

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

15 December / December 2022

Er sylw / For the attention of: Jake Stephens

Annwyl / Dear Jake,

**FFERM WYNT ALLTRAETH AWEL Y MÔR ARFAETHEDIG / PROPOSED AWEL Y MOR  
OFFSHORE WINDFARM**

**CYFEIRNOD YR AROLYGIAETH GYNLLUNIO / PLANNING INSPECTORATE REFERENCE:  
EN010112**

**MARINE LICENCE APPLICATION REFERENCE NUMBER : ORML2233**

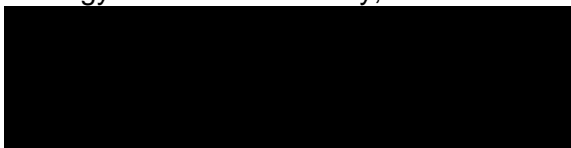
**RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 3A**

Thank you for your Rule 17 letter, dated 15<sup>th</sup> November 2022. Please see NRW's response set out in Annex A to the questions set out in your letter.

For the purpose of clarity, all comments within this letter come from NRW's Regulatory function who are responsible for the determination of the Marine Licence application (via our Marine Licensing Team) for the above development. Our Regulatory responsibilities are functionally separate from our Advisory responsibilities. Due to the nature of the question raised in the Rule 17 letter our Advisory function have no comment to make.

Please do not hesitate to contact Nia Phillips ( [REDACTED] ) and Bryn Griffiths ( [REDACTED] ) should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,



**Peter Morrison**  
**Lead Specialist Officer (Marine Licensing)**  
**Natural Resources Wales**

## Annex A

	<b>Question to:</b>	<b>Question</b>	<b>NRW Regulation and Permitting Service Response</b>
1.1	The Applicant	<p><b>The Marine Licence (ML) and the draft Development Consent Order (dDCO).</b></p> <p>The Applicant's Deadline 1 Update on the ML Submission and Progress [REP1-014] states that:</p> <p><i>"The ExA is able to rely on Marine Licence conditions which are not within the control of the DCO (e.g. for securing mitigations offshore) provided the Secretary of State (SoS, as the DCO decision-maker) is confident that matters will be dealt with appropriately under a separate decision-making regime. This position is endorsed by NRW-MLT" (Para 2)</i></p> <p>To help ensure that the ExA (and the SoS) have this confidence, please provide the following documents or a deadline for when they can be provided which would allow sufficient time for comments from other parties within the Examination process:</p> <p><b>Templates to be used for:</b></p> <ol style="list-style-type: none"> <li>1. Emergency Response Co-operation Plan</li> <li>2. Dropped Objects Plan</li> </ol> <p><b>A draft Table of Contents for:</b></p> <ol style="list-style-type: none"> <li>1. Marine Pollution Contingency Plan</li> <li>2. Lighting and Marking Plan</li> <li>3. Cable Burial Risk Assessment</li> <li>4. Construction Method Statement</li> <li>5. Vessel Traffic Management Plan</li> </ol> <p><b>An Outline for:</b></p> <ol style="list-style-type: none"> <li>1. Project Environmental Management Plan</li> <li>2. Cable Specification and Installation Plan</li> <li>3. Scour Protection Management Plan</li> <li>4. UXO specific Marine Mammal Mitigation Protocol.</li> </ol>	<p><b>Please refer to NRW Written Representation section 4.1.6.</b></p> <p>NRW Marine Licensing Team (NRW MLT) agrees with the approach presented by the Applicant whereby the DCO does not contain powers or controls which are regulated by a marine licence.</p> <p>NRW MLT would reiterate that there should be an avoidance of potential regulatory overlap(see para 4.1.6 of our WR).</p> <p>Therefore we would advise that mitigation and management plans which can be secured through the Marine Licence relating to marine licensable activities only do not also need to be secured through the DCO.</p> <p>Where overlap is unavoidable, then consistency between any respective duplicated provisions would be needed e.g. document naming, outline plans.</p> <p>We would also note in terms of Outline plan 4. UXO specific Marine Mammal Mitigation Protocol. That UXO clearance has not been applied for as part of the Marine Licence application that we are currently determining.</p>
1.2	The Applicant, Natural Resources Wales (NRW)	<p><b>The Marine Licence Principles document [REP1-025]</b></p> <p>The ML Principles document provides a tabulation of the proposed principles which are anticipated to inform the MLs for the project. While noting that this document should not be considered</p>	<p>NRW MLT do not consider that that the Marine Licence Principles document should be certified within the DCO.</p>

