



Awel y Môr Offshore Wind Farm

Comments on Submissions Received at Deadline 3a

Deadline 4

Date: 30 January 2023

Revision: A

Document Reference: 4.4

Application Reference: N/A



REVISION	DATE	STATUS/ REASON FOR ISSUE	AUTHOR	CHECKED BY	APPROVED BY
A	January 2023	Deadline 4	GoBe	RWE	RWE

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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 3a.
- 2 This document provides the Applicant's comment where appropriate and necessary.

2 Submissions Received at Deadline

3a

2.1 Denbighshire County Council

- 3 Denbighshire County Council (DCC) submitted a post-hearing submission (REP3a-020) as a written response to a question posed to them during Issue Specific Hearing 3 considering whether outline plans are sufficiently developed with respect to pre-commencement works.
- 4 DCC's response, and the Applicant's comments are detailed in Table 1 below.

Table 1: The Applicant's comments on DCC's post-hearing submission made at Deadline 3a.

DCC'S COMMENT	APPLICANT'S COMMENT
<p>Please accept this email as a response to the question posed by the ExA at the ISH3 held yesterday which is submitted on behalf of Denbighshire County Council.</p>	<p>This is noted by the Applicant.</p>
<p>In responding to this question, the Council would firstly like to raise an issue with regards to the definition of 'onshore works' as applied in the Requirements, as there does not appear to be a precise definition in the DCO.</p>	<p>The definition of "onshore works" is included in Article 2(1) of the dDCO (REP3a-016) and is stated as comprising "Work Nos. 3 to 41 inclusive and any related further associated development in connection with those Works". 'Onshore works' therefore mean works above mean low water. This was amended from mean high water as it was recognised that DCC would have a legitimate interest in controlling works on the beach and that these should be covered by for example the CoCP noise and vibration management plan.</p>
<p>The Council had taken 'onshore works' to mean works that constitute development and which cannot commence until the necessary details subject of the Requirements have been submitted to and approved in writing by the relevant planning authority.</p>	<p>The use of the term 'onshore' is in contrast to 'offshore' where DCC are not discharging any requirements and control of working methodology will be by NRW and primarily through the conditions on the marine licence. Onshore is not intended to be used in contrast to 'pre-commencement' works. The Applicant agrees with DCC's understanding that onshore works are works the undertaking of which would be commencement of development within DCC. Pre-commencement works are excepted by virtue of either being necessary to inform the detail required for the onshore works (site investigations, surveys etc.) or being scoped out from being activities which 'commence' development by the drafting of Article 2 of the dDCO.</p>
<p>However, from the discussion at ISH3 in relation to restoration of land, there was the suggestion from the applicant that 'onshore works' as set out in Requirement 17 could be taken to also include pre-commencement works. However, by this logic, if 'onshore works' include pre-commencement works, then other requirements would preclude precommencement works being carried out until relevant details are approved, which does not appear to be the intention of the Requirements as drafted.</p>	<p>With regards to other Requirements where there is an obligation to submit details prior to works "commencing", the definition of "commencement" is relevant. For ease of reference this is also defined in article 2 and means: carry out a material operation, as defined in section 155 of the 2008 Act comprised in or for the purposes of the authorised development other than onshore works comprising surveying or investigatory works including archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions; preparatory works to existing infrastructure and diversion and laying of utilities and services; creation of any temporary means of access; site clearance including vegetation clearance; erection of screening and fencing, site security works, creation of temporary hard standing, or the temporary display of site notices or advertisements, and "commencement", "commenced" and cognate expressions are to be construed accordingly</p>
<p>The Council consider the DCO definition section would benefit from a clearer definition of what it is meant by 'onshore works' (e.g. operational works that constitute development requiring development consent) and 'pre-commencement works' (e.g. site investigations, ground clearance, very minor works that do not constitute development etc.), and then the wording of the Requirements should then be consistent with those definitions.</p>	<p>These Requirements are drafted in such a way that details must be submitted and approved prior to either a particular Work No. commencing where that requirement is specific to a particular work (e.g. Requirement 8 which provides for details of the substation to be submitted prior to commencement of Work No. 31A (the substation)) or prior to "onshore works" commencing where they apply generally (e.g.</p>
<p>Assuming 'onshore works' means operational development that needs to be commenced, the Council would then take the view that the Requirements as currently drafted are silent with respect to pre-commencement works, and on that basis precommencement works could be carried out without adherence to any specific plans, in either outline or final form.</p>	<p>Therefore, in relation to the question posed by the ExA, on the assumption that precommencement works are clearly defined and differentiated from 'onshore works', and subject to the imposition of a Requirement to secure adherence to outline plans</p>
<p>The Council would therefore suggest that a new Requirement is necessary to make it explicit that pre-commencement works are to only be undertaken in accordance with the principles set out in the relevant outline plans (outline code of construction practice, outline LEMP etc. to be specified in the Requirement) and can only be carried out within the approved construction hours specified in Requirement 15.</p>	<p>Therefore, in relation to the question posed by the ExA, on the assumption that precommencement works are clearly defined and differentiated from 'onshore works', and subject to the imposition of a Requirement to secure adherence to outline plans</p>
<p>Therefore, in relation to the question posed by the ExA, on the assumption that precommencement works are clearly defined and differentiated from 'onshore works', and subject to the imposition of a Requirement to secure adherence to outline plans</p>	<p>Therefore, in relation to the question posed by the ExA, on the assumption that precommencement works are clearly defined and differentiated from 'onshore works', and subject to the imposition of a Requirement to secure adherence to outline plans</p>

