



Awel y Môr Offshore Wind Farm

Comments on Submissions Received at Deadline 3

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1 Introduction

- 1 Awel y Môr Offshore Wind Farm Limited (the Applicant) notes that a number of documents were submitted by interested parties at Deadline 3 alongside two additional submissions accepted into the Examination at the discretion of the Examining Authority (ExA).
- 2 This document provides the Applicant's comment where appropriate and necessary, including to the late responses to the ExA's First Written Questions (PD-009).

2 Other Submissions Received at Deadline 3

2.1 National Air Traffic Services

- 3 National Air Traffic Services (NATS) submitted a letter (REP3-025) confirming non-attendance to the hearings and site visits scheduled for the week commencing 5 November 2022. The letter reads as follows:

“NATS acknowledges receipt of the Notification of the hearings and site visits. NATS is in advanced negotiations with the Applicant in respect of mitigation measures and the required agreements relating to these. As such, it does not intend to attend the site visits or hearing sessions virtually or in person at this time. We will continue to work with the Applicant and will keep the Inspectorate up to date as progress is made.”

- 4 The Applicant notes NATS’s confirmation of non-attendance and will continue to progress negotiations.

2.2 Natural Resources Wales

- 5 Natural Resources Wales (NRW) submitted a written submission (REP3-026) detailing comments on further information submitted by the Applicant in response to matters raised in NRW’s Written Representation (WR).
- 6 NRW’s comments, and the Applicant’s comments are detailed in Table 1 below.

Table 1: The Applicant's comments on NRW's written submission made at Deadline 3.

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
REP3-026-1.1.1	<p>OFFSHORE</p> <p>Physical Processes</p> <p>In paragraph 2.1.5 of NRW's Deadline 1 submission [REP1-080], we advised that postconstruction monitoring of secondary scour should be considered and take the form of an environmental monitoring plan. We acknowledge the Applicant's position, as indicated in their response to NRW's Written Representations [REP2-002] and the Marine Licence Principles (REP2-022), that monitoring of secondary scour is anticipated to be conducted as part of asset-protection surveys undertaken post-construction rather than specific secondary scour monitoring. NRW has considered this approach and, provided that this is appropriately secured, is content with the proposals. We welcome the agreement in the Applicant's response to NRW's Written Representations [REP2-002] that a monitoring plan would need to be conditioned as part of any Marine Licence granted by NRW Permitting Services. We advise that the plan would need to be agreed in writing.</p>	<p>The Applicant has further clarified with NRW on this matter and it has been agreed via the Statement of Common Ground (SoCG06-1.13 in REP3-021) that the Applicant will undertake monitoring of secondary scour for the purposes of asset protection as part of the post-construction monitoring described by Condition 34 of the Marine Licence Principles (REP2-022) and it is understood that NRW is content with this approach, provided that this is appropriately secured.</p>
REP3-026-1.1.2	<p>However, we note that this commitment is not captured or cross-referenced to the measures set out in the updated Schedule of Mitigation [REP2-024] and advise that it be so.</p>	
REP3-026-1.1.3	<p>In paragraph 2.1.7 of NRW's Deadline 1 submission, we advised that further clarity should be provided with respect to where the dredge arisings from the cable laying activities along the Export Cable Corridor (ECC) will be disposed of, and that the relationship with the offshore design parameters, as presented in the draft DCO, should be explained. NRW acknowledges the Applicant's intention to apply for further disposal licence(s) for the ECC (and GyM Interlink areas) should it be deemed required at the detailed design phase post-consent. NRW are content with the clarity provided in REP2-002.</p>	<p>This is noted and welcomed by the Applicant.</p>
REP3-026-1.2.1	<p>Benthic Subtidal and Intertidal Ecology</p> <p>In paragraph 2.3.5 of NRW's Deadline 1 submission, we recommended that the marine biosecurity plan is produced as a free-standing document, to be kept separate from the terrestrial plan as identified in the Outline Invasive Non-Native Species (INNS) Management Plan.</p>	<p>This is noted and welcomed by the Applicant.</p>
REP3-026-1.2.2	<p>Following the Deadline 2 submissions, we welcome the Applicant's commitment, as detailed in REP2-002 and associated documents, that a free-standing marine biosecurity plan will be produced.</p>	

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
REP3-026-1.3.1	<p>Fish and Shellfish Ecology</p> <p>In NRW's Deadline 1 submission (paragraph 2.5.9), NRW noted it disagreed 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. We also noted at paragraph 2.5.8 that 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.</p>	This is noted and welcomed by the Applicant.
REP3-026-1.3.2	<p>We have reviewed the Applicant's Cumulative Effects Assessment (CEA) Clarification Note [REP2-028] submitted at Deadline 2 and confirm that the note has now explained, to NRW's satisfaction, that the worst-case scenario applies to all hearing sensitive fish, and that the conclusions of the assessment of 'minor adverse' are therefore applicable also to cod. Furthermore, the note satisfactorily clarifies that the CEA conclusion does not rely on future measures which may mitigate piling noise effects but is based on best available information from Awel-y-Môr in combination with the identified projects. The Clarification Note [REP2-028] has therefore resolved the issues raised in NRW's Deadline 1 submission and we have no further concerns regarding the CEA for fish and shellfish receptors.</p>	
REP3-026-1.3.3	<p>Both the CEA clarification note submitted at Deadline 2 [REP2-028] and the clarification note submitted at Deadline 1 [REP1-003] addressing concerns raised in our Relevant Representation [RR-015] with respect to errors in the impact assessment on fish valued ecological receptors, satisfactorily address NRW's concerns from a fish receptor perspective. As such, based on the information provided in the Applicants Deadline 1 and Deadline 2 submission, NRW is satisfied that there are no outstanding areas of disagreement on fish and shellfish receptors.</p>	
REP3-026-1.4.1	<p>Marine Ornithology</p> <p>NRW's Deadline 1 submission 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) was required.</p>	The Applicant submitted a revised 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) as part of its Marine Licence submission on 25 November 2022. This provided the PVA logs and review of the parameters listed in Horswill & Robinson (2015). Since then, the Applicant has undertaken a further review and provided a revised assessment that includes the collision apportionment tables and displacement matrices for the requested species at Document 3a.19 of the Applicant's Deadline 3a submission.
REP3-026-1.4.2	<p>We have reviewed the Applicant's Deadline 1 submission [REP1-016] where an assessment of the potential effects of the project on the features of the SSSI has now been undertaken. We have advised the Applicant that in order to be able to advise fully on the potential effects of the project on the SSSI, the workings behind the calculations that are presented in REP1-016 should be provided to us. Specifically, we have requested that the values for the</p>	

