



# **Awel y Môr Offshore Wind Farm**

## **Applicant's Response to the Examining Authority's Second Written Questions**

### **Deadline 5**

**Date: 06 February 2023**

**Revision: A**

Document Reference: 5.4

Application Reference: N/A



REVISION	DATE	STATUS/ REASON FOR ISSUE	AUTHOR	CHECKED BY	APPROVED BY
A	February 2023	Deadline 5	GoBe Consultants	RWE	RWE



RWE Renewables UK Swindon Limited

Windmill Hill Business Park  
 Whitehill Way  
 Swindon  
 Wiltshire SN5 6PB  
 T +44 (0)8456 720 090



Registered office:  
 RWE Renewables UK Swindon Limited  
 Windmill Hill Business Park  
 Whitehill Way  
 Swindon



# Contents

1	Introduction.....	5
2	Applicant's response to the Examining Authority's First Written Questions..	6
2.1	General and Cross Topic Questions.....	6
2.2	Aviation.....	16
2.3	Biodiversity, Ecology and Natural Environment.....	17
2.4	Compulsory Acquisition (CA) and Temporary Possession (TP).....	51
2.5	Construction.....	67
2.6	Good Design.....	71
2.7	Draft Development Consent Order (dDCO).....	75
2.8	Flood Risk and Water Quality.....	82
2.9	Historic Environment.....	87
2.10	Land Use.....	88
2.11	Landscape and Visual.....	94
2.12	Marine and Coastal Physical Processes.....	96
2.13	Marine – Commercial Fisheries, Shipping and Navigation.....	97
2.14	Marine – Natural.....	104
2.15	Public Health and Nuisance.....	105
2.16	Seascape, Landscape and Visual.....	106
2.17	Socio-Economic.....	107
2.18	Tourism and Recreation.....	111
2.19	Traffic and Transport.....	114
3	References.....	116
4	Appendix A – A List of DCOs Referenced by the Applicant.....	119
5	Appendix B – Position of the AyM project to the relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework.....	122
6	Appendix C – Table showing how AyM Improves Connectivity in the OnSS area.....	129
7	Appendix D – Response to ExQ2.9.6: Table showing holdings.....	130
8	Appendix E – Response to ExQ2.9.6: Plan showing holdings.....	134

9 Appendix F - Figure 26 of the PEIR Phase Site Selection and Alternatives Chapter.....	135
---	-----

## Tables

Table 1: General and Cross Topic Questions.....	6
Table 2: Aviation.....	16
Table 3: Biodiversity, Ecology and Natural Environment.....	17
Table 4: Compulsory Acquisition (CA) and Temporary Possession (TP). ....	51
Table 5: Construction.....	67
Table 6: Good Design.....	71
Table 7: Draft Development Consent Order (dDCO). ....	75
Table 8: Flood Risk and Water Quality.....	82
Table 9: Historic Environment.....	87
Table 10: Land Use. ....	88
Table 11: Landscape and Visual.....	94
Table 12: Marine and Coastal Physical Processes. ....	96
Table 13: Marine – Commercial Fisheries, Shipping and Navigation. ....	97
Table 14: Marine – Natural. ....	104
Table 15: Public Health and Nuisance. ....	105
Table 16: Seascape, Landscape and Visual.....	106
Table 17: Socio-Economic. ....	107
Table 18: Tourism and Recreation.....	111
Table 19: Traffic and Transport. ....	114

# 1 Introduction

- 1 Following the issue by the Examining Authority (ExA) of their Second Written Questions (ExQ2) on 23 January 2023, Awel y Môr Offshore Wind Farm Limited (the Applicant) has responded to each question addressed to the Applicant in the sections below. In addition, the Applicant has provided commentary on selected questions addressed to other Interested Parties (IPs) where it is thought to be helpful to the ExA to do so.
- 2 Supporting information to the Applicant's responses to the ExQ2 has been included by reference to other submissions included in the Applicant's Deadline 5 submission, as well as appendices to this document, which are listed below:
  - ▲ Appendix A – A List of DCOs Referenced by the Applicant;
  - ▲ Appendix B – Position of the AyM project to the relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework;
  - ▲ Appendix C – Table showing how AyM Improves Connectivity in the OnSS area;
  - ▲ Appendix D – Response to ExQ2.9.6: Table showing holdings;
  - ▲ Appendix E – Response to ExQ2.9.6: Plan showing holdings; and
  - ▲ Appendix F - Figure 26 of the PEIR Phase Site Selection and Alternatives Chapter.