DCC'S COMMENT

as suggested above, the Council are satisfied that the outline plans are sufficiently developed with respect to pre-commencement works.

APPLICANT'S COMMENT

Requirement 10). In these cases, because the obligation to submit details is linked to a defined Work No., the undertaker must not do anything which comprises that work before details have been submitted and approved.

As was discussed in the previous DCO hearing (ISH1), it is not the intention (or the current proposal) for pre-commencement works to be undertaken without suitable controls in place and amendments were made to the outline plans (specifically the oLEMP and the outline CoCP plans) at Deadline 2 to specifically address which sections and restrictions apply to pre-commencement works. As an example, the Applicant refers to requirement 10(4) which explicitly provides that the outline CoCP applies to pre-commencement works, e.g.: '10(4) Pre-commencement works must only take place in accordance with the relevant details set out in the outline code of construction practice as certified.' The Applicant would therefore respectfully suggest that the need for a new requirement on pre-commencement has been superseded by the changes made at deadline 2.

On construction hours specifically, the Applicant disagrees that requirement 15 as drafted does not control working hours for pre-commencement works. Requirement 15 does not refer to commencement, it covers all works including pre-commencement works because they are not excluded. The Applicant suggests that is clear if requirements 13 and 15 are contrasted:

13.—(1) No stage of the onshore works **may commence** until

15.—(1) Except as otherwise agreed in the code of construction practice and subject to sub-paragraphs (2) to (4), **construction** of the onshore works and construction-related traffic movements to or from the site of the relevant Work **may take place only between** 0700 and 1900 from Monday to Saturday, with no activity on Sundays or bank holidays.

There is nothing in requirement 15 linking this to commencement or excluding pre-commencement works from its scope.

In the context of Requirement 17, the definitions means the undertaker would need to reinstate the land used temporarily for construction within six months of completion of the relevant stage of works comprising Work Nos. 3 to 41 and any relevant associated development for that stage.

2.2 Natural Resources Wales

5 Natural Resources Wales (NRW) submitted a number of documents at Deadline 3a. These documents are as follows:

- ▶ REP3a-021 - Written summaries of oral submissions at hearings;
- ▶ REP3a-022 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Cover Letter;
- ▶ REP3a-023 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation Letter;
- ▶ REP3a-024 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (NRW Advisory);
- ▶ REP3a-025 - Response to Rule 17 Letter dated 15 November 2022 - Guide to the Marine License Application;
- ▶ REP3a-026 - Response to Rule 17 Letter dated 15 November 2022 - Marine Works Application Form;
- ▶ REP3a-027 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Public Representation);
- ▶ REP3a-028 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (MCA);
- ▶ REP3a-029 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Isle of Man);
- ▶ REP3a-030 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (IACC);
- ▶ REP3a-031 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (RCAHMW);
- ▶ REP3a-032 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (JNCC);
- ▶ REP3a-033 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (CEFAS);
- ▶ REP3a-034 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Janet Finch-Saunders MS);
- ▶ REP3a-035 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (RSPB);
- ▶ REP3a-036 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Defence Infrastructure Organisation);