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
	<p>apportioning of collision risk for Kittiwake and displacement for Guillemot and Razorbill, and displacement matrices for number of Guillemots and Razorbills apportioned in different Biologically Defined Minimum Population Scales (BDMPS) seasons, are provided. NRW have also requested that the log of the Population Viability Analysis (PVA) parameters used are provided, in sufficient detail, in order to allow NRW to replicate the analysis. In addition, we have advised the Applicant to check the species demographic parameters listed in table 1 of the assessment, against those used in their analysis and those presented by Horswill & Robinson (2015), as there appears to be discrepancies. NRW will continue to work with the Applicant on this matter.</p>	
<p>REP3-026-1.4.3</p>	<p>NRW welcomes the Applicant's commitment to validation monitoring for Red Throated Diver as noted in the Applicant's response to NRW's Written Representations [REP2-002], the revised Schedule of Mitigation [REP2-024] and the Marine Licence Principles document [REP2-022].</p>	<p>This is noted by the Applicant.</p>
<p>REP3-026-1.5.1</p>	<p>Marine Mammals Paragraph 2.7.5 d(iii) of NRW's Deadline 1 submission advised that the Applicant include an analysis using a fixed threshold (such as 160dB re μPa SPLrms taken from the Level B Harassment thresholds (NMFS: 1995, 2005)) for impulsive noise for bottlenose dolphin to calculate the number of dolphins disturbed, and as a useful comparison against the results of the proxy Dose Response (D/R) analysis.</p>	<p>This is noted and welcomed by the Applicant. The revised Level B harassment comparison note was submitted to the Examination at Deadline 3 (REP3-015).</p>
<p>REP3-026-1.5.2</p>	<p>The Applicant has submitted to NRW a note titled Level B Harassment Threshold Comparison Note dated 23rd November 2022 (received 21st November 2022). NRW has reviewed the note and acknowledge and welcome the additional modelling carried out against the Level B Harassment thresholds (NMFS, 1995, 2005). Given the lack of a D/R curve specific to bottlenose dolphin, efforts to help reduce uncertainty by presenting multiple assessment methods in parallel allows for useful comparison and greater robustness. The Applicant originally applied a harbour porpoise D/R curve to bottlenose dolphin: harbour porpoise are likely to be more sensitive to the effects of pile-driving than bottlenose dolphin, which was likely to lead to over-precautionary results. The differences in impact ranges between the two methods demonstrates this after, as requested, the Applicant presented the results for a second approach – Level B Harassment. In the absence of species-specific thresholds, use of a harbour porpoise D/R is a reasonably pragmatic approach. The conclusions of the comparison exercise between the D/R analysis and the modelling of Level B harassment thresholds indicates that the magnitude of effect of underwater noise on bottlenose dolphin is minor. As such, we agree with the conclusions of the Comparison Note, the Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA) based on their use of a</p>	

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
	D/R. We advise that the Applicant submits the Comparison Note into the DCO Examination at the next available deadline.	
REP3-026-1.5.3	<p>Paragraph 2.7.13 of NRWs Deadline 1 submission noted potential discrepancies and inconsistencies with respect to the assessment of cumulative effects from underwater noise between marine mammals and fish ecology. We noted that the projects, plans and activities identified in the cumulative effects assessment (Section 7.13 of the Marine Mammals chapter of the ES [AS-026]) differs to those included in the in-combination assessment (RIAA) and the fish CEA. The Applicant has been in discussion with NRW in this regard to clarify the projects included and the differences between the fish and the marine mammal approaches. The Applicant has since submitted into the Deadline 2 submissions a Cumulative Effects Assessment clarification note [REP2-028] which clarifies their position. NRW has reviewed this clarification note and agree with the reasons for differences between fish and marine mammal assessments. Although the clarification note still fails to explain the reasons for the differences in projects included in the in-combination assessment and the CEA for marine mammals, NRW does not consider this to have a material effect on the conclusions. NRW agree that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEoI) from the project in-combination with others on sites designated for marine mammals.</p>	This is noted by the Applicant.
REP3-026-1.5.4	<p>NRW is satisfied that previous concerns, as outlined in its Written Representation [REP1- 080], and with respect to the following:</p> <ul style="list-style-type: none"> ▲ The exclusion of cumulative PTS-onset from the Marine Mammal Mitigation Protocol (paragraph 2.7.5 c); ▲ The use of D/R curves to conduct area-based assessments to estimate the area of harbour porpoise habitat disturbed (paragraph 2.7.5 d); ▲ Justification to support the conclusion of no Likely Significant Effect from vessel collision for bottlenose dolphin, grey seal or harbour porpoise features of relevant SACs (paragraph 2.7.6); 5 ▲ Interim Population Consequences of Disturbance (iPCoD) modelling for harbour porpoise disturbance and PTS injury (paragraph 2.7.5 a), and; ▲ Understanding the proportion of the harbour porpoise Celtic and Irish Sea Marine Mammal Management Unit habitat disturbed (paragraph 2.7.5 a ii) <p>have been appropriately addressed in the updated Marine Mammal clarification note [REP1-002].</p>	This is noted and welcomed by the Applicant.