## 2 Applicant's response to the Examining Authority's First Written Questions

### 2.1 General and Cross Topic Questions

Table 1: General and Cross Topic.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
0.1	Applicant	<p>Equalities Impact Report</p> <p>In respect of the conclusions reached, please clarify the difference between the conclusions of 'no impacts' and 'unlikely to be any impacts'.</p>	<p>A conclusion of 'no impacts' has been drawn where there is no potential for a differential or disproportionate impact on a protected characteristic group.</p> <p>The conclusion of 'unlikely to be predicted impacts' has been drawn where the source-impact-receptor pathway exists for a protected characteristic group but the likelihood of the impact occurring on that receptor is low.</p>
0.2	Applicant	<p>NPS Tracker</p> <p>Please update the NPS Tracker in respect of draft NPS EN-1, EN-3 and EN-5.</p>	<p>The Applicant confirms that an update in respect of the draft NPS EN-1, EN-2 and EN-3 will be provided at Deadline 6.</p>
0.3	Applicant	<p>Examination Library</p> <p>Please advise upon your approach to the Examination Library and documents with errors and/or anomalies identified during Awel y Môr marine licence application. For example, Manx vessels being accidentally omitted from Table 3, Commercial Fisheries [APP-054] - Applicant's response to ML-loM-47, Applicant's Response to Marine Licence Application Consultation Comments [REP3a-014].</p>	<p>For the Development Consent Order (DCO) Examination, the Applicant proposes to maintain and update the Errata List (REP1-004) and provide a final version of this document at Deadline 8, with relevant errata identified in documents requiring corrections appended to a re-submitted version of that document at Deadline 8 (as outlined in the Applicant's response to ISH2 Actions (REP4-003). This will include any errors that have been identified in the Marine Licensing process.</p> <p>The Applicant is content to follow a similar process in relation to the Marine Licensing process, if requested to do so by the Natural Resources Wales (NRW) Marine Licensing Team (MLT).</p>
0.4	Applicant	<p>Hierarchy of Documents</p> <p>Please advise if there is a ranking hierarchy approach to documents. For example, the Applicant's Schedule of Monitoring [APP-311] does not appear to outline any monitoring for offshore ornithology, however condition number 34 in the Marine Licence Principles [REP2-022] suggests there will be offshore ornithology monitoring. Will the</p>	<p>The Schedule of Mitigation and Monitoring (REP4-021; Application reference 8.11) was originally intended as a record of mitigation, compensation, enhancement and monitoring measures which were described in the ES, whether as embedded measures forming an inherent part of the assessment or applied measures to minimise the significance of effects. These were the measures that have been</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>Marine Licence Principles document take precedence and does it have a higher-ranking order than the Schedule of Monitoring?</p>	<p>incorporated within the ES assessments and therefore are required to be adhered to in order to establish the conclusions of the ES.</p> <p>During the examination, the Schedule of Mitigation and Monitoring (REP4-021; Application reference 8.11) has evolved into a more general record of mitigation measures in response to stakeholder comments, requests for further information from NRW MLT, and questions from the ExA. It now includes all measures which are expected to be imposed by DCO Requirements and Marine Licence conditions, including those that are not required to establish the conclusions of the ES, but would be expected as standard Requirements and conditions. Using the example of monitoring for offshore ornithology – this has become a standard industry requirement, however is not required in order for the ES to reach its conclusion as monitoring by itself does not have any bearing on an impact. It is instead intended as a way of addressing uncertainties within the assessment by gathering data to confirm the real-world scenario.</p> <p>The Applicant notes that the Schedule of Mitigation and Monitoring does describe monitoring for offshore ornithology at item 486 of REP4-021.</p> <p>The Marine Licence Principles (REP4-023; Application reference 5.4.1) is intended to outline the principles on which the Marine Licences will be based, including any conditions, for Awel y Môr (AyM), subject to those Licences being granted by NRW. The Marine Licence Principles are intended as a way of bridging the gap between the DCO and Marine Licensing processes to explain how the two separate consents relate, and to provide comfort to the ExA of that the mitigation measures proposed can be secured by anticipated conditions within any Marine Licence granted.</p> <p>Neither the Schedule of Mitigation and Monitoring (REP4-021; Application reference 8.11) nor the Marine Licence Principles (REP4-023; Application reference 5.4.1) take precedence over the other. The final list of measures for the scheme will be determined by the final DCO Requirements and Marine Licence conditions (should these consents be granted) which will control the construction and operation of the proposed development.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
0.5	Applicant	<p>Port(s)</p> <p>In response to ExQ1.18.25 [REP1-007] reference is made that the Applicant "continues to engage with port operators in undertaking a review of available ports and to understand the suitability of ports to support the Project's operations base" and in response to ExQ1.20.2 "continues to engage with port operators in undertaking a review of available ports and to understand the suitability of ports to support the construction of the Project's works". Please outline your position regarding the need for potential port infrastructure works to facilitate the Proposed Development, the undertaking of an impact assessment and the likely significant effects.</p>	<p>The Applicant's position on both construction and operation ports has not changed since the responses made to the first round of ExA questions (REP1-007). Whilst engagement continues to take place, on a commercial basis, with a number of port operators, no decisions have been made as to which ports may be used for either construction or operation of the Project, and those decisions will likely be taken after consent for the Project is granted. The Applicant is therefore not in a position to know the extent of works required to facilitate the Project's use of a given port (if indeed any are required), who will be responsible for those works or the approach to impact assessment, and significance of effects, of works.</p>
0.6	Applicant	<p>Mona and Morgan Offshore Wind Farms</p> <p>The Applicant's Written Summary of Oral Representations at ISH2 [REP3a-004] notes that Mona Offshore Wind Farm was provided with a Scoping Opinion in June 2022 and that it now constitutes a 'Tier 2' project in line with the Planning Inspectorate's Advice Note 17. This note states that a [cumulative effects] "assessment should be provided for all...Tier 2" development where possible and that "such an assessment should be carried out with reasonable effort and clearly documented in the ES for example using the format described in Matrix 2 (Appendix 2)" The ExA note that [REP3a-004] states that there would need to be a defined project with sufficient information in order to undertake a meaningful assessment and considers that the Scoping Opinion does not consider a project boundary that has been refined beyond the offshore area tendered and does not include any certainty on the export cable corridor, landfall and onshore cables and substation so the scheme is not sufficiently defined at this stage. However, the ExA also note that the publicly available Scoping Report details the maximum number of turbines proposed and their maximum tip height, rotor diameter, and construction details and that consultation has taken place on three potential landfall locations and seven potential substation locations (all in the vicinity of Bodelwyddan). The ExA also note that the proposed Morgan Offshore Wind Farm submitted a scoping report to the Secretary of State in June 2022, with a subsequent Opinion published in July. Please</p>	<p>The Applicant has identified the Mona and Morgan Offshore Wind Farms (M&amp;M OWFs) as Tier 2 projects according to the Planning Inspectorate's Advice Note 17. However, the Applicant does not consider that sufficient information on the M&amp;M OWFs has been made available to the Applicant to undertake a useful or informative cumulative assessment.</p> <p>Under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant is required to assess cumulative effects with "other existing and/or approved" projects (paragraph 5.e of Schedule 4). This means that the legal requirement to undertake a cumulative assessment is limited to projects that are either consented or are built out already. M&amp;M OWFs do not fall within this category of project as they have not been approved. Advice Note 17 also mentions that "<i>an assessment should be provided for all Tier 1 and Tier 2 'other existing development and/or approved development', where possible</i>" (paragraph 3.4.3, emphasis added).</p> <p>Furthermore, the Applicant does not consider that sufficient information on the M&amp;M OWFs is publicly available in order to enable the Applicant to undertake a meaningful cumulative assessment.</p> <p>Advice Note 17 sets out a cumulative assessment process with the stages of longlisting and shortlisting projects, information gathering and assessment. Information gathering "<i>requires the applicant to gather information on each of the 'other existing development and/or approved development' shortlisted at Stage 2. As part of the Stage 3</i></p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>provide further justification for your decision not to undertake a cumulative effects assessment.</p>	<p><i>process the applicant is expected to compile detailed information, to inform the Stage 4 assessment. The information captured should include but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>-Proposed design and location information;</i></li> <li><i>-Proposed programme of construction, operation and decommissioning; and</i></li> <li><i>-Environmental assessments that set out baseline data and effects arising from the 'other existing development and/or approved development'.</i></li> </ul> <p>Very little of the information specified in Advice Note 17 is available in relation to M&amp;M OWFs. The scoping process for M&amp;M OWFs was undertaken at an early stage and lacked sufficient reliable information or the necessary detail for the Applicant to undertake a cumulative assessment. In particular, there is insufficient onshore detail, and the project design still includes significant uncertainty regarding landfall location and onshore substation site. As a result, any cumulative assessment based on the information available in the Scoping Report and Scoping Opinion would be highly speculative, and in the absence of baseline data and any assessment of the likely effects of the M&amp;M OWFs would require the Applicant to make assumptions. The Applicant does not consider that such a cumulative assessment would be sound or would assist in the determination of the AyM project.</p> <p>The High Court judgment in the judicial review claim relating to Norfolk Vanguard Offshore Wind Farm (<i>Pearce v Secretary of State for Business, Energy and Industrial Strategy</i> [2022] Env LR 4) noted that a cumulative assessment with the subsequent Norfolk Boreas Offshore Wind Farm should have been undertaken. This was primarily as substantial progress had already been made on the Norfolk Boreas project including identifying preferred substation footprint and determining the nature and scale of the onshore infrastructure. This can be differentiated from the outline information available for M&amp;M OWFs which contains significant uncertainty and insufficient detail for any meaningful assessment to be undertaken.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>In addition to the ExA and Secretary of State (SoS) being able to rely on a detailed cumulative assessment being undertaken by the M&amp;M OWFs, the Applicant will keep the position under review and will re-consider the need for it to undertake a cumulative assessment in the event that sufficient detail of the M&amp;M OWFs is made publicly available.</p>
0.7	Applicant	<p>Mares Interconnect</p> <p>Mr Hussey [REP3-033] notes that the proposed Mares Connect project is also proposed to connect into the National Grid substation at Bodelwyddan. Please outline your considerations of this project and any cumulative assessment which may need to take place.</p>	<p>The Applicant notes that the proposed Mares Connect project has not released any publicly available information (such as EIA screening or scoping requests to Denbighshire County Council (DCC)), setting out the location or timescales for onshore infrastructure, other than a connection would be made into National Grid's existing 'Bodelwyddan' substation. As such, there is currently not enough detailed design information, nor enough certainty on timescales, to enable a meaningful cumulative assessment to be undertaken.</p> <p>The Mares Connect website suggest that planning consent would be sought in 2024 with environmental and technical studies undertaken beforehand.</p> <p>The Applicant is aware that the Mares Connect project is anticipating a grid connection to Bodelwyddan National Grid substation and is currently contacting potentially affected landowners in the vicinity of the AyM substation. However, the Applicant maintains that the information and certainty over the Mares Connect proposals is still too limited to enable a detailed cumulative assessment to be undertaken.</p>
0.8	Applicant, Gwynedd Council (GC), Gwynedd Archaeological Planning Services	<p>Wales Coastal Path</p> <p>To all parties: The ExA are aware of the imminent re-routing of the Wales Coast Path through the Penrhyn Estate. Will this change to the route of the footpath have any implications for effects upon landscape, seascape, and Penrhyn Hall and it's registered Park and Garden?</p> <p>To GC: Do you have further information over the location of the proposed re-routing?</p>	<p>The Applicant has not been able to source much detail regarding the route of the Wales Coast Path (WCP) through the northern extents of the Penrhyn Castle Registered, Historic Park and Garden apart from a press release by Gwynedd Council. This notes that the new path would be re-aligned to be '<i>closer to the coast</i>' and '<i>Once complete, it will allow walkers to take in the spectacular views of Traeth Lafan and the north Wales coast on this section of the journey</i>'. The press release also states that '<i>Listed building consent has been obtained to take down a section of the grade 2 listed estate wall of Penrhyn to install pedestrian gates at each end of the estate. The path will then follow the Coast through the woodland and open fields.</i>'</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>This would suggest that there may be more opportunity for views from this section of the WCP than is currently the case between these two points due to the WCP currently running inland around the Penrhyn Castle estate.</p> <p>The SLVIA (AS-027) assesses the effects on the stretch of the WCP that runs between Port Penrhyn and Llanfairfechan from paragraph 581 as part of the route identified as Section H – Lavan Sands. Re-routeing the section that runs between Porth Penrhyn and the existing path near the Aberogwen Nature Reserve.</p> <p>In assessing the effect on users of the WCP as it passes through the estate the value of views obtained from this stretch of the route would increase to high thereby increasing the sensitivity to change to high due to the route passing through this nationally designated landscape.</p> <p>In terms of the magnitude of change that may occur if open views are available from this stretch of the Wales Coast Path the magnitude of change would be similar to that assessed for Viewpoint 17: Penrhyn Castle Terrace (APP-246) where this was assessed as medium-low resulting in a Moderate effect (Significant).</p> <p>Notably, from a review of aerial photographs showing the northern edge of the estate, the majority of the coastal edge is wooded. Without knowing how the path is routed through the woodland areas or through the fields to the south of these where screening of the views across Traeth Lafan may occur, it is difficult to determine the degree to which there would be open views towards AyM or to what extent effects similar to those assessed for Viewpoint 17 would occur from along the route. However, there are some sections along the eastern section of the route that are likely to gain open views where similar Moderate effects (Significant) would be likely to occur.</p> <p>It is noted in the press release that construction of the route may be complete by Spring 2023. Once further detail is provided on the routeing the Applicant is willing to relook at this matter. However, until the route is actually complete and the views from it can be investigated in the field, it may be difficult to be more decisive about the extent of the route which may gain open views.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			From a Heritage perspective, The Applicant considers that this does not change the assessment as presented in the EIA. Whilst the proposed WTGs will potentially likely be more clearly visible in views across the Menai Strait to the north, the park and castle will be behind the viewer, to the south. There is a clear distinction between the seaward side and the designed landscape within the park, and the role the park plays as the setting for the castle itself is not affected, nor is the ability to appreciate this setting and the contribution made by the setting to the heritage significance of the castle adversely affected. The relationship of the park itself to the sea, and to the higher ground within the National Park to its south, is also not affected nor is the setting of the Park harmed so that the heritage significance of the park is reduced, and the ability to appreciate this intended juxtaposition is unaffected.
0.9	Denbighshire County Council (DCC)	Policy Your LIR [REP1-056] makes reference to a number of planning policies and, whilst finding some effects of the Proposed Development to be negative, does not appear to specify any conflict with these policies. Please clarify your position in this respect.	N/A
0.10	Applicant	Commercial Fisheries Please summarise your approach to the Joint Fisheries Statement November 2022.	The relevance of the Fisheries Act and Joint Fisheries Statement 2022 is noted in terms of outlining joint plans from the UK's fisheries administrations to pursue sustainable fisheries policies. The Act and Statement are not explicitly referred to in ES Volume 2, Chapter 8: Commercial Fisheries (APP-054) since they are not directly relevant to offshore energy development or commercial fisheries impact assessment, but it is acknowledged that they can be expected to influence commercial fisheries activity. The Joint Fisheries Statement states that 'fisheries policy authorities will work with sea users, including the fishing industry, to identify and seek to address displacement issues.' In the case of AyM, and with reference to the assessment conclusions presented in ES Volume 2, Chapter 8: Commercial Fisheries (APP-054), significant displacement effects are not anticipated.
0.11	Applicant	Hynet Carbon Dioxide Pipeline	The Applicant notes that the Hynet Carbon Dioxide Pipeline is considered within the Cumulative Effects Assessment longlist (REP2-

