as requested by the ExA in ExQ1.3.24.
- 26 REP1-082 is a formal request to be considered as an Interested Party detailing Network Rail's purpose, its notes on protections from compulsory acquisition, and its Protective Provisions.

- 27 The letter states that at present Network Rail objects to the draft Order on the basis that it does not include protective provisions in Network Rail's standard form.
- 28 The Applicant welcomes Network Rail's engagement and thanks it for its time spent to date on the project. The Applicant notes that it has signed a Basic Asset Protection Agreement with Network Rail and are working towards agreeing the necessary property agreements with Network Rail.
- 29 Active discussions are ongoing between the Applicant and Network Rail in relation to Protective Provisions. The Applicant has received a mark-up of the Protective Provisions included in the draft DCO (AS-014; Document 2.14 of the Applicant's Deadline 2 submission) 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.

## 2.6 North Hoyle Wind Farm Limited

- 30 At Deadline 1, North Hoyle Wind Farm Limited (NHWFL) submitted a WR (the Applicant's response to which can be found in Document 2.2 of the Applicant's Deadline 2 submission) and responses to ExAQ1s (the Applicant's comments on which can be found in Document 2.3 of the Applicant's Deadline 2 submission). The other document submitted by NHWFL at Deadline 1 is as follows:

- ▲ REP1-084 - Written summary of oral submissions to Issue Specific Hearing 1

- 31 NHWFL's summary lists agenda item 3: Update on progress regarding protective provisions between the Applicant and NHWFL and reads as follows:

*"The Applicant acknowledged that, as the export cable for proposed development required to cross the existing export cable for North Hoyle Wind Farm, it was necessary to enter into a cable crossing agreement with NHWFL to regulate the installation. The Applicant has supplied a draft agreement and this is under discussion between the parties.*

*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.”*

- 32 The Applicant notes the points raised by NHWFL in its written summary of oral submissions to Issue Specific Hearing 1. The Applicant has responded to the submissions of NHWFL in the Applicant’s response to written representations (Document 2.2 of the Applicant’s Deadline 2 submission). The points raised above are dealt with in response to REP1-085-4.1 to REP1-085-4.3.

## **2.7 Rhyl Flats Wind Farm Limited**

- 33 At Deadline 1, Rhyl Flats Wind Farm Limited (RFWFL) submitted a WR (the Applicant’s response to which can be found in Document 2.2 of the Applicant’s Deadline 2 submission) and responses to ExAQ1s (the Applicant’s comments on which can be found in Document 2.3 of the Applicant’s Deadline 2 submission). The other document submitted by RFWFL at Deadline 1 is as follows:

- ▲ REP1-086 - Written summary of oral submissions to Issue Specific Hearing 1

- 34 RFWFL’s summary lists agenda item 2 (which cover points on Offshore design parameters in Requirement 2) and agenda item 3 which details RFWFL’s comments on the draft Protective Provisions provided by the Applicant and wake loss.

- 35 The Applicant notes the points raised by RFWFL in its written summary of oral submissions to Issue Specific Hearing 1. The Applicant has responded to the submissions of RFWFL in the Applicant’s response to written representations (Document 2.2 of the Applicant’s Deadline 2 submission). The points raised are dealt with in response to REP1-088-2.1 to REP1-088-2.4 and REP1-088-4.2 to REP1-088-5.7.

## 2.8 Wilson Fearnall Ltd on behalf of GBL and IB Kerfoot Discretionary Trust

36 At Deadline 1, Wilson Fearnall Ltd on behalf of GBL and IB Kerfoot Discretionary Trust submitted a single document into the examination at Deadline 1. This document is as follows:

- ▲ REP1-099 - Comments on Applicant's proposed Accompanied Site Inspection

37 REP1-099 reads as follows:

*"We would welcome the opportunity to attend the proposed ASI, particularly with regard to Item No 4, Work 11.*

*Despite our pre-consultation requests, our informal and formal consultation responses and our relevant representations, the applicant has not met with us on site or provided any detailed feedback on the site-specific constraints and requirements for the cable route or mitigation land.*

*From an admin perspective, parking is not easy South of the Dyserth Road and we would happy to accommodate vehicles on the privately owned land, subject to ground condition suitability."*

38 The Applicant notes the request from the respondent to attend the accompanied site inspection (ASI) and is grateful for the offer to accommodate the parking of vehicles as part of the ASI. The Applicant will liaise further with the respondent once further details of the ASI are available.