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
REP3-026-1.6.1	Decommissioning NRW notes and accepts the comments provided by the Applicant in their Deadline 2 submission [REP2-002] in response to paragraph 2.9.5 of NRW's Written Representation.	This is noted and welcomed by the Applicant.
REP3-026-1.7.1	Mitigation: Schedule of Mitigation and the Marine Licence Principles We note, at paragraph 8 of the Marine Licence Principles document [REP2-022], that the Schedule of Mitigation [REP2-024] and the Marine Licence Principles document should cross-refer to each other in order to confirm where the mitigation measures secured in the Schedule of Mitigation would be secured through the Marine Licence, and to clarify where different terms for plans and documents are used in the Schedule of Mitigation. NRW notes that some discrepancies between the Schedule of Mitigation and Monitoring [REP2-024] and the Marine Licence Principles document [REP2-022] remain. For example, please see paragraph 1.1.2 above. NRW advise that the Applicant undertakes another cross-check between the documents for the reasons outlined above and in paragraphs 2.10.1 and 2.10.2 of NRW's Written Representation [REP1-080].	The Applicant will undertake a further review of the Schedule of Mitigation and Marine Licence Principles, and will provide an update at Deadline 4.
REP3-026-1.7.2	For the avoidance of doubt, NRW recommends that the title of future updated versions of the Schedule of Mitigation [REP2-024] is amended to reflect the fact that the document contains details relating to both mitigation measures and monitoring – currently the document title only refers to Mitigation.	The Applicant will amend the title of the Schedule of Mitigation to reflect both mitigation measures and monitoring. As above, this will be provided at Deadline 4.
REP3-026-2.1.1	ONSHORE Protected Species (Onshore) In paragraph 3.4.2 of NRW's Deadline 1 submission [REP1-080], we advised 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 amendments had been previously communicated to the Applicant on 5/10/2022.	This is noted and welcomed by the Applicant.
REP3-026-2.1.2	We have reviewed the revised Outline LEMP submitted at Deadline 1 [REP1-035] and Deadline 2 [REP2-009] and are satisfied that our previous comments have been addressed. We note that the final LEMP will be approved by the discharging authority, in consultation with NRW (Requirement 13). In view of the above we are satisfied that the proposals will not be detrimental to the maintenance of the favourable conservation status of protected species.	

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
REP3-026-2.2.1	<p>Invasive Non-Native Species (INNS) (Terrestrial)</p> <p>In paragraph 3.5.1 of NRW's Deadline 1 submission, we advised amendments to the Outline INNS Management Plan [APP-323]. We have reviewed the revised Outline INNS Management Plan submitted at Deadline 1 [REP1-041] and Deadline 2 [REP2-046] and are satisfied that our previous comments have been addressed.</p>	This is noted and welcomed by the Applicant.
REP3-026-2.2.2	<p>We also note that a revised Draft Development Consent Order has been submitted at Deadline 2 [REP2-014] which includes specific reference to NRW as a consultee for Requirement 10 (which requires the submission of a final INNS Management Plan for approval by the discharging authority).</p>	This is noted and welcomed by the Applicant.
REP3-026-2.2.3	<p>Based on the above, we are satisfied that INNS will be appropriately managed.</p>	
REP3-026-2.3.1	<p>Water Quality (Freshwater)</p> <p>In paragraphs 3.6.2 and 3.6.3 of NRW's Deadline 1 submission, we advised amendments to the Outline Pollution Prevention and Emergency Incident Response (PPEIR) Management Plan [APP-318] and Outline Construction Method Statement (CMS) [APP313]. We have reviewed the revised Outline CMS [REP2-017] and Outline PPEIR Management Plan [REP2-036] submitted at Deadline 2 and are satisfied that our previous comments have been addressed. As detailed in paragraph 2.2.2 above, a revised Draft Development Consent Order has also been submitted at Deadline 2 [REP2-014] which includes specific reference to NRW as a consultee for Requirement 10 (which requires the submission of a final CMS and PPEIR Management Plan). Based on the above, we are satisfied that potential impacts on water quality (both surface and groundwater) can be appropriately managed.</p>	This is noted and welcomed by the Applicant.
REP3-026-2.3.2	<p>We would however refer you to our comments with respect to WFD (paragraphs 3.3.1 – 3.3.7 (Annex A) of our Deadline 1 submission) which advises further information should be provided with respect to the watercourse crossing options retained at some locations.</p>	<p>The Applicant refers to the response provided to NRW's Written Representation [REP2-002] which is as follows: <i>'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.'</i></p>

REFERENCE	NRW'S COMMENT	APPLICANT'S COMMENT
		The Applicant is in ongoing discussion with NRW regarding the watercourse crossing options and acknowledges the risks highlighted by NRW.
REP3-026-2.4.1	<p>Fish (Freshwater)</p> <p>In paragraph 3.7.3 of our Deadline 1 submission, we stated that we agree with the conclusions of the ES that the watercourses that may be subject to in-river works are not important spawning areas for salmonids. However, as a precaution, we advised that the Outline LEMP should be updated to include a statement that "works will have regard to the Salmon and Freshwater Fisheries Act 1975". We have reviewed the Outline LEMP [REP2- 009] submitted at Deadline 2 and are satisfied that our previous comment has been addressed.</p>	This is noted and welcomed by the Applicant.
REP3-026-2.5.1	<p>Air Quality</p> <p>In paragraph 3.8.3 (Annex A) of our Deadline 1 submission, 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). We received an Air Quality Clarification Note from the Applicant on 14/10/2022, and this was formally submitted into the Examination at Deadline 1 [REP1-020]. Based on the information provided in this note, we are now satisfied that marine vessels are not likely to have significant effects on any designated onshore coastal habitat.</p>	This is noted and welcomed by the Applicant.
REP3-026-3.1.1	Horswill, C. & Robinson R. A. (2015). Review of seabird demographic rates and density dependence. <i>JNCC Report No. 552. Joint Nature Conservation Committee, Peterborough</i>	The Applicant has no comment to make on the references kindly provided by NRW.
REP3-026-3.1.2	National Marine Fisheries Service (NMFS). (1995). Small takes of marine mammals incidental to specified activities; offshore seismic activities in southern California. <i>Federal Register. 60(200), 53753-53760.</i>	
REP3-026-3.1.3	National Marine Fisheries Service (NMFS). (2005). <i>Scoping Report for NMFS EIS for the National Acoustic Guidelines on Marine Mammals.</i> National Marine Fisheries Service.	