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>The ExA note that the application for the above proposed NSIP was accepted for examination on 31 October 2022. Please comment on whether this proposed development has any implications or requires any assessment as part of this examination.</p>	<p>028) based on information that was available within the Hynet project's EIA Scoping opinion:  <i>"00/2021/0583 EIA Scoping Opinion consultation of the proposed HyNet North West Carbon Dioxide Pipeline (Nationally Significant Infrastructure Project)"</i></p> <p>The Hynet project was scoped out of further consideration on the basis of no conceptual effect/receptor pathway given the distance from AyM is over 22 km to the east. The Applicant confirms that the submitted proposals for the Hynet Carbon Dioxide Pipeline project do not alter this position and there are not any implications or requires any assessment as part of this examination.</p> <p>The Applicant notes that the Hynet Carbon Dioxide Pipeline project has considered AyM within its own cumulative assessment and scoped AyM out of further cumulative assessment (the Hynet project considers AyM to be outside the Zone of influence for the proposed carbon dioxide pipeline).</p>
0.12	Applicant	<p>General</p> <p>Please provide a list of all references to made Development Consent Orders. Please also provide an update to this list at Deadline 8.</p>	<p>The Applicant has submitted a list of all references to Development Consent Orders in the Explanatory Memorandum (REP1-017) and in the responses to the ExA's first written questions (REP1-007) and second written questions (Document 5.4 Of the Applicant's Deadline 5 submission) as Appendix A of this document. The Applicant will update this list at Deadline 8 as requested.</p>
0.13	Applicant	<p>Other Consents</p> <p>Should the Other Consents and Licences document [APP-037] be updated to include: planning permission for the NGET substation extension; and consent from the Crown Estate for lease of the offshore cable corridor (and any consent required from North Hoyle and Rhyl Flats Offshore Wind Farms in this regard)?</p>	<p>The Applicant does not consider that the planning permission for the NGET substation extension should be included in the Other Consents and Licences Required Under Other Legislation document (APP-037). This is a consent being obtained by NGET over which the Applicant has no influence or control.</p> <p>The Applicant also does not consider that the Agreement for Lease (AfL) with the Crown Estate (TCE) for the transmission assets is a consent to be included in the Other Consents and Licences document. It is an agreement which is being negotiated between the Applicant and TCE. The consents required from North Hoyle and Rhyl Flats Offshore Wind Farms are part of the leasing process and the Applicant also does not consider that these consents are appropriate</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			or necessary to include in the Other Consents and Licences document.
0.14	Applicant	Schedule of Mitigation and Monitoring Should the Schedule of Mitigation [REP2-024] be renamed the 'Schedule of Mitigation and Monitoring' following the combining of these documents? In addition, please ensure this document refers to updated documents as necessary.	The Applicant acknowledges this comment and has accordingly re-named the document to the Schedule of Mitigation and Monitoring. This was submitted at Deadline 4 (REP4-021). The Applicant has also ensured that references to other documents are updated as necessary to refer to the most recent versions.
0.15	Applicant	General Has there been any further information submitted as part of the Marine Licence application which is relevant to or which updates any information provided as part of the DCO application? so, please submit such information to the Examination.	As noted in its update on the Marine Licence submission and progress submitted at Deadline 4 (REP4-025), the Applicant provided NRW Marine Licensing Team (MLT) on 30 January 2023 with: <ul style="list-style-type: none"> <li>▲ An update to the Marine Licence Principles, which was submitted to the Examination at REP4-023; and</li> <li>▲ Draft contents for a series of marine plans requested in R17Q1.1, which was submitted to the Examination at REP4-008.</li> </ul>
0.16	Applicant	General Please could you clarify (with relevant examples including the significance of effects) of receptor led effects where interaction between habitat loss and disturbance effects may lead to effects of greater significance than the effects considered in isolation [APP-060, Table 10].	Table 10 of ES Volume 2, Chapter 14: Inter-relationships (APP-060) describes that there is the potential for interaction between habitat loss effects and disturbance effects that may lead to effects of greater significance than when they are considered in isolation. The assessment also confirms that the greatest potential for this interaction is during the construction phase, when the potential for disturbance effects is greatest.  In practice, where this interaction has the potential to occur, disturbance effects are likely to be experienced over a similar spatial extent to habitat loss effects and as such there is an element of mutual exclusivity. In addition, the mitigation measures proposed will ensure potential effects are minimised as far as practicable.  In terms of examples, there are few important ecological features considered for which the interaction between habitat loss and disturbance could potentially lead to effects of greater significance than when considered in isolation. For example, there is a possible interaction between loss of foraging habitat for barn owl and disturbance to nest sites, since no nest sites will be lost and so barn owl will remain present. However, mitigation is proposed to avoid disturbance to nest sites and as such any residual effect will not be

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>significant (whether considered in isolation or inter-relatedly with loss of foraging habitat).</p> <p>Temporary habitat loss and disturbance to non-breeding birds are both possible. However, the assessment of disturbance is based on birds potentially being disturbed within 250 m of construction areas and therefore assumes disturbance from areas of temporary habitat loss. If it is assumed that birds are disturbed from areas of temporary habitat loss then there can be no additional effect from the temporary habitat loss itself and as such the residual inter-related effect would not be significant.</p>

## 2.2 Aviation

Table 2: Aviation.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
1.1	Applicant, NATS	Please provide any further update on the progress of the Radar Mitigation Contract.	The Applicant has confidence that the final draft of the Radar Mitigation Contract with NATS is in its last stages of finalisation and the parties will be able to proceed to signature before the end of this examination.