39 The Applicant's appointed land agents have previously and continue to engage with the respondent since their appointment as agent through face to face and virtual meetings as well as via email and telephone correspondence. The Applicant acknowledges that there have not been any site meetings but does not believe that this has been detrimental to the discussions with the respondent. Feedback to responses received as part of the formal consultation is set out in 5.1.2 Consultation Report - Annex 1 - Consultation Report Appendices - Part 2 (E to H) (APP-026) (Comment Ref. MOP\_27\_11102021). Further feedback has been provided at Deadline 1 in the form of the Applicant's response to the relevant representation made by the respondent (Section 2.33 REP1-001). The Applicant will continue to engage with the respondent and would be happy to attend a site meeting in order to discuss matters further.

## 2.9 Rostons on behalf of Mr R and Mrs H Proffitt

40 At Deadline 1, Rostons on behalf of Mr R and Mrs H Proffitt submitted responses to ExAQ1s (the Applicant's comments on which can be found in Document 2.3 of the Applicant's Deadline 2 submission). That document is as follows:

- ▲ REP1-106 - Response to the Examining Authority's First Written Questions with Appendices

41 Appendix 1 (Site Plans) of REP1-106 shows two pages of site plans and Appendix 2 (Impact on Property Plans) shows an annotated maps showing impact on property plans.

42 Both of these appendices are referred to in Roston's responses to the ExA's First Written Questions (REP1-007).

43 The outline Soil Management Plan proposes that Soil Condition Surveys are completed to inform the final SMP to agree methods for protection of soils during construction. The final SMP 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.

- 44 The Applicant understands the concerns that the family have regarding construction disturbance in this location. The project team will work with the family and their agent to ensure that the mitigation and management procedures proposed can take into account the concerns that the family have raised. The Applicant has provided an outline Noise and Vibration Management Plan (oNVMP) that describes suitable measures and management procedures to control and limit noise and vibration levels.
- 45 To minimise the effects of construction noise in this location temporary noise barriers may be required at appropriate locations. The barriers would be located to ensure that an enhanced level of noise attenuation is provided to the most sensitive points. In the case of nearby equestrian use, the acoustic barriers could be designed to also afford a degree of visual screening from the construction works area.
- 46 As noted in the outline Code of Construction Practice, the type of fencing will be selected to suit the location and purpose and will be agreed with DCC and the Landowner.
- 47 A Final and more detailed NVMP will be developed following detailed design and will include proposals for acoustic screens and other measures to reduce construction noise. The Final NVMP would need to be approved by DCC before construction commences, as secured by DCO Requirement 10.

- 48 The Applicant appreciates that the landowners have expressed a preference for HDD installation of the cable in this location. HDD (or other trenchless techniques) are an effective means of crossing obstacles along the cable route, including main roads, railways, deep waterways and some environmentally sensitive features. However, they are inappropriate for open agricultural land. Relative to open cut, trenchless techniques are inherently more technically challenging and time consuming. As a result, they are more expensive whilst adding complexity to the design and schedule of the scheme. In sections of the route where trenchless techniques are appropriate, the length of the bore is generally minimised as far as possible. A longer bore such as would be needed to avoid any open trenching in this location would increase the volume of drilling fluid (and hence the environmental risk), increase the size of the drilling rig required (and hence noise levels) and also increase the likelihood that 24 hour operations are required (and hence causing greater disturbance).
- 49 In addition, joint bays can only be located in open cut sections of the cable route. Export cables are supplied in standardised lengths and joint bays must be evenly spaced along the cable route to prevent significant wastage; this also constrains the use of trenchless techniques.
- 50 It should also be noted that any use of trenchless techniques does not remove the requirement for a haul road as vehicular access to the adjacent sections of the cable installation are still required. Hence the construction impacts (such as topsoil stripping, haul road installation, haul road traffic, removal and reinstatement) are present regardless of whether open cut or trenchless techniques are applied.
- 51 The Applicant needs to comply with the requirements of section 9 of the Electricity Act 1989 (i.e. to develop and maintain an efficient, co-ordinated and economical system of electricity distribution and transmission).
- 52 This land parcel does not contain environmental or technical constraints that require the use of trenchless techniques and therefore it is the Applicant's view that the additional cost, engineering risk and scheduling risks associated with a long trenchless crossing are not warranted.



53 The Applicant considers that appropriate mitigation has been provided that will allow for the area to be restored effectively, whilst ensuring that the requirements of Section 9 of the Electricity Act are met.



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