2.3 Network Rail Infrastructure Limited

- 7 Network Rail Infrastructure Limited (Network Rail) submitted a letter (REP3-027) to confirm non-attendance to the hearings scheduled for the week commencing 5 December 2022. The letter reads as follows:

“Thank you for your email notification of the above Issue Specific Hearings. We are instructed by Network Rail Infrastructure Limited in respect of the above Application. Network Rail remains concerned to ensure that comprehensive Protective Provisions are included in the DCO, in order to protect its statutory undertaking to own and operate the national rail network.

Network Rail has submitted its case to the Examining Authority in the form of Additional Submission and Written Representations, to include the preferred form of Protective Provisions. Network Rail is in discussions with the Applicant, regarding the form of Protective Provisions for inclusion in the DCO as well as related agreements which, when completed, will enable the Applicant to implement the Proposed Scheme whilst also protecting Network Rail's statutory undertaking. Network Rail is hopeful that these negotiations are progressing and as such will not be appearing at the Issue Specific Hearings in December. Network Rail however remains interested in the proceedings to protect its position and ensure that comprehensive Protective Provisions are included in the DCO.”

- 8 The Applicant notes Network Rail's non-attendance to the hearings and welcomes engagement with them to resolve any outstanding matters.

2.4 North Hoyle Wind Farm Limited

- 9 North Hoyle Wind Farm Limited (NHWFL) submitted a written submission (REP3-028) at Deadline 3 detailing its further responses to the Applicant's responses to its Written Representation.
- 10 The Applicant's Comments on these further responses are detailed in Table 2 below.

Table 2: The Applicant's comments on NHWFL's further responses made at Deadline 3.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWF FURTHER RESPONSE	APPLICANT'S COMMENT
REP1-085-1.1	Introduction 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.	This is noted by the Applicant.	No further comment.	N/A
REP1-085-2.1	Cable Route 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.	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 NHWFL's cables.	NHWFL has further considered the material lodged by the Applicant. Chapter 4 of the ES includes the sites selection process for the cable route. Paragraph 137 explains that, following the Scoping phase, consultation was undertaken on 3 options – West C, East A and East B (shown on Fig 15 of Chapter 4). Paragraph 141 explains that West A was removed "as a result of the stakeholder consultation received and the desire to avoid potential impacts to the Constable Bank." Paragraph 143 of the ES confirms that the 2 remaining routes (East A and East B) avoid this feature and there appears to have been little to choose between them. The next stage of the process was refinement of the landfall options. Paragraph 147 of the ES confirms that 3 landfall options were progressed for consultation – Landfall 3, Landfall 4 and Landfall 5. East A was associated with Landfall 4 and East B with Landfall 5. Paragraph 150 of the ES includes a	The Applicant notes that NHWFL no longer seeks to question the approach to cable route identification so has no further comment.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWFL FURTHER RESPONSE	APPLICANT'S COMMENT
			<p>statement that "Landfall 4 was also associated with a likelihood of crossing the Constable Bank feature." This statement conflicts with the statement in paragraph 143 that Landfall 4 would avoid this feature. It therefore appears that the Landfall assessment may have proceeded in error as to the likely environmental impacts of Landfall 4.</p> <p>Notwithstanding that point, it is noted that the presence of Constable Bank would result in the Landfall 4 requiring to cross two other cable routes with the alternative being a long HDD with a significant risk of failure. Although it might be helpful to see further details of that alternative route, on balance, NHWFL no longer seeks to question the Applicant's approach to cable route assessment.</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</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</p>	<p>The parties are in agreement that the consent of NHWFL is required in order for the lease to be obtained from the Crown Estate. Although the parties are working on a cable crossing agreement this has not been agreed and the consent of NHWFL is not in place.</p>	<p>The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWF FURTHER RESPONSE	APPLICANT'S COMMENT
	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.	an issue which prevents the project from moving ahead at this stage.		
REP1-085-3.2	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 the consent of NH has not been granted. This represents an impediment to delivery of the scheme.	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 Lease with The Crown Estate, therefore the Applicant considers that there is no such impediment to the project.	The fact that the consent of NHWFL is required for the Crown Estate lease and is not in place is clearly an impediment to the project.	The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.
REP1-085-4.1	Protective Provisions 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	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	The terms of the crossing agreement are still to be agreed if parties cannot resolve matters by the end of the examination then it may be necessary to propose for aspects which cannot be agreed to be covered by means of protective provision.	The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWF FURTHER RESPONSE	APPLICANT'S COMMENT
	included for the offshore works which may impact on NH.	crossing agreement will make provision for a coordinated NHWFL access to the works' area for the purposes of urgent maintenance work.		
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>	<p>There requires to be a mechanism in the cable crossing Agreement to ensure that the works proposed by the Applicant do not conflict with any works proposed by NHWFL. NHWFL looks forward to receiving the Applicant's proposals on this point.</p>	<p>The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.</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>	<p>The Applicant's draft seeks to impose insurance and indemnity liabilities on NHWFL for future works which they do not currently have. That is not acceptable to NHWFL.</p>	<p>The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.</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</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</p>	<p>The indemnities sought are for impacts which are the result of the Applicant's works not works carried out by third parties.</p>	<p>The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	<p>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>protection for NHWFL for any damages caused by the Applicant's crossing works. For works carried out by any other parties that may affect NHWFL infrastructure, and which are outside of Applicant's control, NHWFL will need to seek and agree indemnities with those parties.</p>		
<p>REP1-085-4.3</p>	<p>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.</p>	<p>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.</p>	<p>NHWFL is working with the Applicant to try and resolve matters by agreement. The point is simply being made that if parties cannot resolve matters by the end of the examination then it may be necessary to propose for aspects which cannot be agreed to be covered by means of protective provision.</p>	<p>The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	NHWF FURTHER RESPONSE	APPLICANT'S COMMENT
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.	NHWFL is working with the Applicant to try and resolve matters by agreement. Again, the point is simply being made that if parties cannot resolve matters by the end of the examination then it may be necessary to propose for aspects which cannot be agreed to be covered by means of protective provision.	The Applicant is continuing discussions with NHWFL regarding the cable crossing agreement.