- ▲ REP3a-037 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Cadw);
 - ▲ REP3a-038 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (NATS Safeguarding);
 - ▲ REP3a-039 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (The Crown Estate);
 - ▲ REP3a-040 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (Clwyd-Powys Archaeological Trust);
 - ▲ REP3a-041 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Application Consultation (NFFO);
 - ▲ REP3a-042 - Response to Rule 17 Letter dated 15 November 2022 - Marine Licence Plan Areas Map;
 - ▲ REP3a-043 - Response to Rule 17 Letter dated 15 November 2022 - Listed Buildings;
 - ▲ REP3a-044 - Response to Rule 17 Letter dated 15 November 2022 -- Further Information Document List;
 - ▲ REP3a-045 - Response to Rule 17 Letter dated 15 November 2022 - ES 6.2.1;
 - ▲ REP3a-046 - Response to Rule 17 Letter dated 15 November 2022 - 6.7.1 Non-technical summary;
 - ▲ REP3a-047 - Response to Rule 17 Letter dated 15 November 2022 -- ML-1.10; and
 - ▲ REP3a-048 - Response to Rule 17 Letter dated 15 November 2022.
- 6 REP3a-021 is NRW's written summaries of oral submissions at hearings. The Applicant has commented on these in Table 2 below.
- 7 REP3a-022 – REP3a-047 are copies of documents or consultation responses relevant to the Marine Licence application, as requested in the Rule 17 letter dated 15 November 2022. The Applicant has no comment to make on these documents.
- 8 REP3a-048 is NRW's written response to the questions within the Rule 17 letter. The Applicant has commented on these responses in Table 3 below.

Table 2: The Applicant's comments NRW's written summaries of oral submissions at hearings.

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
REP3a-021-1	<p>Introduction</p> <p>This document summarises the case put by Natural Resources Wales (NRW) at the following Issue Specific Hearings (ISH) held in December 2022:</p> <ul style="list-style-type: none"> ▲ 7th December 2022 – ISH2 on Seascape and related matters ▲ 8th December 2022 – ISH3 on the Substation and related matters <p>Please note, our oral submissions at the ISHs should be considered alongside our detailed comments as provided in our Deadline 1 [REP1-080] and Deadline 3 [REP3-026] responses.</p>	<p>This is noted by the Applicant.</p>
REP3a-021-2.1	<p>ISH2 on Seascape, landscape and visual effects of the proposed offshore works and related matters</p> <p>- Designated Landscapes (Isle of Anglesey Area of Outstanding Natural Beauty and Eryri (Snowdonia) National Park)</p> <p>We are unable to accept the Applicant's contention that the proposal would not affect the overall integrity of the Area of Outstanding Natural Beauty (AONB). We question, in particular, the Applicant's focus on the "overall integrity" of the AONB when the focus should be on assessing the nature and extent of the impacts on the parts of the AONB that would be affected by the proposal. NRW considers that the proposal would result in substantial harm and adverse effects upon the AONB that would conflict with the purpose of the AONB designation, namely to conserve and enhance natural beauty.</p>	<p>As detailed in the Applicant's Written Summary of Oral Submissions (REP3a-004), it would be difficult for any large-scale development of this nature, visible from these designated landscapes, to be considered to directly conserve or enhance their natural beauty. This is recognized in paragraph 4.5.1 of NPS EN-1. However, Awel y Môr Offshore Wind Farm (AyM) is not located within these designated areas and whilst there are some significant effects identified on them, these effects do not undermine the reasons for designation. The Applicant considers that whilst there are predicted to be significant adverse effects on three of the 14 special qualities of the AONB, such effects would only occur within a limited geographical area. Therefore, substantial areas of the AONB, as well as 11 of its 14 special qualities, would be unaffected, and the overall integrity of the AONB would be maintained.</p> <p>The Applicant also considers this to be the case with the National Park where seven of its nine special qualities and the majority of its geographical extent would remain unaffected.</p> <p>Whilst not a defined term applied in Wales in relation to AONBs or National Parks the Applicant suggests that considering the effect on 'overall integrity' is nonetheless a very clear way of expressing how the special qualities of a designated landscape area come together to represent the whole or overall value. It is a useful approach to adopt when considering the degree of harm overall especially where there is a management plan identifying Special Qualities. As acknowledged by Cynllun Eryri Snowdonia National Park Partnership Plan 2020 <i>'The Combination of these Special Qualities are the core of designation as a National Park.'</i></p>