## 2.3 Biodiversity, Ecology and Natural Environment

Table 3: Biodiversity, Ecology and Natural Environment.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
2.1	Applicant	<p>General</p> <p>Please provide a response to the Department of Agriculture, Environment and Rural Affairs (DAERA) comments to ExQ1.2.102 [REP1-057] that NIEA's Ornithology Team should be consulted regarding any additional Seabird Considerations related to any additional European / Ramsar sites or qualifying features which have not been included in the Report to Inform Appropriate Assessment (RIAA) [APP-027].</p>	<p>Following a thorough process of stakeholder engagement and consultation, the Applicant is confident that the Report to Inform Appropriate Assessment (RIAA) (APP-027) identifies and considers all European / Ramsar sites and their qualifying (seabird) features as considered necessary based a precautionary approach. The Applicant is therefore not aware of any additional seabird considerations related to any additional Special Protection Areas (SPAs), Ramsar sites or qualifying features, and notes that DAERA do not raise any specific queries in relation to this request in their response to ExQ1.2.102.</p> <p>The Applicant has contacted NIEA's ornithology Team on 1 February 2023, in order to confirm the position.</p>
2.2	NRW, DCC, CCBC, RSPB, NWWT	<p>General</p> <p>Please advise if you have any issues with the potential mitigation measures in the Schedule of Mitigation [REP2-024] and Marine Licence Principles (REP2-022), and if issues exist, please reference with explanation and evidence to justify.</p>	N/A
2.3	Applicant	<p>General</p> <p>Further to your response to ExQ1.2.6 [REP1-007], please provide a response to how environmental net gain will be achieved as referenced in draft National Policy Statement for Renewable Energy Infrastructure (EN-3) paragraph 2.23.3.</p>	<p>The Applicant notes that paragraph 2.23.3 of the Draft NPS EN-3 would be an addition to the NPS (if adopted) and does not occur in the extant NPS EN-3, and that the timescale for adoption of the draft NPS (or likely amendments to it), is not currently known.</p> <p>Paragraph 2.23.3 of draft NPS EN-3 states that:</p> <p><i>"All assessment of environmental effects of cabling infrastructure and any proposed offshore or onshore substations should assess effects both alone and cumulatively with other existing and proposed infrastructure. Applicants should include details on how avoidance has been achieved, good design principles followed, proposals for mitigation and how environmental net gain will be achieved (as set out in the 25 Year Environment Plan). Further information is provided in Sections 4.2, and 4.4 – 4.6 of EN-1."</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The draft NPS refers to 'environmental' net gain which the UK Government's 25 Year Environment Plan (referenced by NPS EN-3), considers to be a strengthened position to 'biodiversity' net gain. The 25 Year Environment Plan seeks to</p> <p><i>“embed a ‘net environmental gain’ principle for development to deliver environmental improvements locally and nationally.”</i></p> <p>When considered at a local level, the key environmental net gain is through delivery of biodiversity resilience and enhancement. The Applicant considers that biodiversity net gain will be achieved through the provision of enhancement measures that will provide new benefits for biodiversity in addition to sufficient mitigation (to reduce and/ or eliminate the potential for significant effects) and compensation (to offset residual effects resulting in the loss of, or permanent damage to, ecological features despite mitigation). The proposed enhancement measures are set out in Section 7.1 and Figure 2 of the Outline Landscape and Ecology Management Plan (oLEMP) (REP4-011; Application reference 8.4).</p> <p>The 25-year plan acknowledges that:</p> <p><i>“In other areas where environmental policy is devolved and responsibility rests with the Scottish Government, Welsh Government and Northern Ireland Executive, the proposals in this Plan apply to England only.”</i></p> <p>The Welsh Government has confirmed its approach to net benefits for biodiversity (CIEEM, September 2022), which aligns with the qualitative approach the Applicant's assessment has used. The Welsh Government briefing paper states that:</p> <p><i>“The net-benefits for biodiversity approach by Welsh Government has the same intent – to deliver an overall improvement in biodiversity - but does not utilise a metric. Instead, it puts the emphasis on proactive consideration of biodiversity and wider ecosystem benefits within a placemaking context early in the design process. The aim is that the planning system will encourage the use of high calibre ecological expertise and early discussions with planning teams to design</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p><i>developments on a case-by-case basis that positively impact ecosystem resilience."</i></p> <p>At a National level, AyM will make a significant contribution to UK and Wales carbon reduction objectives by providing clean electricity for an estimated 500,000 homes, and so contribute to reducing the effects of climate change, which in turn will help to mitigate the adverse effects of climate change (such as heatwaves, flooding and effects of extreme weather).</p> <p>AyM will make a positive contribution to meeting global, European and national targets on carbon dioxide (CO<sub>2</sub>) reduction in line with the Climate Change Act 2008 (2050 Target Amendment) Order 2019. Achieving this target is key to the UK's Paris 2015 Commitments, which pledged to achieve at least a 40% domestic reduction in greenhouse gases by 2030 compared to 1990 levels (European Commission 2017b).</p> <p>The proposed AyM project would contribute significantly towards these targets; hence a key environmental net gain of the project is its delivery against targets regarding CO<sub>2</sub> reductions. This is evidenced by the Life Cycle Assessment (LCA) that the Applicant has submitted at Document 5.6 of the Applicant's Deadline 5 submission. The LCA shows that when compared with the alternative of generating the electricity by gas Combined Cycle Gas Turbine (with a carbon intensity of 380g CO<sub>2</sub>eq/kWh) or BEIS's "all non-renewables" factor of 432g CO<sub>2</sub>eq/kWh, AyM will pay-back the embedded emissions in its construction in around two years.</p> <p>NPS EN-1 acknowledges that projects, such as AyM, will contribute positively towards the production of renewable energy, in contrast to use of fossil fuel generation. NPS EN-1 Paragraph 5.3.6. notes the context of the challenge of climate change and that failure to address this challenge will result in significant adverse impacts to biodiversity.</p> <p>The need for and benefits of the scheme are set out within the Statement of Reasons (Document 5.10 Of the Applicant's Deadline 5 submission; Application reference 4.1) and in other submission</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			documents including the Planning Statement (APP-298) and LCA submitted at Document 5.6 of the Applicant's Deadline 5 submission.
2.4	Applicant	<p>General</p> <p>Please outline how you have considered the following key principles of positive planning for nature conservation in Technical Advice Note 5: Nature Conservation and Planning (2009):</p> <ul style="list-style-type: none"> <li>a) working in partnership with others; and</li> <li>b) to deliver environmental objectives.</li> </ul>	<p>a) The project has worked in partnership with key stakeholders to identify potential impacts, mitigation and enhancement measures. This is demonstrated through the Evidence Plan process which includes consultation and discussion with DCC, NRW, North Wales Wildlife Trust (NWWT) and RSPB. Through this process the Applicant has agreed the biodiversity assessment methodology, baseline survey scope and assessment findings, all of which have informed the proposals for mitigation, compensation and enhancement as presented within the application documents (oLEMP (REP4-011; Application reference 8.4) and ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066)). The proposals for environmental enhancement were developed in close discussion with NRW and DCC, an approach that is reflected in the agreement to compensation and enhancement recorded within respective SoCGs.</p> <p>b) Throughout this engagement and the partnership approach, the Applicant has been able to incorporate feedback from consultees such that AyM would help to deliver environmental objectives.</p> <p>For example, on behalf of AyM, the lead ecologist for the project has attended the biennial St Asaph Business Park (SABP) Great Crested Newt (GCN) Steering Group meetings in October 2021 and May 2022 with a view to ensuring the impact assessment and scheme design takes account of and complements pre-existing European Protected Species Licence (EPSL) and nature conservation initiatives at the business park. In particular, the aim has been to increase ecosystem resilience via scheme design at the Onshore Substation (OnSS) in proximity to Glascoed Nature Reserve. SABP GCN Steering Group members include Welsh Government (GCN EPSL holders for development of the business park), NRW, Amphibian and Reptile Conservation, Wild Ground (which manages Glascoed Nature Reserve), plus other owners/occupiers at SABP.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			Section 6.21 of the Planning statement (APP-298) sets out how AyM meets the biodiversity and nature conservation objectives of national and local policy.
2.5	DCC	General Please clarify your position regarding achieving net gain to biodiversity interest in response to paragraph 15.5 of your LIR [REP1-056].	N/A
2.6	Applicant	General Please could you summarise the ES and RIAA [APP-027] impact assessment approach for Isle of Man's Designated Sites.	<p>There is no direct impact on any designated site that falls under jurisdiction of the Isle of Man. The only potential pathway for impact identified within the EIA was on mobile ornithological and marine mammal features that may be associated with non-local sites (including those on the Isle of Man).</p> <p>The Isle of Man is not a signatory of the Habitats Directive. The RIAA therefore does not consider impacts on the designated sites of the Isle of Man. The EIA (ES Volume 2, Chapter 4: Offshore Ornithology (APP-050) and Environmental Statement (ES) Volume 2, Chapter 7: Marine Mammals (AS-026)) characterises receptors across their respective zones of influence, which includes individual receptors that may fall under protection within designated sites on the Isle of Man. The assessments then give regard to the impacts on these features.</p> <p>For marine mammals, the Isle of Man Government has indicated within the Statement of Common Ground (REP4-014) that it agrees that all relevant marine mammal matters associated with designated sites have been specifically covered within the ES and that there are no residual points of disagreement on the outcome of those assessments.</p> <p>For ornithological features, the Isle of Man Government identified (within its Relevant Representation, RR-027) that it did not consider the ES or RIAA to have specifically considered effects on sites designated by the Isle of Man. The Applicant, therefore, provided a clarification note at Deadline 3 (REP3-009) that made specific reference to potential effects on ornithological receptors associated with designated sites under the Isle of Man jurisdiction. As is evidenced from the SoCG (submitted at Deadline 4) the Applicant and the Isle of</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>Man Government have no residual material points of disagreement on ornithological matters (REP4-014).</p>