2.5 Rhyl Flats Wind Farm Limited

- 11 Rhyl Flats Wind Farm Limited (RFWFL) submitted a written submission (REP3-029) at Deadline 3 detailing its further responses to the Applicant's responses to its Written Representation.
- 12 The Applicant's Comments on these further responses are detailed in Table 3 below.

Table 3: The Applicant's comments on RFWFL's further responses made at Deadline 3.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
REP1-088-1.1	Introduction 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.	This is noted by the Applicant.	No further comment.	N/A
REP1-088-2.1	Legal and Policy Context 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.	This is noted by the Applicant.	No further comment.	N/A
REP1-088-2.2.a	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:-	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	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)			
REP1-088-2.2.b	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)	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	as low as reasonably practicable." (2.6.183).			
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	Although there have been discussions between the Applicant and RFWFL, the Applicant has not engaged, and continues to refuse to engage with RFWFL on the issue of wake loss.	The Applicant has no further comment.
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL is not suggesting that the safety of RFWFL is compromised by the proposed development. RFWFL is simply setting out the policy context within which impact to existing offshore infrastructure require to be considered.	The Applicant has no further comment.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	This point is agreed between the parties and it is understood that the parties also agree that (1) work No.2 is in the 250m restriction zone for RF; and (2) the consent of RF will be required before the lease can be granted to the Applicant	The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.
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 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.	Although there are ongoing discussions about the protective provisions there have been no discussions about the granting of consent.	The Applicant considers that the agreement of suitable protective provisions will be sufficient for RFWFL to provide its consent to the granting of the lease. The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	<p>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</p>			
<p>REP1-088-4.1</p>	<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>	<p>The protective provisions are still under discussion and a further draft has recently been received from the Applicant. This is currently being reviewed.</p>	<p>The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.</p>
<p>REP1-088-4.2.a</p>	<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</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</p>	<p>It is essential that the protective provisions contain a mechanism to ensure that the Applicant's works do not interfere with works which may be planned by RFWFL. RFWFL will consider the latest draft proposed by the Applicant.</p>	<p>The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	<p>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>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>	<p>This agreement is welcome and RFWFL will review the detailed wording</p>	<p>The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.</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</p>	<p>The Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments</p>	<p>This agreement is welcome and RFWFL will review the detailed wording</p>	<p>The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	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.	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 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.	This agreement is welcome and RFWFL will review the detailed wording.	The Applicant is continuing discussions with RFWFL regarding suitable protective provisions.
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056]. Protective provisions on wake loss are only necessary because the Applicant refuses to engage with RFWFL on this matter and has provided no proposals to deal with it. No proposals have been In the absence of any assessment before the examination, this is the only way to ensure that wake loss is properly assessed and mitigated.	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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 Applicant has provided draft protective provisions to RFWFL for review. RFWFL has provided comments on this draft and the Applicant has	RFWFL is reviewing the latest iteration of the draft protective provisions. Again, however, there is no agreement on the issue of wake loss and the Applicant	The Applicant has no further comment.

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	the AYM export cable. This can be addressed by adjustment of the draft protective provisions and RFWFL has proposed such revisals.	responded to those comments. The Applicant is content with the changes subject further amendments on the wording proposed by RFWFL.	refuses to engage with RFWF on this issue.	
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
REP1-088-5.4	During Issue Specific Hearing 1, the Applicant suggested that the issue of wake loss was a commercial matter	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].	The Applicant has responded to these comments made by RFWFL in Table 5

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	<p>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.</p>			<p>of comments on submissions received at Deadline 2 (REP3-002).</p>
<p>REP1-088-5.5</p>	<p>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</p>	<p>The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.</p>	<p>RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].</p>	<p>The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).</p>

REF.	WRITTEN REPRESENTATION COMMENT	APPLICANT'S RESPONSE	RFWFL FURTHER RESPONSE	APPLICANT'S COMMENT
	have regard in terms of section 104(2)(d) of the 2008 Act.			
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.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).
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 comply with paragraphs 2.6.176 – 2.6.1 and the development should not be consented.	The Applicant has addressed this matter in response to ExQ1.3.27, document REP1-007.	RFWFL has further commented on the Applicants response to ExQ1.3.27 in its Deadline 2 submissions [REP-056].	The Applicant has responded to these comments made by RFWFL in Table 5 of comments on submissions received at Deadline 2 (REP3-002).

2.6 SP Energy Networks

- 13 SP Energy Networks (SPEN) submitted a written submission (REP3-030) at Deadline 3, which reads as follows:
- 14 Further to my latest submission on 24 October, I have just reviewed the applicant's Deadline 1 and Deadline 2 submissions.

"Having submitted my representations at Deadline 1, as attached, which included the amended PPs as sent to myself from the applicant, I have looked for the same copy on the long list of documents and see these have not been included in the draft DCO as submitted by the applicant at Deadline 1 and Deadline 2. Can you please let me know if I have missed the copy of the PPs in the revised draft DCO as sent to myself from the applicant or if I am correct and what has been sent to me by the applicant has not been submitted to you. Likewise, having been sent a copy of the revised Construction Method Statement, this is also not the same as the one submitted by the applicant at Deadline 2.

Can you please note my continued objections until I see copies as submitted of what the applicant has agreed with SPM is what is submitted to the ExA.

Can you also note please my preference to attend the Hearing on the substation on 8th December when the above can rightly be discussed as part of the substation site matters."

- 15 The Applicant notes that further engagement with SPEN has led to Protective Provisions being agreed between the Parties which are included in the draft DCO provided at Deadline 3a (Document 3a.16 of the Applicant's Deadline 3a submission).