		<p>prejudicial to the Licensing process, please provide your views on whether this document should be a certified document within Schedule 13 of the DCO.</p>	<p>It has been prepared by the applicant to assist the ExA for the purposes of the DCO application to identify conditions that the applicant would expect to be included in the Marine Licence for the project. As detailed in our Written representation at section 4.1.6 although NRW MLT is in general agreement with the document on the basis that the mitigation measures identified and proposed by the applicant have been captured within previous Marine Licences. NRW MLT is not in a position to comment substantively and accordingly cannot provide formal approval on the document for the purposes of the DCO determination. Accordingly it should not be given formal status in the DCO examination and should not be included as a certified document within Sch13. We also refer to our answer to 1.1 above in this respect, and for the need to avoid regulatory overlap.</p>
1.3	The Applicant	<p><b>Plans</b></p> <p>Alterations at Deadline 1 removed Plot 26 from the proposed Order Limits. Please update the following plans to replicate this removal:</p> <ul style="list-style-type: none"> <li>• Statutory / Non-statutory Sites or Features or the Historic Environment Plan [AS-004]</li> <li>• Street Works and Access Plan [AS-008]</li> <li>• Temporary Stopping Up of Public Rights of Way Plan [AS-009]</li> <li>• Water Bodies in a River Basin Management Plan [AS-012]</li> <li>• Hedgerow and Protected Tree Plan [AS-013]</li> <li>• Land Plan (Offshore) [APP-007]. In addition, this plan still refers to Her Majesty – please amend.</li> </ul> <p>Please also provide a schedule of changes to all plan revisions after submission. This will assist the ExA and Interested Parties in</p>	n/a

		understanding changes to plans and was highlighted in advice given under s51 of the Planning Act 2008 [PD-002].	
1.4	NRW, The Applicant	<p><b>Marine Licence Application</b></p> <p>A letter submitted to the Examination addressed to the Applicant by NRW (Ref ORML2233, dated 8 September 2022) [REP1-080] refers to various consultation responses received during determination of the ML application.</p> <p>To <b>NRW</b>: Please submit such responses to the Examination To the <b>Applicant</b>: Please provide a copy of your response to this letter.</p>	<p>Please find attached previous responses received during the initial consultation on the Marine Licence application which was referred within letter dated 8 September 2022. This includes representations from the following;</p> <ul style="list-style-type: none"> <li>• The Crown Estate</li> <li>• NRW Advisory</li> <li>• Ministry of Defence</li> <li>• Isle of Anglesey County Council</li> <li>• RSPB</li> <li>• Cadw</li> <li>• Welsh Archaeological Trust</li> <li>• Royal Commission on the Ancient and Historic Monument of Wales</li> <li>• Chamber of Shipping</li> <li>• National Air Traffic Services</li> <li>• National Federation of Fishermen’s Organisations</li> <li>• Cefas – (consulted on dredge and disposal element)</li> <li>• Joint Nature Conservation Committee (JNCC)</li> <li>• Department for Business, Energy and Industrial Strategy (BEIS)</li> <li>• Isle of Man</li> <li>• Royal Yachting Association</li> <li>• Janet Finch Saunders (MS)</li> <li>• Public Representation</li> </ul> <p>Further information was received on 25 November 2022. The response letter and list of submitted documents have been attached. These documents are available on our online <a href="#">public register</a> (You can search for the documents using the application reference number ORML2233).</p>

			<p>We are currently consulting on the further information submission, the deadline for comment for those bodies we consulted directly is the 19<sup>th</sup> of January 2023, and the public consultation period is due to close on the 26<sup>th</sup> of January 2023.</p>
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