2.7	Applicant, NRW	<p>General</p> <p>Please could the Applicant and NRW give a progress update on European Protected Species (EPS) Licences likely to be required for the Proposed Development.</p>	<p>During the Pre-Application stage of the DCO application NRW agreed that it could be satisfied in principle that EPSLs could be granted based upon the compensation and enhancement described in the oLEMP and that the extent of land included in the oLEMP is adequate. This position is set out in Table 1 of ES, Volume 5, Annex 5.12, Summary of consultation relating to onshore biodiversity and nature conservation (APP-136), which includes the following quote from correspondence with NRW that it:</p> <p><i>“could be satisfied in principle that an EPSL could be granted in relation to bats and GCN (in the absence of draft EPSL MS’s being submitted pre-consent), based upon the compensation and enhancement proposals agreed at the last ETG which we understand have been carried over into the ES and outline LEMP. We would be content for the finer details to be conditioned/supplied later on in the planning decision-making process (i.e. post-consent), as you have proposed.”</i></p> <p>A copy of the full correspondence is provided in ES Volume 8, Document 8.2, Annex 2 (APP-303).</p> <p>During Examination, NRW provided an update to this position in that the confirmation (set out above) related solely to achieving Favourable Conservation Status (FCS) (i.e. an EPSL could be granted to achieve FCS) and not to in principle agreement that EPSL could be granted.</p> <p>The Applicant has asked NRW whether its licencing team would be able to provide any further clarity on the position regarding an in-principle agreement that EPSL could be achieved for AyM based on the information, assessment and mitigation/compensation/enhancement proposals within the DCO application, however, NRW has confirmed that its Species Licensing Team are not able to pre-determine licence applications and therefore they have confirmed that as it is not their standard practice they are not able to issue such a statement.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>To date NRW has not raised any concerns with the Applicant regarding EPSL or suggested that there were issues that would preclude an EPSL being granted.</p> <p>As set out in the oLEMP and ES, Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066), GCN and bat EPSLs are likely to be required for the proposed development.</p> <p>The Applicant has summarised the position regarding future EPSL as follows:</p> <p>An EPSL from NRW will be required for works affecting terrestrial habitat used by GCN at the OnSS (note all ponds will be retained in this area) as well as terrestrial habitat at other areas along the route. The conditions of the EPSL would be specified to ensure that construction and continued presence of the OnSS does not result in significant adverse impacts to the local population. This will include:</p> <ul style="list-style-type: none"> <li>▲ Creation of mitigation (and compensation) habitats for use by GCN;</li> <li>▲ Scheduling of certain work to avoid sensitive periods of the GCN and common toad life cycle;</li> <li>▲ Removal of GCN and common toads from areas where there is risk of injury or death in advance, plus other precautionary measures; and</li> <li>▲ Monitoring of the GCN population at all water bodies at the OnSS area (existing, new and including those that are SuDS related).</li> </ul> <p>The EPSL application and accompanying Method Statement will include the measures that will be implemented and will be submitted to NRW once final design details are available and pre-construction surveys for GCN completed. Areas that form part of the compensation and mitigation requirements for GCN and bats will be subject of a long-term management plan (<i>i.e.</i> for the lifetime of the development), as part of the EPSL. Further details of the content of EPSL applications for GCN are set out in Section 6.3 of the oLEMP (REP4-011).</p> <p>An NRW EPSL will be required in advance of work that could affect roosting bats. Since tree roosting bats utilise a range of locations over any given season, the licence will be sought to cover work at all trees with potential roost features (PRF) (<i>i.e.</i> the total roost resource) that</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>may be affected by the project. The EPSL application will be submitted to NRW once final design details are available and pre-construction surveys for bats have been completed. Key principles that will be followed in order to mitigate and compensate for impacts are described in Section 6.3 of the oLEMP (REP4-011). The over-riding principle is for no net loss of potential roost resource as a result of the scheme.</p> <p>Based on current information, the construction phase will not directly impact any otter holts or resting places, however potential impacts shall be reviewed following completion of the pre-construction surveys and pre-clearance checks by the Ecological Clerk of Works (ECoW). An EPSL may be necessary from NRW if a previously unidentified holt is identified during pre-construction surveys and may be impacted. However, based on current information, an EPSL for otter is not likely to be required.</p> <p>No other EPSLs are likely to be required based on desk study and survey data collected to inform the Environmental Impact Assessment (EIA).</p> <p>On the basis that FCS could be achieved through the proposed approach to mitigation/compensation/enhancement, as confirmed by NRW, the Applicant respectfully considers that EPSLs would be achievable for the project (acknowledging NRW are the determining authority for EPSL applications). Therefore, the Applicant does not consider it necessary to provide additional information at this stage.</p>
2.8	Applicant	<p>General</p> <p>With reference to the Applicant's response to ExQ1.2.9 [REP1-007], please outline how the Proposed Development meets the Welsh National Marine Plan:</p> <p>a) paragraph 162, and the statement "Protecting and enhancing biodiversity can maintain or build ecosystem resilience and improve the quality of the wider environment; and</p> <p>b) policy ENV_01: Resilient marine ecosystems.</p>	<p>a) Paragraph 162 of the Welsh National Marine Plan (Welsh Government, 2019) states "<i>Biodiversity and geodiversity are key components of ecosystems. Any loss or damage to these can affect ecosystem functioning and the ability to adapt to change. Protecting and enhancing biodiversity can maintain or build ecosystem resilience and improve the quality of the wider environment.</i>" Designated sites, protected species, protected habitats and other species identified as being of importance for conservation and biodiversity, are identified and assessed in the offshore chapters of the ES alongside mitigation measures to ensure there are no significant adverse effects and therefore supports the protection of biodiversity.</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>b) Policy ENV_01 of the Welsh National Marine Plan states "Proposals should demonstrate how potential impacts on marine ecosystems have been taken into consideration and should, in order of preference:</p> <ul style="list-style-type: none"> <li>a. avoid adverse impacts; and/or</li> <li>b. minimise impacts where they cannot be avoided; and/or</li> <li>c. mitigate impacts where they cannot be minimised. If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding. Proposals that contribute to the protection, restoration and/or enhancement of marine ecosystems are encouraged." <p>In addition to the text above, the Applicant provided an appendix to the Planning Statement as part of the DCO application containing a checklist of project conformance to the Welsh National Marine Plan (APP-300), including specifically in relation to Policy ENV_01. This states: "Chapters 4, 5, 6, 7 of Volume 2 of the ES (APP-050, APP-051, APP-052 and AS-026), and chapter 5 of Volume 3 of the ES (APP-066) present the potential interaction of the AyM project with ecosystem resilience, in the context of: offshore ornithology, benthic subtidal and intertidal ecology, fish and shellfish ecology, and onshore biodiversity and conservation respectively. The Site Selection and Alternatives chapter of the ES (APP-044) provides further detail on the process the Applicant has taken in defining a project which has been iteratively designed to minimise impacts on marine ecosystems wherever practicable. This includes avoidance of the potential Annex I Constable Bank feature, as requested during consultation with NRW, and a reduction in interaction with the Special Areas of Conservation to the west of the proposed AyM project." In relation to mitigation, the Applicant has proposed a number of measures within the ES in order to mitigate adverse effects where they cannot be avoided or minimised, which are described in detail within the Schedule of Mitigation and Monitoring (REP4-021) and proposed to be secured within the Marine Licence in the Marine Licence Principles (REP4-023).</p> <p>The ES has not identified any significant effects on marine ecological receptors (provided the proposed mitigation measures are secured and implemented) and the RIAA (APP-027) has similarly not identified any adverse effect on the integrity of any Special Areas of</p> </li></ul>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>Conservation (SAC), SPA or Ramsar site. Furthermore, the Applicant has assessed important migration routes of marine species, and the connectivity of mobile species to designated sites regarding the potential for barrier effects. With no significant adverse effects identified, the proposal will not compromise the resilience of ecological networks.</p>
2.9	Applicant	<p>General</p> <p>Please describe, with relevant evidence, your approach to the United Nations Environmental Programme Convention on Biological Diversity of 1992 for Article 8 In-situ Conservation:</p> <p>a) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;</p> <p>b) (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings; and</p> <p>(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas.</p>	<p>The UNEP Convention on Biological Diversity (CBD) Article 8 In-situ Conservation sets out a series of measures aimed at Contracting Parties. Contracting Parties are those that have either ratified, acceded to, approved or accepted the Convention and which are therefore Parties to it. It is not aimed at development projects.</p> <p>As stated on the JNCC website: <a href="https://jncc.gov.uk/our-work/convention-on-biological-diversity/">https://jncc.gov.uk/our-work/convention-on-biological-diversity/</a>:</p> <p><i>"The UK ratified the CBD in June 1994.</i></p> <p><i>Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020 is guided by the UK Post-2010 Biodiversity Framework. This framework is overseen by the Environment Departments of all four governments in the UK working together through the Four Countries' Biodiversity Group. The framework demonstrates how the work of the four countries and the UK contributes to achieving the 'Aichi targets', and identifies the activities required to complement the individual country biodiversity strategies. The framework supersedes earlier approaches under the UK Biodiversity Action Plan (1992-2012).</i></p> <p><i>Since 1994, JNCC has provided technical and scientific support to Defra on issues relating to the CBD, including prominent roles in National Reporting, the Global Plant Conservation Strategy, the Ecosystem Approach, the Global Taxonomy Initiative and JNCC hosts the UK Clearing House Mechanism for biodiversity."</i></p> <p>The JNCC website goes on to state:</p> <p><i>"Parties to the CBD are required by Article 26 of the Convention to submit national reports to the Conference of the Parties on measures taken for the implementation of the Convention and their effectiveness in meeting the objectives of the Convention."</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p><i>JNCC has helped produce the UK's most recent 6th National Report to the CBD, which was published in 2019, and which focused on work being undertaken to achieve the 20 Aichi Targets in the 'Strategic Plan for Biodiversity 2011-2020'.</i></p> <p>Biodiversity and nature conservation legislation and policy are the primary mechanisms through which the UK implements its CBD ratification promises.</p> <p>As set out within the ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066), the offshore ecology chapters of the ES (APP-048 to APP-052 and AS-026), the RIAA (APP-027), the Planning Statement (APP-298) and in the Applicant's previous examination responses, the AyM project complies with and takes account of all pertinent biodiversity and nature conservation legislation and policy. The project approach therefore aligns with that of the UK in respect of its approach to CBD, including (but not limited to) Article 8.</p>
2.10	Applicant	<p>General</p> <p>Please describe, with appropriate evidence, your approach to Kunming-Montreal Global Biodiversity Framework relevant goals and targets.</p>	<p>The Kunming-Montreal Global Biodiversity Framework (GBF) was agreed at the 15<sup>th</sup> meeting Conference of Parties to the UN CBD (COP15) in December 2022. As with the CBD discussed in response to 2.9 it applies to Contracting Parties and is not aimed at development projects.</p> <p>As stated on the JNCC website (<a href="https://jncc.gov.uk/our-work/cop-15/">https://jncc.gov.uk/our-work/cop-15/</a>):</p> <p><i>“Following finalisation and adoption of the Global Biodiversity Framework, Parties will be urged to review, and, as appropriate, update and revise, their National Biodiversity Strategies and Action Plans (NBSAPs) in line with the GBF. NBSAPs will be the principle instrument for implementing the GBF at the national level, and parties will monitor and review their implementation of the GBF and progress towards meeting the goals and targets through regular National Reports.”</i></p> <p>The JNCC goes on to set out the UK position:</p> <p><i>“The UK Biodiversity Framework (2022–2030)</i></p> <p><i>In the UK, biodiversity and the natural environment are devolved matters and are therefore the responsibility of the governments in Northern Ireland, Scotland and Wales. Their responsibility also extends</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>to implementing international biodiversity obligations, such as the Convention on Biological Diversity (CBD), although these are negotiated and entered into on a UK-wide basis.</p> <p>All four nations of the UK therefore have and continue to develop their own domestic policies and strategies to protect and restore nature, to manage natural resources sustainably and to respond to climate change and other environmental challenges.</p> <p>These domestic policies and strategies will be reviewed following the finalisation of the post-2020 Global Biodiversity Framework. In addition, a post-2020 UK Biodiversity Framework is being developed, which will serve as a vehicle for the four nations to work together on areas of shared ambition or common purpose for biodiversity at a UK level in order to address the goals and targets outlined in the GBF."</p> <p>Given the Welsh Government has yet to set out its approach to implementing the GBF it is not yet feasible to describe how AyM accords with the national approach.</p> <p>Although the Wales approach is not yet available, the Applicant has set out the position of AyM to the relevant goals and targets of the Biodiversity Framework in Appendix B to this document.</p>