2.7 Trinity House

- 16 Trinity House submitted a written submission (REP3-031) at Deadline 3, which reads as follows:

Article 44 Arbitration

Trinity House notes the applicant's revised draft DCO published at Deadline 2: REP2-014 / REP2-015 and the applicant's response to Written Submissions also published at Deadline 2: REP2-002.

The applicant refers to the Written Representations made to the ExA by Trinity House at Deadline 1 (REP1-095) regarding the draft DCO and the provisions under that draft DCO relating to Arbitration.

In its written response the applicant refers to Article 36 of the draft DCO relating to the saving provision for Trinity House. Whilst Trinity House welcomes the applicant's acknowledgement of Article 36, which is intended to preserve Trinity House's ability to exercise its statutory functions, Trinity House does not agree with the applicant's position that Trinity House should remain subject to Arbitration (Article 44) in the Order.

The applicant suggests that to the extent that Trinity House's statutory rights, duties and privileges are not interfered with (as provided for in Article 36) that Trinity House would nonetheless be subject to Article 44 of the Order.

As previously contended, Trinity House considers that this would not be a desirable approach with regard to the drafting of Article 44 and would reiterate that it is necessary for Article 44 to exclude Trinity House from the scope of arbitration, notwithstanding the saving provision included in the draft DCO at Article 36, by making Article 44 subject to Article 36 (saving provision for Trinity House).

It being important in our view that nothing in the DCO should 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.

Trinity House would respectfully refer the ExA to a number of previously made Development Consent Orders where this principle has been incorporated and reflected in the drafting of those made Orders, following representations by Trinity House and consideration of the matter by the respective Examining Authorities for those processes.

In particular, in case it is of assistance to the ExA and to the applicant Trinity House would respectfully highlight in this regard those Orders relating to Norfolk Boreas (2021), East Anglia One North, East Anglia Two (2022) and the Norfolk Vanguard (2022) Offshore Wind Farm Developments.

In addition, this principle is also reflected (albeit with slightly different drafting but to the same effect) in the Sizewell C (Nuclear Generating Station) Order 2022 and the Morlais Demonstration Zone Order 2021 (the latter process, incidentally, being under the Transport and Works Act 1992).

This principle has also be reflected in the published finalised draft DCO in respect of the Hornsea Four Offshore Wind Farm proposed development which it is understood is pending submission of the applicable Examining Authority's report to the Secretary of State in respect of that process.

Accordingly, Trinity House would therefore again submit to the ExA that Article 44(1) (Arbitration) of the draft DCO in should be amended as follows:-

44.—(1) ~~Any~~ 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.

(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.

For clarity, in noting the applicant's commentary at REP2-002, in relation to Arbitration, and in which the applicant briefly additionally refers to Article 43 (Requirements, Appeals etc.), Trinity House does not propose any amendment to the drafting of that Article."

- 17 The Applicant confirms that the suggested amendment has been made to the dDCO (Document 3a.16 of the Applicant's Deadline 3a submission). This will be communicated to Trinity House and agreement will be sought via a revised Statement of Common Ground.

2.8 Martin Griffiths

- 18 Martin Griffiths submitted a written submission (REP3-032) at Deadline 3, which reads as follows:

"As we would like to submit before the deadline please accept our sincere apologies should this submission include information which is outside the remit of the planning inspectorate, we would be happy to clarify further if required.

Attached (hard copies available) are pictures of documents (excerpts) generated during the property survey undertaken during the conveyancing process for our property purchase and also of a recent RFI received from Dalcour Maclaren).

Items that we believe are relevant:

Air quality (negative impact of RWE construction phase) Large projects (0 identified, 2 now planned in rapid succession) Registered parks and gardens (DCC future plans for Parkland) Energy - proposed wind power projects (0 planned, now 2)

Further to this we would like to include:

We have received RFI from DM, BP-Mona

(Land referencing to include access rights) Predicted reduction in property prices 15-20% Nationally (with the addition of proposed works our home may be driven into negative equity) Reduced desirability (meaning if we contemplated relocation our property would not sell) Availability of similar properties locally (should we wish to move nothing remotely similar within locality) Dalcour Maclaren Surveys (Undertaken within our boundaries yet no reports supplied) Notifications (Liaising with neighbours, no others have been informed) Rights of access (Construction likely to affect work life balance ie commute) New ways of working ie WFH (Construction likely to increase noise & vibrations locally) Green belt land (Proposed substation is on high grade arable/grazing land) St Asaph Business Park (suitable sites have remained vacant long term locally) Upcoming site visits (exclude affected residential properties) Risks (increased risks to residents due to increased traffic) Local resources (impact of large increase in local workforce) Carbon footprint (increased output within Denbighshire) Current infrastructure (additions to pylons & cabling) Proposed completion (generally unrealistic when considering large projects) Insurances (increase to both property & vehicle) Pre-populated correspondence DM (assumptions, open right to reply) Emotional & physical investment (long term outlook now questionable) Family stability (long term outlook now questionable) Established community (long term outlook now questionable) Legal representation (availability & affordability of such) Public sector employees - both respondents (skills shortage within locality)."

- 19 Martin Griffiths also kindly provided photographs of eight documents as mentioned within his letter.
- 20 The Applicant notes the comments provided and would refer the respondent to the relevant ES chapters including the Site Selection and Alternatives Chapter (APP-044), Air Quality Chapter (APP-072) and Archaeology and Heritage Chapters (APP-069).

2.9 Martyn Hussey

- 21 Martyn Hussey submitted a written submission (REP3-033) at Deadline 3, which reads as follows:

"I initially raised a question as to how the awel y mor wind farm proposals could be considered without knowing the extent of the extension and modifications to the national grid substation at Bodelwyddan (this is an integral part of the programme, without which Awel y mor can not operate).

My question was put by yourselves to Awel y Mor to answer but my question was actually more directed at yourselves in the planning inspectorate.