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
		<p>While some special qualities might be adversely affected, the overall AONB and NP designation would not be compromised, i.e. its integrity would remain conserved.</p> <p>Notably in relation to the purpose 'to conserve' the purpose of the AyM development is to provide mitigation of climate change impacts, which are predicted to give rise to widespread changes in our landscapes, habitats and species, including those in the AONBs and SNP. AyM would therefore also play a part in conserving aspects of these designated areas.</p>
REP3a-021-2.2	<p>We advise that the scale and location of the turbines would result in numerous significant seascape, landscape and visual effects within the AONB and its seascape setting. The AONB is predominantly coastal in character, with sea views and the coastline being the key focus of scenic views. Receptors are of high sensitivity and the proposal would interfere with the appreciation of the open sea and coastline, including coastal landforms.</p>	<p>It is accepted by the Applicant that there would be some significant adverse effects on the views from the AONB and the National Park and that AyM would therefore not be consistent with objectives that seek to enhance these areas.</p> <p>However, the Applicant considers that it must be accepted that any major development within view of these sites would likely give rise to some degree of conflict with this aim.</p> <p>Whilst it is acknowledged by the Applicant that the views across parts of the sea would be changed, from the majority of the AONB this would occur at a considerable distance offshore and the strong, inherent coastal characteristics that occur along the coastline itself (i.e. where the sea meets the land at the beaches, cliffs and rocky shorelines and within the numerous bays) would be unchanged by AyM, which would be separated from these areas by a substantial area of open sea.</p>
REP3a-021-2.3	<p>In relation to the National Park (NP), we advise that the scale and location of the proposal would result in significant adverse effects on the landscape character and scenic quality of Landscape Character Area (LCA) 1 (Northern Uplands) and on the quality of a number of views. We consider that effects on this LCA have been underestimated. Viewpoints 12, 36, 38 and 40 are within this LCA and effects at all these viewpoints would be significant in our opinion. The receptors which experience significant adverse effects are spread across the LCA, affecting the overall scenic quality and visual experience and thereby the landscape character, not just visual amenity at a few viewpoints. The likely extent of effects over the upland area, as illustrated by the Zone of Theoretical Visibility (ZTV), indicates that significant adverse effects would be likely over a large part of this LCA. Scenic views of the coast and sea are particularly important in this part of</p>	<p>This is noted by the Applicant. As detailed in the Applicant's Written Summary of Oral Submissions (REP3a-004), the Applicant considers that the northerly areas of LCA-01 are those that are at closest proximity to the AyM array and are associated with the higher levels of magnitude of change as a result of this. These areas also coincide with areas where there is the strongest existing human influence in character through visibility of existing development, including offshore wind farms. Therefore, the further impacts on the characteristics of these areas would not result in a marked change to their character.</p> <p>The Applicant also considers that it is the inherent pattern of elements within the landscape that constitute its character, which are strongly defined across the LCA-01. Therefore, external visual influences are less likely to result in a significant effect on landscape character.</p>