2.11	RSPB	<p>Offshore – Ornithology</p> <p>With reference to your Written Representation additional references [REP2-058], please summarise the key issue(s) relevant to the proposed Awel y Môr development.</p>	N/A
2.12	Applicant, NRW	<p>Offshore – Ornithology</p> <p>RSPB Written Representation additional references [REP2-058] includes marine environmental research considering displacement of red-throated divers (<i>Gavia stellata</i>) from offshore wind farms and refers to "significant effect could be detected up to 10–15 km away. The telemetry data further indicated that the displacement distance decreased with decreasing visibility. The displacement distance was also shorter during the day than during the night, potentially as a response to aviation and navigation lights of the wind farms".</p>	<p>The Applicant consulted and agreed with the Marine Ecology Expert Topic Group (ETG) (APP-301), to which the RSPB was invited to all meetings, on the most appropriate displacement rates and corresponding evidence for assessment of potential displacement effects on red-throated diver from AyM.</p> <p>As detailed within ES Volume 2, Chapter 4: Offshore Ornithology (APP-050), a precautionary approach was taken to assessment when defining displacement rates and buffers, which accounted for the effects observed within the German Bight from which the Heinänen et al. (2020) research paper included within the RSPB's Written</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>Please comment on the above italics statement and its relevance to the behaviour of red- throated divers at Liverpool SPA and effects on any conservation objectives.</p>	<p>Representation additional references (REP2-058) is based and from which the statement in italics is derived.</p> <p>It was noted, however, through consultation between the Applicant and Statutory Nature Conservation Bodies (SNCBs) within the ETG (APP-301) and also stated within NRW's Relevant Representation (RR-015) that the relevance of data from the German Bight and Southern North Sea to that of the Liverpool Bay SPA could be considered limited. This was agreed to be the case due to the actual observed behavioural responses of red-throated divers, specifically within the Liverpool Bay SPA, being significantly less to the presence of existing OWFs in comparison to studies in the German Bight and Southern North Sea. Evidence in support of these differences and the more limited nature of displacement in response of OWFs within the Liverpool Bay SPA population of red-throated divers was presented within Figure 3 of ES Volume 2, Chapter 4: Offshore Ornithology (APP-050) and also in the Burt <i>et al.</i> (2022) research submitted by the RSPB and included within their Written Representation additional references (REP2-058).</p> <p>As the Applicant took a precautionary approach to assessment for red-throated diver feature of the Liverpool Bay SPA, which provided for consideration and review of the research submitted within the RSPB Written Representation additional references (REP2-058), no change is therefore required to the outcomes of Report 5.2: Report to Inform Appropriate Assessment (APP-027). Therefore, an Adverse Effect on Integrity (AEoI) can be ruled out for the conservation objectives of the red-throated diver feature of the Liverpool Bay SPA from predicted impacts and effects from AyM alone and in-combination with other plans and projects as agreed with NRW (RR-015).</p>
2.13	Applicant	<p>Offshore – Ornithology</p> <p>Please outline your approach to airborne noise and any potential mitigation measures for offshore ornithology during construction, operation, and decommissioning.</p>	<p>Airborne noise is considered to be one of the factors included within potential disturbance stimuli associated with the anthropogenic activities during the construction, operation and decommissioning phases of an offshore wind farm. The Applicant considered such stimuli for different offshore ornithology receptors in the assessment of potential displacement as a consequence of any reactions to disturbance stimuli in keeping with the recently updated joint SNCBs interim displacement guidance (SNCBs, 2022) within ES Volume 2,</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			Chapter 4: Offshore Ornithology (APP-050) and ES Volume 2 - Annex 4.2 - Offshore Ornithology Displacement (APP-096).
2.14	Applicant	<p>Offshore – Ornithology</p> <p>With reference to National Infrastructure Planning Advice Note Twelve: Transboundary Impacts and Process please summarise your approach to transboundary impact assessment and to Arklow Bank Phase 2 proposed development.</p>	<p>Transboundary effects are defined for the purposes of AyM as impacts that potentially extend beyond the UK Exclusive Economic Zone (EEZ) into the jurisdictions of other nations, resulting on effects on receptors in those locations. The Applicant included a Transboundary Screening within its application which outlines the approach to transboundary impact assessment (APP-043). Cumulative effects are defined as impacts of multiple projects, plans and activities (including those in other countries, where relevant), potentially having effects on an environmental receptor additively with the impacts of AyM alone. The Applicant outlined its approach to Cumulative Effects Assessment (CEA) in APP-042.</p> <p>With regard to the Arklow Bank Phase 2 development, the Applicant therefore considers that this project should be assessed in terms of its cumulative impacts, rather than transboundary impacts. The Applicant has undertaken a cumulative assessment which has included the Arklow Bank Phase 2 development in its long-list of projects considered (APP-042). The potential cumulative effects of this development have therefore been considered in the ES for relevant receptor groups, for example offshore ornithology.</p>
2.15	Applicant	<p>Offshore – Ornithology</p> <p>Please clarify the reason for N/A mitigation measure statement in Offshore Ornithology Table 63 - Summary of effects [APP-050] if mitigation measures vary from high to low in Offshore Conclusion Table 3 – Summary of predicted effects on Offshore Ornithology [AS-028].</p>	<p>The predicted effect levels for all potential impacts on offshore ornithology receptors were found to be minor adverse at most and therefore considered in EIA terms to be not significant. Therefore, the use of “N/A” indicates that no specific mitigation measures beyond those embedded in the project design are proposed or required due to the predicted level of effect being of no adverse significance to any specific offshore ornithology receptor.</p>
2.16	Applicant	<p>Offshore – Ornithology</p> <p>Please outline and provide relevant evidence for:</p> <p>a) the avoidance rate input for gannet in its collision risk modelling; and</p> <p>b) the density of birds input in its collision risk modelling.</p>	<p>The approach to collision risk modelling (CRM), including all associated evidence for species-specific input parameters, is described in ES Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling (APP-097).</p> <p>As described therein, the avoidance rates for all species, including gannet, are based on those presented in Cook <i>et al.</i> (2014), which were subsequently adopted by SNCBs (SNCBs, 2014). Following</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>consultation on the approach to CRM through the ETG and the Applicant gained agreement with NRW on the final input parameters to be applied, including the avoidance rate used for gannet (SoCG06-3.6, REP3-020).</p> <p>The density of birds input into CRM are based on the mean monthly densities of flying birds from the 24 months of site-specific aerial digital survey data collected to define the baseline for offshore ornithology for AyM, as presented in ES Volume 4, Annex 4.1: Offshore Ornithology Baseline Characterisation Report (APP-095). Further details on how densities from each survey are used to determine densities used for CRM are given in ES Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling (APP-097).</p> <p>The Applicant's approach to CRM followed the published guidance for the use of the sCRM (McGregor <i>et al.</i> 2018) and was agreed with SNCBs, including NRW, through the consultation process within the ETG. The Applicant has confirmed that NRW is content with the calculation and application of flying bird densities and avoidance rates used in the CRM to estimate the collision risk of offshore ornithology receptors in the assessment of potential impacts from AyM (SoCG06-3.6, REP3-020).</p>
2.17	NRW, RSPB, Applicant	<p>Offshore – Ornithology (Collision Risk Modelling) For NRW and RSPB</p> <p>a) Please advise if you have any issues related to collision risk modelling parameters bird survey data; species data; turbine data; windfarm data; and avoidance rate. If any issues remain, please provide relevant evidence to justify.</p> <p>Could the Applicant provide relevant evidence to:</p> <p>b) explain the potential effect on its impact assessment if the collision risk model utilised an avoidance rate for gannet of 98%; and</p> <p>c) explain the potential effect on its impact assessment due to different foraging and behaviour of gannets during the breeding season.</p>	<p>The Applicant notes that the approach to CRM has been outlined in extensive detail through the consultation process with both NRW and the RSPB being provided with the opportunity to comment, and up to the point of application agreement was in place with NRW and no objections had been raised from other SNCBs or interested parties (including the RSPB) regarding CRM parameters bird survey data, species data, turbine data, windfarm data or avoidance rates. The approach to CRM follows the guidance published by SNCBs (SNCBs, 2014) and in agreement with NRW for the species data (densities); turbine data; windfarm data and avoidance rates applied in the CRM for assessment purposes (SoCG06-3.6 within REP3-020).</p> <p>The use of a 98.9% avoidance rate for gannets is recommended by the SNCBs (SNCBs, 2014) and moreover more recent studies would indicate it is in fact highly precautionary (Skov <i>et al.</i>, 2018; Cook,</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>2021). There is no evidence to suggest that a 98% avoidance rate is appropriate for gannet in the breeding season at any location.</p> <p>The Applicant also notes that a number of other recent DCO Applications within Wales and England have recently submitted collision risk assessments for gannets (for instance Hornsea Four) using a higher avoidance rate, as currently advocated by Natural England. This latest advice is to apply a macro avoidance to the flying bird densities for gannet ahead of use in the sCRM to account for evidence supporting gannets behaviour of strongly avoiding entering OWF array areas, which is also noted in the joint SNCBs interim displacement guidance (SNCBs, 2022). The latest advice from Natural England advocates the application of a correction factor being applied to flying bird densities to reduce them by between 65% and 85% (Natural England, 2022). When applying this level of reduction to the flying seabird densities of gannet within the sCRM it significantly reduces the mortality rates as a consequence, approximately in line with the percentage reductions being applied. It should be noted that the Applicant undertook a separate run of CRM following this guidance in order to inform interested parties and in case such advice was formally adopted post-application, as agree with JNCC and NRW through consultation and presented in presented as an Appendix to ES Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling (APP-097).</p> <p>Notwithstanding these concerns and additional rationale in support of the Applicant's approach to assessing gannet collision risk, if a 98% avoidance rate were used for gannet rather than 98.9%, it would increase collision estimates by approximately 1.8 times. Given the negligible magnitude of impacts predicted from AyM on gannets, even allowing for this the impacts would still be considered negligible or very low, and the overall conclusion of no significant effect would remain appropriate.</p> <p>Whilst the Applicant acknowledges the principle that gannet avoidance behaviour may in certain circumstances differ in the breeding season, any such effect would be strongest near breeding colonies where competition is highest and there is a greater proportional energetic cost associated with avoidance of key</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>foraging locations. Whilst AyM is within the mean-max foraging range of 315.2 km +/- 194.2 km from several gannet colonies, it is beyond the mean foraging range of 120.4 km +/- 50 km (Woodward <i>et al.</i> 2019) from any colony and not in a location where behaviour would be highly constrained. Therefore, the Applicant does not consider that different foraging behaviour of gannet would have any discernible relevance to the impact assessment.</p>