With the Awel y Mor development, without the building of a new or extended substation at Bodelwyddan then the wind farm can not operate so surely is a vital part of this development. It would seem to me to be inconceivable that any subsequent proposals from National Grid (practically giving them free licence) would be rejected as this would scupper Awel y Mor and future plans of the Mona wind farm and Mares interconnect, both of which are also planned for this same area.

Additionally, if I were to put in a planning application for an extension or new building to my property, full detail of the design, including materials, dimensions etc would be mandatory and without which would be rejected, However in this case only outline information is available. For example you don't know the actual size of the onshore substation, whether it will use Gas insulated switchgear or Air insulated switchgear, both of which have an impact on size and height of the onshore substation.

My concern is how you can assess this development correctly, given that you don't have full detailed plans from Awel Y mor, nor do you know what National Grid need to do to connect the wind farm to the electricity network and therefore how you properly assess the environmental impacts on the local area."

- 22 The Applicant welcomed the opportunity to discuss the matters raised by Mr Hussey at Issue Specific Hearing 3 on 8 December 2022. Whilst Mr Hussey's comments and questions are largely aimed at the Examining Authority the Applicant would note that any development or extension of the National Grid Bodelwyddan substation is outside of the scope of the AyM application, and that there is insufficient information available in order to undertake a cumulative assessment. The Applicant is not party to the National Grid planning application process and therefore cannot comment further on this potential application.

3 Additional Submissions

23 The Applicant notes that two additional submissions from Ethan Homer and Rostons on behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes were accepted into the Examination at the discretion of the ExA on 23 November 2022. The Applicant's responses to these can be found below.

3.1 Ethan Homer

24 Ethan Homer submitted a letter (AS-044) requesting attendance to the assisted site inspection (ASI) and the hearings scheduled for the week commencing 5 December 2022, which reads as follows:

"I would like to inform you that I wish to attend the site inspection of the proposed substation that affects my property [REDACTED]. I also will attend the hearing on the 8th of December to find out more and to ask questions that I may have after visiting the site.

Would it be possible to join the site inspection at 14.30 onwards due to my work commitments I don't think I will be able to make the whole day".

25 The Applicant notes this submission, however has no comment to make.

3.2 Rostons on behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes

26 Rostons submitted its responses to the Examining Authority's first written questions (ExQ1s) in its document reference AS-045. The Applicant has provided comment to these responses in Table 4 below.