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
	<p>the NP and are experienced and appreciated most readily from the high ground of peaks and ridges in the area. The scenic quality is part of the visual experience of the NP in this area, along with tranquility and remoteness in parts. The proposal is not similar in nature or scale to existing developments in the area. The scale of the proposed wind farm would make it prominent and would interfere with the appreciation of views of the Great Orme and the relationship between the sea, Conwy Bay and the headland.</p>	
REP3a-021-2.4	<p>In view of the numerous significant effects identified, we advise that the proposal would significantly conflict with the purposes of the AONB and NP designations in relation to the conservation and enhancement of natural beauty. We advise that serious consideration is given to these effects, in accordance with statutory duties.</p>	<p>This is noted by the Applicant but for the reasons given above, the Applicant does not agree with NRW.</p>
REP3a-021-2.5	<p>- Assessment of Viewpoints</p> <p>In relation to viewpoints (VP) 1 (Porth Llechog/Bull Bay) [APP-230], VP2 (Trwyn y Balog/ Point Lynas) [APP-231] and VP3 (Mynydd Eilian) [APP-232], we consider that the effects at these viewpoints have been underestimated in the SLVIA. We consider the effects to be of low-medium magnitude, and that this level of magnitude combined with high sensitivity should lead to an assessment of moderate adverse effects, which we consider significant. We consider the threshold for significance has been reached for VPs 1, 2 and 3.</p>	<p>As detailed in the Applicant's Written Summary of Oral Submissions (REP3a-004), whilst it is agreed that AyM would be a new component of these views, it is not considered that the effects would be of such magnitude as to make them significant.</p> <p>The SLVIA considers the effects on viewpoints 1, 2 and 3 in table 6 of the SLVIA (AS-027). The high sensitivity of the receptors is acknowledged therein with the assessments also considering the extent of the wide open views affected, the location of AyM relative to the wide open seas and the degree of existing development that effects the views, which is acknowledged does not include offshore wind farms.</p>
REP3a-021-2.6	<p>From these viewpoints, highly sensitive receptors (e.g., walkers on the coastal path) are focused on the coastal landscape and sea views. Although there are large-scale sea views, the scale and nature of the development would make it very noticeable and focus attention upon it. Sea views and the coastline are the key focus of views in the predominantly coastal AONB and sea views are currently untrammelled by development or any other significant human activity, apart from the occasional ship. This part of the AONB is relatively remote and tranquil. The existing offshore windfarms to the east, including Gwynt y Môr, are extremely hard to discern even in fine weather and built development along the coastline is not similar in nature or scale to the proposed wind farm. The proposal would interfere with the appreciation of the open sea and coastline including views of coastal landforms and the mountains of Eryri (Snowdonia). Windfarms</p>	<p>The Applicant considers that although the turbines would be noticeable in the seascape, the magnitude of change would be low and the effects would not be significant based on professional judgement.</p> <p>Professional judgement on the significance of the effects or otherwise must be applied by viewing the visualisations at the viewpoints where the wide open seas, that would remain a key characteristic of the views, can be properly appreciated The Applicant also considers that the extent of AyM as a minor part of the overall seascape should be considered.</p>

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
	inland, as seen from Mynydd Eilian, are smaller scale and associated with the inland rural landscape and not sea views and the coastline.	
REP3a-021-2.7	In relation to VP36 [APP-265], we consider that the effects at this viewpoint have also been underestimated and are likely to be significant adverse. The SLVIA describes sensitivity as medium-high and the effects non-significant (moderate). It claims that the experience is already modified by existing wind farms and pylons. We disagree and consider that, at this viewpoint, existing onshore wind farms and pylons are hard to discern, and that Gwynt y Môr and other offshore wind farms are only visible at a distance, appearing small scale and not prominent in views. Existing housing and other built development in the view is of a very different scale and nature to the proposed wind farm, which would contrast strongly with it.	<p>As detailed in Table 9 of the SLVIA (AS-027) and noted in the Applicant's Written Summary of Oral Submissions (REP3a-004), the Applicant notes that VP36: Tal-y-Fan already includes existing offshore wind farms and substantial, coastal, urban development in the view and these were very apparent during field work, which was undertaken in very good weather conditions. The photographs do not accurately capture the degree of visibility of the existing offshore wind farms apparent at the time. It is such good visibility or excellent visibility conditions that were assumed when assessing the significance of the effects of AyM.</p> <p>This has been one factor that has resulted in the assessment of magnitude of change as medium-low and the effect being assessed as Moderate (Not-significant).</p> <p>The Applicant notes that as shown in SLVIA Viewpoint 36 (APP-265) Rhyl Flats OWF is closer to the viewpoint than AyM and although smaller in scale is likely to be more frequently visible from this location.</p>
REP3a-021-2.8	<p>- Mitigation</p> <p>We do not consider that harm has been sufficiently mitigated and advise that the Applicant considers further measures to reduce harm, including reductions in the array area and/or in the scale/number of turbines.</p>	<p>This is noted by the Applicant. The Applicant has taken a number of measures to mitigate effects, including reducing the western extent of the array boundary. The Applicant considers that (for reasons given in its response to Relevant Representations (RR-015-3.1.5-6 of REP1-001)), a further substantial reduction in the array area, number of turbines, or turbine scale to such an extent which would reduce effects to an adequate extent in NRW's view, is not possible.</p>
REP3a-021-2.9	<p>Whilst we acknowledge the embedded mitigation of the reduced western extent of the array (from that consulted on in the section 42 consultation), and that a reduction in the number of wind turbine generators has already been applied, we do not consider it sufficient to reduce to an adequate extent the likely significant effects at the numerous viewpoints within Isle of Anglesey AONB and Snowdonia NP. The Environmental Statement acknowledges that the likely significant effects on these landscapes have not diminished because of the reduction in the extent and number of turbines.</p>	
REP3a-021-2.10	<p>We advise that a further substantial reduction in the array area and number of turbines, along with a reduction in scale and height of the turbines, would be needed to minimise adverse effects on the Isle of Anglesey AONB and Snowdonia NP to an adequate extent.</p>	