2.18	Applicant, NRW	<p>Offshore – Ornithology</p> <p>a) Please confirm if gannet collision risk modelling without macro avoidance is necessary; and</p> <p>b) respond to RSPB comments in its Written Representation [REP1-090] that a reduction to base line densities in the gannet collision risk modelling (to account for macro avoidance of wind farms) should be avoided as it has not been formally adopted by the SNCBs.</p>	<p>The assessment of collision risk for gannets undertaken and presented by the Applicant in ES Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling (APP-097) carried out using the approach to CRM recommended by SNCBs (SNCBs, 2014) and agreed with NRW through the consultation process (SoCG06-3.6, REP3-020). This approach does not apply a separate macro avoidance factor.</p> <p>Cook (2021) recommends an approach to CRM for gannet in which macro avoidance is taken into account by reducing the input densities based on a macro avoidance factor, and separately specifying a within-windfarm avoidance rate as the avoidance rate input parameter to the CRM. Through the consultation process, it was agreed with JNCC and NRW that this novel approach would be carried out as an additional exercise and presented alongside the existing standard approach. The approach, including a separate macro-avoidance factor and the results of that modelling, is presented as an Appendix to ES Volume 4, Annex 4.3: Offshore Ornithology Collision Risk Modelling (APP-097). This alternative approach is not relied upon to inform the impact assessment conclusions. However, it has been included to further demonstrate the high level of precaution in the CRM and to inform interested parties should this advice be formalised post-application.</p> <p>Whilst the Applicant acknowledges the Cook (2021) study has not been fully adopted by the SNCBs, the Applicant would draw attention to Natural England's interim advice provided to other recent projects including Hornsea Four (Natural England, 2022) which notes that revised SNCBs guidance (in preparation) is anticipated to retain key elements of the Cook (2021) study, including a higher avoidance rate of 0.992 in addition to the application of a macro-avoidance factor of between 65-85% reduction in input densities. The Applicant, therefore,</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			considers it reasonable to present the collision risk modelling outcomes following this approach for consideration, whilst reiterating that the impact assessment does not use or rely on those results.
2.19	NRW	Offshore – Ornithology Do you consider that the outbreak of Highly Pathogenic Avian Influenza has any implications for the Applicant's assessment of effects on seabird colonies in the ES and the RIAA [APP-027]?	N/A
2.20	NRW, RSPB	Offshore – Ornithology Please comment on the Applicant's response to Written Representations [REP2-002] regarding Highly Pathogenic Avian Influenza (page 212) and Population Viability Analysis for gannet.	N/A
2.21	RSPB	Offshore – Ornithology Please give an update regarding previous disagreement with the Applicant on: a) assessment of no adverse effect on integrity of Liverpool Bay SPA (project alone and in- combination with other plans and projects), for its feature red-throated diver; b) assessment for Manx Shearwater from Copeland Islands SPA, Irish Sea Front SPA, Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA, Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA; c) scoping out of collision impacts for Manx Shearwater at Copeland Islands SPA, Irish Sea Front SPA, Rum SPA, St Kilda SPA, Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA, and Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA; d) assessment for gannets from Grassholm SPA, Ailsa Craig SPA, Saltee Islands SPA; and e) use of avoidance rates in gannet collision risk modelling	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		If you consider your points have not been resolved in the Applicant's response to Written Representations [REP2-002] please provide relevant evidence and justification.	
2.22	Applicant	<p>Offshore – Ornithology</p> <p>Please describe your approach to baseline data for Manx shearwater related to:</p> <ul style="list-style-type: none"> <li>a) nocturnal activities;</li> <li>b) slope-soaring flight heights and wind strength; and</li> <li>c) behavioural changes due to illuminated structures/support vessels.</li> </ul> <p>Please summarise the Manx shearwater impact assessment approach related to these three components.</p>	<p>The Applicant has considered the best available evidence regarding baseline data for Manx shearwater and estimating abundances within AyM and sensitivity to potential impacts. The data analysed for Manx shearwater led to the conclusion that there were limited number of this species within AyM and therefore no risk of any significant adverse effects.</p> <p>Baseline data collected from both site-specific aerial digital surveys and desk studies were carried out according to best practice and NRW confirmed they agree that the baseline has been appropriately characterised (SoCG06-3.10, REP3-020). NRW further agree that with respects to Manx shearwater, the conclusions of the assessment appropriately reflect the low level of potential effects on all offshore ornithology receptors within the study area during the construction, operation and decommissioning phases of AyM (SoCG06-3.15.a; REP3-020).</p> <p>Global Positioning System (GPS) tracking studies of Manx shearwater by Guilford <i>et al.</i> (2008) and Padget <i>et al.</i> (2019) from multiple Irish Sea colonies demonstrate very little or no diurnal (daytime), nocturnal (night-time) or crepuscular (dawn and dusk) usage of the Liverpool Bay and/ or AyM array area by Manx shearwater. The species' preferred foraging areas appear to be further offshore in the central Irish Sea with a very limited number of tracks into the Liverpool Bay area. Therefore, the Applicant is confident that the low abundances of Manx shearwater recorded in the site-specific aerial digital surveys are representative of nocturnal and crepuscular abundances and reflect the site's unimportance as a foraging or commuting region for Manx shearwater.</p> <p>Regarding flight heights, the Applicant would refer to the extensive flight height data published in Cook <i>et al.</i> (2012), Johnston <i>et al.</i> (2014) and Johnston and Cook (2016), which remain the most in-depth analysis of Manx shearwater flight heights. All three of these publications, that form the basis of current guidance on collision risk</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>for seabirds in UK waters from UK SNCBs, demonstrate a very low proportion of Manx shearwater fly at potential collision height. To date (February 2023), no other relevant analyses of Manx shearwater flight heights have been published to suggest flight behaviour of this species is any different.</p> <p>A recent review by Deakin <i>et al.</i> (2022) further considered the available evidence regarding nocturnal activity, slope-soaring flight heights, and wind strength and behavioural changes due to illuminated structures/support vessels.</p> <p>a) Regarding nocturnal activity, Deakin <i>et al.</i> (2022) found "Foraging occurred almost entirely within daylight and twilight and birds roosted on the water in the evening and at night".</p> <p>b) Regarding slope-soaring flight, Deakin <i>et al.</i> (2022) concluded "generally birds will remain low to the sea surface where the shear is strongest".</p> <p>c) Regarding behavioural changes due to illuminated structures/support vessels, Deakin <i>et al.</i> (2022) found some evidence of light-induced attraction and disorientation in Manx shearwater in certain circumstances; however, they found no evidence that considered offshore wind farms specifically. Deakin <i>et al.</i> (2022) note considerable uncertainty and a need for further evidence, including with regards to the distance over which attraction or disorientation may occur, the effect of differing levels of brightness, colour and/or patterning of the light source, and the location of the light source in relation to the bird's current behaviour (e.g. foraging versus returning to the nest). Deakin <i>et al.</i> (2022) found no existing evidence that Manx shearwater are at increased collision risk due to attraction and/or disorientation due to lighting on wind turbine generators, associated structures or support vessels.</p> <p>The Applicant also notes that of the numerous other consented OWFs in the Irish Sea, including Gwynt y Môr, Rhyl Flats, North Hoyle, Burbo Bank and Burbo Bank Extension, none identified any impacts from collision risk on Manx shearwater during their EIAs. Furthermore, none of these consented and now operational OWF's were required to undertake monitoring programmes to detect collision risk to Manx</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>shearwater, as the potential for this impact on this species was determined to be and agreed as highly unlikely to occur.</p> <p>Therefore, the Applicant remains confident in the conclusions, as agreed with NRW, that the collision risk to Manx shearwater as a result of AyM is very low and there is no potential for an adverse effect on the integrity of the Manx shearwater feature of any designated site.</p>
2.23	RSPB	<p>Offshore – Ornithology</p> <p>In your Written Representation [REP1-090], you raise a number of concerns about the methodology used to assess effects on gannets. Please describe, with appropriate supporting evidence, the methods which you think should be used.</p>	N/A
2.24	Applicant	<p>Offshore – Ornithology</p> <p>Please outline any potential biases in:</p> <ul style="list-style-type: none"> <li>a) the survey and analysis methods;</li> <li>b) potential response of birds to disturbance arising from the survey;</li> <li>c) spatial autocorrelation approach;</li> <li>d) reason for grid (rather than transect) survey design; and</li> <li>e) quality control and quality assurance.</li> </ul>	<p>The level of methodological detail the Applicant has provided within ES Volume 4, Annex 4.1: Offshore Ornithology Baseline Characterisation Report (APP-095) matches that provided by other recently consented projects such as East Anglia One North and East Anglia Two (both SPR, 2019) and Norfolk Boreas (Vattenfall, 2019). The baseline surveys and analysis methods were also carried out in accordance with Natural England's best practice advice (Parker <i>et al.</i>, 2022).</p> <p>The most appropriate and robust survey method for offshore ornithological baseline survey data collection was consulted on and agreed upon during the early stages of the evidence plan process (see the Evidence Plan Report and its supporting appendices (APP-301, APP-302 and APP-303). The Applicant and survey provider (APEM Ltd.) also consulted with stakeholders, including NRW, ahead of the first surveys being undertaken for AyM, in order to gain agreement on the design of the surveys ahead of any data collection taking place.</p> <p>The Applicant has received agreement from NRW that the survey scopes and methodologies were suitable and appropriate for defining the baseline for offshore ornithology receptors and for use in impact assessments. No potential biases are known to affect the data collected from the 24 months of aerial digital surveys for AyM in relation to offshore ornithology receptors. Furthermore, the aerial digital survey method applied by APEM Ltd to collect data on offshore ornithology are known to have no disturbing influence on birds as the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>aircraft fly at a height beyond which is noticeable by birds and therefore no biases are associated with the data collection method for AyM.</p> <p>The aerial digital surveys were designed to avoid spatial autocorrelation through the use of sufficiently high spacing between each grid cell. This is in line with Natural England's Best Practice Advice for Evidence and Data Standards (Parker <i>et al.</i>, 2022).</p> <p>The use of a grid-based survey design has been shown to allow higher precision in abundance estimates due to a more even coverage of data being collected across the survey area as well as also providing a greater number of independent replicates used in estimating abundance and density of bird species.</p> <p>Quality control and assurance of aerial digital survey data was carried out by the survey provider, APEM Ltd, as described in ES Volume 4, Annex 4.1: Offshore Ornithology Baseline Characterisation Report (APP-095). APEM Ltd is recognised as a leading provider of aerial digital surveys and data they collect are subject to the robust quality control and assurance processes agreed as being appropriate for use in numerous other recently consented projects using their data to characterise baseline data for offshore ornithology as well as pre-, during and post-consent monitoring projects (including AyM's sister project Gwynt y Môr).</p> <p>The Applicant also gained agreement with NRW that any limitations associated with the offshore ornithology assessment have been adequately described within the application documents; and therefore that the baseline presented in ES Volume 4, Annex 4.1: Offshore Ornithology Baseline Characterisation Report (APP-095) is appropriate for characterising the baseline environment (SoCG06-3.10, SoCG06-3.11 and SoCG06-3.12, REP3-020).</p>