Table 4: The Applicant's comments on the Rostons' (behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes) responses to ExQ1s.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
9.4	Rostons	<p>Effect on Agricultural Enterprises</p> <p>In respect of relevant representations made on behalf of your clients ([RR-042] to [RR-051]), please provide additional detail relating to the following concerns:</p> <p>a) Food production and security, and b) Proposed mitigation measures, including reinstatement methods.</p> <p>Please annotate on a map area(s) of holding to be affected and percentage of the holding this represents.</p>	<p>In response to the Examining Authority's first written questions in Section 9.4 Effect on Agriculture Enterprises. It is an accepted principle that large scale excavations including the separation and replacement of topsoil from sub soil, has a significant impact upon the productive capacity and yield potentials of agricultural land following the reinstatement of the lands post works, even in ideal weather conditions.</p> <p>When conditions are less favourable, particularly during periods of extremely wet weather as we are now prone to suffer. Then the use of heavy plant and construction equipment across agricultural land during the works and during its reinstatement, will cause long-lasting or in the worst case irreparable damage to the soil structure, particularly if the sub soil becomes mixed with the topsoil.</p> <p>These principles apply to all agricultural land affected by the route. However, in the land at Cwybr Fawr in particular, this damage could be mitigated by ensuring that the cable is direct drilled along the entire length of this land rather than by open cut trench which would significantly reduce the affected areas.</p>	<p>Measures to reduce the impact of construction works upon agricultural operations are included in the Outline Code of Construction Practice (outline CoCP) (APP-312) along with an outline Soil Management Plan (SMP) APP-316) (an update to which has been provided at Deadline 2 (REP2-033)).– The outline SMP provides details of mitigation measures and best practice handling techniques to safeguard soil resources by ensuring their protection, conservation and appropriate reinstatement during the construction of the onshore works. A final version of the SMP will be informed by a pre-construction soil condition survey that will be undertaken by the Applicant to determine different soil types and characteristics along the cable works area. Whilst there is predicted to be a temporary impact upon agricultural land during the construction phase of the onshore cable works, the reinstatement of land above the buried cable will allow agricultural cultivation to recommence once the cable has been installed. Field drainage will be reinstated and the indicative minimum burial depth (from ground surface to the top of the cable ducting), will allow cultivation of land.- Reinstatement will be in accordance with a final version of the SMP whereby details will be approved by DCC as secured under DCO Requirement 17.</p> <p>The Applicant has experience of undertaking similar cable installation works for other, longer connections, such as the Triton Knoll scheme,</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
				<p>which has been successfully restored to agricultural use.</p> <p>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)</p> <p>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.</p> <p>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.</p>
18.6	Rostons	<p>Commercial Operations</p> <p>In respect of relevant representations made on behalf of your clients ([RR-045] to [RR-051]), please provide additional detail in respect of their concerns on the diversified commercial operations at Cwybr Fawr.</p>	<p>In response to question 18.6 The impact on the commercial operations at Cwybr Fawr can be listed below, Appendix 2 identifies the location of the business elements in relation to the proposed works.</p> <p>Residential lettings: the business operates 28 residential lettings from the site generating an average income over the last 3 years of £ 123,942.95 per annum let to local families. The majority of the residential lettings are located within close proximity to the construction compound, the closest being less</p>	<p>Commercial discussions are ongoing in relation to trying to agree a voluntary agreement for the acquisition of the relevant permanent and temporary rights required.</p> <p>With regard to noise impacts, the Applicant has provided an outline Noise and Vibration Management Plan (NVMP) (an updated version of which has been provided at Deadline 2 [REP2-020) that describes suitable measures and management procedures to control and limit noise and vibration levels, and to minimise disturbance to residents and</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
			<p>than 30m away. The area identified for the compound extends to an area of 4.6 acres and it is feared that the dust, noise and light pollution emitted from the compound and working areas will have a significant impact on the health and wellbeing of those living on the site.</p> <p>Caravan storage: The site offers outdoor and indoor storage for 300 private leisure caravans on an area of hardstanding and within forming a secure storage facility. This element has generated an average income of £88,510.40 per annum over the last 5 years, however it should be noted that the income generated in 2020 and 2021 was £98,195.00 and £93,233.00 respectively as the new business grows.</p> <p>Equine livery yard: The business operates a horse livery enterprise offering stabling for up to 36 horses generating an average income over 5 years £20,769.30 per annum. The stables offer grazing paddocks for all horses and the customer base is long standing and loyal, with people keeping the horses on the yard for long periods of time. The cable route and working area is located directly through 6 of the principle horse paddocks, these will be unusable during the works and the horses cannot be kept stabled permanently, all other land is used agricultural use. As such the horses will be moved off-site to alternative livery yards and once settled on a new yard, it is unlikely that they will return.</p>	<p>sensitive receptors as far as reasonably practicable. A Final 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 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) (an updated version of which has been provided at Deadline 2 (REP2-045) 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>With regard to dust, appropriate mitigation measures will be finalised and agreed with Denbighshire County Council via an Air Quality Management Plan (AQMP) (an updated version of which has been provided at Deadline 2 (REP2-031)) that will be included as part of the overall CoCP and will adhere to construction industry good practice guidance for control measures and dust management.</p> <p>The CoCP and associated management plans referenced above will be made available for comment by DCC as part of the consultation exercise planning authorities undertake when determining applications to discharge</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
			<p>C L and touring site for leisure caravans: Cwybr Fawr has operated a touring park since 1937 and offers 19 all-season touring pitches and 5 grass pitches with a range of modern facilities including electrical hook-up, water and drainage, toilet block and hot water. The site has generated an average income over the last 5 years of £42,050.20 per annum, however this has been showing sustained growth due to the growing popularity of caravanning holidays and 'stay-cations' a trend that is expected to continue. The hardstanding touring pitches are approximately 60m from the construction compound, and will be severely affected by the dust and noise from the site, while the grass pitches are located adjacent to the compound and will not be viable while the compound is in use.</p> <p>Events field: The field scheduled for use as the temporary construction compound is used for the growing of a crop of hay and also for events, principally an annual travelling circus which occupy the site during the month of August. Should the works go ahead, the circus will be forced to relocate to an alternative venue, and a high likelihood that it may not return in future years.</p> <p>Agricultural land: The land, extending to approximately 49.27 acres is let to a local farmer for grazing, livestock and haylage production at Cwybr Fawr and land at Ty Issa, which is also affected by the scheme. The route of the cable affects the majority of this land, in particular the presence of 2 large</p>	<p>planning conditions (or in the case of AyM, the discharge of DCO Requirements).</p> <p>Communication with landowners and local communities would be undertaken in accordance with the outline Communications Plan, an updated version of which was provided at Deadline 2 (REP2-049). Through the Communications Plan, the Applicant will provide early information on the timing, location and duration of works well in advance of construction activities starting.</p> <p>The Applicant will continue to engage with the Respondent on the enjoyment of land which is not directly affected by the proposed works with particular focus on the use of this land for equine purposes.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
			<p>temporary construction compounds and 7 trenchless crossing compounds which will remove the land from production for at least 12-18 months and will take several more years to return it to its full productive capacity.</p> <p>It is clear that this is a significantly diversified business and is greatly impacted by this scheme, particularly given the location of a major construction and material storage compound.</p> <p>Except for a small section beneath the hard-standing which is to be direct drilled, we believe that there will still be a significant section of the cable route will be installed via an open cut trench which would have a significant impact on the agricultural and equine livery side of the business, this could be mitigated by way of direct drilling the entire length of the cable route across this land.</p>	
19.6	Rostons	<p>Recreation Effects In respect of relevant representations made on behalf of your clients ([RR-044] to [RR-051]), please provide additional detail regarding concerns relating to the Proposed Development and horse riding during the construction phase.</p>	<p>In response to 19.6 The impact on recreation at the property. It is clear that the business provides recreational leisure facilities throughout the year for a wide number of participants including those who have their horses on the livery yard and the paddocks that they use cannot be easily replaced during the works, through to the tourists using the caravan pitches for holidays who in turn spend their money in the wider area. Finally, the events field provides a site for a travelling circus on an annual basis, attracting a large number of visitors from both near and far which would not be able to continue at this site if the area is</p>	<p>Commercial discussions are ongoing in relation to trying to agree a voluntary agreement for the acquisition of the relevant permanent and temporary rights required.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	ROSTON'S RESPONSE	APPLICANT'S COMMENT
			<p>to be used as a temporary construction compound.</p> <p>We would like to take this opportunity to invite the Examining Committee to attend a site visit in person so as to better understand the business first hand and would be happy to arrange this at your earliest convenience.</p>	

27 Within its submission, Rostons also included two appendices consisting of property plans (Appendix 1) and locations of business elements (Appendix 2) alongside a Summary and Conclusion which reads as follows:

"It is clear to see that the land and property at Cwybr Fawr is one of the, if not the, most significantly impacted property along the onshore cable route, a fact that has been acknowledged by the developer's agent, Dalcour Maclaren.

The presence of the construction compound at the entrance to the property will place not just a significant financial burden on the business but also the presence of a construction doorstep on a main construction site will be detrimental to all the residents who live on site.

While it has been made clear during numerous site meetings that we do not want to have the cable and associated infrastructure laid over our land, if it is to be so then the impact can be greatly mitigated by the route being position as close to the property boundary alongside the A525 as possible, directional drilling the entire length and removing or significantly reducing the size of the constructions compounds."

28 The Applicant notes these comments and refers to the responses provided in the tables above.



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