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
REP3a-021-2.11	<p>In its section 42 consultation response (8th October 2021), NRW advised that consideration be given to NRW's technical guidance publication, "Seascape & visual sensitivity to offshore wind farms in Wales: Strategic assessment and Guidance" (White Consultants for NRW, March 2019) to assist in informing an appropriate reduction in the extent/scale of the proposed development. The Applicant has not minimised effects in accordance with the advice in the White Consultants' reports.</p>	<p>As detailed in the Applicant's Written Summary of Oral Submissions (REP3a-004), the Applicant notes that NRW's position is reflected in the White Consultants' Stage 3 Report and further notes that it is a technical guidance note as opposed to adopted policy and the report was not subject to industry consultation. Nevertheless, the Applicant has had regard to the White Consultants' Report in developing the ES, including discussions on it via the Evidence Plan process.</p>
REP3a-021-2.12	<p>The White Consultants' reports are commissioned research reports which provide evidence about seascape and visual sensitivity as it relates to potential offshore windfarms in Wales. The reports were produced by a leading landscape/seascape consultant in the field. Whilst not directly peer reviewed by the industry, the reports were informed by a digest and analysis of SLVIAs prepared by consultants working for the industry and anticipated future trends such as increases in turbine height up to 350m. The reports have been shared with consultants working on other windfarm projects and we understand they are being used and applied. The reports constitute technical guidance and aim to guide developers to locations where significant effects on designated landscapes would not occur or would be minimised.</p>	<p>Further consideration of the White Consultants' Report is given in the Applicant's Response to NRW REP1-080-3.1.24 to 3.1.25 (REP3-016).</p>
REP3a-021-2.13	<p>- Enhancements</p> <p>NRW has provided advice to the appropriate local planning authorities on developing a draft enhancement scheme, which has been shared with the Applicant. NRW advises that opportunities for enhancement of the designated landscapes should be considered in accordance with Welsh National Marine Plan Policy SOC_06: Designated Landscapes.</p> <p>Enhancements of designated landscapes should support the purpose of conservation and enhancement of natural beauty and contribute to the conservation and enhancement of the 'Special Qualities' of those landscapes, as set out in the relevant management plan. NRW considers that enhancements, by nature, would not mitigate the visual effects of the offshore wind farm. However, given the significant concerns identified, we would encourage and endorse the development of an enhancement package.</p>	<p>The Applicant has held initial discussions with NRW and the North Wales LPAs on the scope and principles of a Landscape Enhancement Fund with the potential to fund the delivery of projects that would benefit the character, amenity, natural environment, built environment, access and enjoyment interests within the National Park, AONBs and Heritage Coast landscapes.</p> <p>An update on the status of these discussions is provided in its response to Action Points arising in ISH2 in Document 4.3 of the Applicant's Deadline 4 submission.</p>

REFERENCE	WRITTEN SUMMARY COMMENT	APPLICANT'S COMMENT
REP3a-021-3.1	<p>ISH3 on the proposed onshore substation site and related matters</p> <p>On the issue of the potential colour of the proposed substation, NRW suggested that it may help the Applicant to consider undertaking an Environmental Colour Assessment. In order to inform such considerations, NRW shared a relevant ECA paper with the Applicant on 8th December 2022.</p>	<p>The Applicant confirmed receipt of this ECA paper on 8 December 2022 and has provided a response to the Action Point arising from ISH2 in Document 4.3 of the Applicant's Deadline 4 submission.</p>

Table 3: The Applicant's comments on NRW's written response to the questions within the Rule 17 letter.

REF.	QUESTION	APPLICANT'S RESPONSE TO THE RULE 17 LETTER	NRW RESPONSE TO THE RULE 17 LETTER	APPLICANT'S COMMENTS ON NRW'S RESPONSE
REP3a-048-1.1	<p>The Marine Licence (ML) and the draft Development Consent Order (dDCO).</p> <p>The Applicant's Deadline 1 Update on the ML Submission and Progress [REP1-014] states that:</p> <p>"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)</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>Templates to be used for:</p> <ol style="list-style-type: none"> 1. Emergency Response Co-operation Plan 2. Dropped Objects Plan <p>A draft Table of Contents for:</p> <ol style="list-style-type: none"> 1. Marine Pollution Contingency Plan 2. Lighting and Marking Plan 3. Cable Burial Risk Assessment 	<p>The Applicant confirms that submissions in relation to this request will be made at Deadline 4.</p>	<p>Please refer to NRW Written Representation section 4.1.6.</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>	<p>The Applicant has no further comment to make on NRW's response. The Applicant has provided a series of templates in response to the Rule 17 request in Document 4.8 of the Applicant's Deadline 4 submission.</p>

REF.	QUESTION	APPLICANT'S RESPONSE TO THE RULE 17 LETTER	NRW RESPONSE TO THE RULE 17 LETTER	APPLICANT'S COMMENTS ON NRW'S RESPONSE
	<p>4. Construction Method Statement</p> <p>5. Vessel Traffic Management Plan</p> <p>An Outline for:</p> <p>1. Project Environmental Management Plan</p> <p>2. Cable Specification and Installation Plan</p> <p>3. Scour Protection Management Plan</p> <p>4. UXO specific Marine Mammal Mitigation Protocol.</p>			
REP3a-048-1.2	<p>The Marine Licence Principles document [REP1-025]</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 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>The Applicant does not consider that the Marine Licence Principles document (MLPD) (REP2-022) should be a certified document within Schedule 13 of the DCO. As a matter of principle, the documents that are certified within the DCO are those that are specifically referred to in the Order (for example the environmental statement and outline plans referenced in the Requirements) and as they are referred to those documents are also defined in the DCO.</p> <p>As the marine licencing process is separate to the DCO application process for AyM the application for the marine licences (ML) will be determined by NRW. The MLPD includes a summary of the information anticipated to be included within the marine licences to assist the ExA in understanding how the DCO and ML consents will operate together. It is not</p>	<p>NRW MLT do not consider that that the Marine Licence Principles document should be certified within 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 measured 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</p>	<p>The Applicant has no further comment to make.</p>

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		<p>a draft licence as this is the responsibility of NRW, and as the marine licencing for AyM cannot be deemed within the DCO there is no reference to the MLPD within the dDCO. It therefore should not be a certified document.</p>	<p>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>	
<p>REP3a-048-1.3</p>	<p>Plans 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"> ▲ Statutory / Non-statutory Sites or Features or the Historic Environment Plan [AS-004] ▲ Street Works and Access Plan [AS-008] ▲ Temporary Stopping Up of Public Rights of Way Plan [AS-009] ▲ Water Bodies in a River Basin Management Plan [AS-012] ▲ Hedgerow and Protected Tree Plan [AS-013] ▲ Land Plan (Offshore) [APP-007]. In addition, this plan still refers to Her Majesty – please amend. <p>Please also provide a schedule of changes to all plan revisions after submission. This will assist the ExA and Interested Parties in understanding changes to plans and was highlighted in advice given under s51 of the Planning Act 2008 [PD-002].</p>	<p>The Applicant has provided updated versions of the below plans to remove Plot 26 from the proposed Order Limits:</p> <ul style="list-style-type: none"> ▲ Statutory / Non-statutory Sites or Features or the Historic Environment Plan (Document 3a.7 of the Applicant's Deadline 3a Submission). ▲ Street Works and Access Plan (Document 3a.8 of the Applicant's Deadline 3a Submission). ▲ Water Bodies in a River Basin Management Plan (Document 3a.9 of the Applicant's Deadline 3a Submission). ▲ Hedgerow and Protected Tree Plan (Document 3a.10 of the Applicant's Deadline 3a Submission). ▲ Land Plan (Offshore) (Document 3a.11 of the Applicant's Deadline 3a Submission). <p>The Applicant provided an updated Temporary Stopping Up of Public Rights of Way Plan at Deadline 3 (REP3-012) which included the requested changes.</p> <p>A Schedule of Changes to the updated plans has been included as Document 3a.12 of the Applicant's Deadline 3a Submission.</p>	<p>N/A</p>	<p>The Applicant has no further comment to make.</p>

REF.	QUESTION	APPLICANT'S RESPONSE TO THE RULE 17 LETTER	NRW RESPONSE TO THE RULE 17 LETTER	APPLICANT'S COMMENTS ON NRW'S RESPONSE
REP3a-048-1.4	<p>Marine Licence Application</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 NRW: Please submit such responses to the Examination</p> <p>To the Applicant: Please provide a copy of your response to this letter.</p>	<p>The Applicant has submitted a copy of its response to NRW's Request for Further Information letter as Document 3a.13 of the Applicant's Deadline 3a Submission. The Applicant has also provided copies of its responses to the Marine Licence Application Consultation Comments (Document 3a.14 of the Applicant Deadline 3a Submission) which should be read alongside Document 3a.13. It should be noted that these documents that were provided directly to NRW MLT in relation to the Marine Licence application and were not intended (at the time of drafting) to be submitted to the DCO Examination process. Copies have been provided to the ExA in response to the Rule 17 request, and therefore document referencing within them is not consistent with documents that have been prepared specifically for the DCO Examination. For example, Document 3a.14 is referred to as 'Document ML-1.2 of the Applicant's Marine Licence Submission 1' within Document 3a.13.</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"> ▲ The Crown Estate ▲ NRW Advisory ▲ Ministry of Defence ▲ Isle of Anglesey County Council ▲ RSPB ▲ Cadw ▲ Welsh Archaeological Trust ▲ Royal Commission on the Ancient and Historic Monument of Wales ▲ Chamber of Shipping ▲ National Air Traffic Services ▲ National Federation of Fishermen's Organisations ▲ Cefas – (consulted on dredge and disposal element) ▲ Joint Nature Conservation Committee (JNCC) ▲ Department for Business, Energy and Industrial Strategy (BEIS) ▲ Isle of Man ▲ Royal Yachting Association ▲ Janet Finch Saunders (MS) ▲ Public Representation <p>Further information was received on 25 November 2022. The response letter and list of submitted documents have been attached. These documents are</p>	<p>The Applicant has no further comment to make.</p>

REF.	QUESTION	APPLICANT'S RESPONSE TO THE RULE 17 LETTER	NRW RESPONSE TO THE RULE 17 LETTER	APPLICANT'S COMMENTS ON NRW'S RESPONSE
			<p>available on our online public register (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 19th of January 2023, and the public consultation period is due to close on the 26th of January 2023.</p>	

2.3 Llanddulas and Rhyd Y Foel Community Council

- 9 Llanddulas and Rhyd Y Foel Community Council submitted a post-hearing submission (REP3a-049) at Deadline 3a, which reads as follows:

“Is there any movement on where the proposed piping will be joining the coast line for this project and will there be further consultation on this matter?”

- 10 The Applicant can confirm that the proposed offshore cable route will make landfall between Rhyl and Prestatyn, east of Ffrith Beach as shown in the Location Plan (REP1-031). There have been several rounds of consultation on AyM's plans, including the project's statutory consultation in Autumn 2021. This information was shared in a telephone call made to Mr Warren on 11 January 2023, and information links shared in parallel with Mr Warren via email correspondence on the same day.



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