2.25	Applicant, NRW	<p>Offshore – Ornithology</p> <p>Please summarise your current position and highlight any remaining issues regarding potential impacts of the Proposed Development on the breeding seabird features of the Pen-y Gogarth/ Great Orme's Head Site of Special Scientific Interest (SSSI).</p>	<p>The Applicant's current position is that the Population Viability Analysis (PVA) analysis has demonstrated clearly that there is no significant adverse effect on any interest feature of the Pen-y Gogarth/ Great Orme's Head Site of Special Scientific Interest (SSSI). This is presented in the Applicant's Deadline 3a Submission - Marine Ornithology Great Orme Assessment (REP3a-019).</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>With reference to NRW's Deadline 4 submission (REP4-045), it is noted that NRW are in agreement with the Applicant and are satisfied that there will be no significant adverse effect on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI.</p>
2.26	Applicant	<p>Offshore – Ornithology</p> <p>Please summarise the method used to assess stable age structure for species and provide relevant evidence to justify the approach.</p>	<p>The stable age structure is calculated following the approach outlined in Furness (2015). This is based on demographic rates summarised in Horswill and Robinson (2015). Horswill and Robinson (2015) provide age-specific survival rates, age at first breeding and productivity rates of mature birds. A stable age structure can be achieved by solving to meet the following criteria:</p> <ul style="list-style-type: none"> <li>▲ The number of chicks equals the number of adults multiplied by the productivity; and</li> <li>▲ The number of adults is the number of chicks who survive to adulthood.</li> <li>▲ The number of juveniles (birds after their first year but before age of first breeding) is calculated from the number of chicks and the age-specific survival rates.</li> </ul> <p>This is the same method as used by the Crown Estate Round 4 Plan Level Habitats Regulations (NIRAS, 2022).</p> <p>Whilst the Applicant notes the Relevant Representation from NRW in which they indicate that they would prefer the use of site-specific demographic parameters rather than the generic parameters given in Horswill and Robinson (2015), such site-specific parameters are not readily available. The Applicant also notes that NRW does not consider that this will affect the impact assessments (SoCG06-3.7, REP3-020).</p>
2.27	Applicant	<p>Offshore – Ornithology</p> <p>Following completion of the array detailed design please could you advise on the potential effect on the assessment and collision risk model.</p>	<p>The collision risk modelling carried out was parametrised using the Maximum Design Scenario (MDS) for the project, as detailed in ES Volume 2, Chapter 4: Offshore Ornithology (APP-050). The parameters for the model are defined in Section 2.2 of the Collision Risk Modelling Report (APP-097) and have been defined based on the design envelope for AyM. NRW have agreed that the MDS described is appropriate for Offshore Ornithology (SoCG06-3.5, REP3-020).</p> <p>The final array design, including the finalisation of turbine model, would be subject to the MDS parameters defined by the consent,</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>which have been defined and assessed as a worst-case in line with the envelope approach of the EIA. Therefore, the final design of the array would not exceed the MDS and therefore would not result in increases to the significance of any collision risk assessments in the ES.</p>
2.28	Applicant	<p>Offshore – Marine Mammals</p> <p>Please describe how you assessed the potential effects of wave action arising from construction activities in the array and offshore cable corridor areas.</p>	<p>The Applicant has not specifically assessed the potential effects of wave action arising from construction activities within the array or offshore export cable corridor in relation to marine mammals, and it is noted that the Scoping Opinion (APP-295) did not identify a requirement for the assessment of this impact.</p> <p>The Applicant therefore assumes this question is in relation to impacts on marine physical processes rather than marine mammals. The potential effects of the project itself on the wave climate and the associated effects in the far field have been assessed for the construction (arising from partially installed infrastructure) and operational phases of AyM in ES Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (APP-048). No significant adverse effects in relation to modification of the wave regime are predicted to occur.</p>
2.29	Applicant	<p>Offshore – Marine Mammals</p> <p>With reference to Table 6, Offshore Conclusions [AS-028] please clarify the nature of the decommissioning work associated with PTS and disturbance impact.</p>	<p>The exact nature of decommissioning works cannot be confirmed at this stage, being subject to the sign-off of a decommissioning plan (which are secured via R21 of the draft DCO (Document 5.9 Of the Applicant's Deadline 5 submission; Application reference 3.1) and Condition 40 of the Marine Licence Principles (REP4-023; Application Reference 5.4.1)) which will be governed by the legislation and guidance applicable at the time of decommissioning. For the purposes of EIA, it is assumed that decommissioning impacts will be no greater magnitude than for the construction phase, and therefore on a precautionary basis, decommissioning effects are assumed to be equal to construction. In practice, effects from decommissioning activities are likely to be lower in magnitude. Specifically in relation to Permanent Threshold Shift (PTS) and disturbance associated with decommissioning, the Maximum Design Scenario describes that maximum levels of underwater noise during decommissioning would be from underwater cutting required to remove structures (piled structures are assumed to be cut off at or below the seabed). This is</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			much less than pile driving and therefore impacts would be less than as assessed during the construction phase.
2.30	Applicant, NRW	<p>Offshore – Marine Mammals</p> <p>a) With reference to your response to ExQ1.2.29 [REP1-007] that typically for offshore wind farm projects across the UK there is a requirement to measure underwater noise during the installation for the first four piles for same foundation type, or a representative number of piles locations or four largest piles, please can the <b>Applicant</b> clarify how the results of this underwater noise monitoring approach correlates with piling into the seabed with different sediment distribution and thickness, bedform, and bedrock types.</p> <p>b) Could <b>NRW</b> please described its approach including parameters to underwater noise monitoring during piling for marine mammals.</p>	<p>Recent underwater noise monitoring requirements for pile installation at other UK offshore wind farms typically includes four of the first selection of piles driven to be measured. This is because often the first pile is slow, tentative and not necessarily representative, hence the requirement for more than one pile to be monitored, in order to gain a representative sample.</p> <p>In practice, the environmental conditions will be slightly different for all piles installed throughout the site, and differences in environmental conditions are conservatively factored into the underwater noise model. For the purposes of EIA, the Applicant considers the worst-case assessment to be appropriate and notes that the modelling parameters described in the Underwater Noise Technical Report (APP-105) have been agreed as appropriate via the Marine Ecology ETG (APP-301).</p> <p>The Applicant would be happy to discuss the drafting of a Marine Licence condition for underwater noise monitoring further with NRW and notes that it is outlined as Condition 42 of the Marine Licence Principles (REP4-023).</p>
2.31	Applicant	<p>Offshore – Marine Mammals</p> <p>Please confirm if the Marine Mammal Mitigation Protocol (MMMP) [APP-107] would provide mitigation for cumulative PTS unless accredited industry related guidance and evidence suggests otherwise.</p>	<p>Paragraph 10 of the Marine Mammal Clarification Note (REP1-002) confirms that cumulative PTS will be mitigated in the final Marine Mammal Mitigation Protocol (MMMP) unless evidence and guidance at the time suggest that it is not appropriate to do so. This will ensure that the potential risk of PTS is reduced to negligible levels for all species. NRW has confirmed it is content with this approach as outlined in its Written Representation (REP1-080) and paragraph 1.5.4 of its Deadline 3 submission (REP3-026). See also the SoCG between the Applicant and NRW (REP3-020). A MMMP, to be approved by NRW, is proposed as Condition 35 of the Marine Licence Principles (REP4-023).</p>
2.32	NRW	Offshore – Marine Mammals	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		Please give an update regarding your position to Cumulative Effects Assessment clarification note [REP2-028] and outline any areas of concern.	
2.33	Applicant, JNCC	Offshore – Marine Mammals Please summarise your current position on JNCC response to the ExA's First Written Questions [REP1-069] that it was concerned about the distances predicted for Minke whale (range between 2.6km and 10km) as low frequency noise produced during piling has the potential to propagate further through the water column.	In REP1-069, JNCC raised concerns regarding the cumulative PTS onset ranges predicted for minke whales from pile driving activities. The predicted impact ranges were up to 10 km for cumulative PTS using the 183 dB SEL <sub>cum</sub> metric weighted for low frequency cetaceans.  Paragraph 10 of the Marine Mammal Clarification Note (REP1-002) confirms that cumulative PTS will be mitigated in the final MMMP unless evidence and guidance at the time suggest that it is not appropriate to do so. This will ensure that the potential risk of PTS is reduced to negligible levels for all species. This is now confirmed as an area of agreement between the Applicant and JNCC in the SoCG (REP4-029).
2.34	Applicant, NRW	Offshore – Marine Mammals Although NRW does not explicitly rule out the approach of applying a D/R curve from a more sensitive species to the less sensitive species of the Minke whale it does not recommend this approach given that there are other threshold options available [REP1-080 page 26]. Please summarise your current position on the potential effects on the modelling, the impact assessment and mitigation of Minke whales as a result of other threshold options available.	Following provision of further justification in the Marine Mammal Clarification Note in relation to the D/R curve, NRW is now satisfied with the Applicant's position as confirmed in paragraph 1.5.4 of its Deadline 3 submission, and as described in the SoCG (REP3-020).
2.35	NRW	Onshore – Mitigation Further to the Applicant's response to your comments to ExQ1.2.5 [REP2-003], please confirm if the Outline Landscape and Ecology Management Plan (oLEMP) [REP2-010] (and the associated draft DCO Requirement) would secure biodiversity enhancements with respect to Great Crested Newts (GCN).	N/A
2.36	Applicant	Onshore – Mitigation Further to your Response to ExQ1.2.71 & 1.2.72; and Table 5, Onshore Conclusions [APP-074]:	Section 8 of the oLEMP (REP4-011) outlines proposed monitoring to assess and validate that proposed mitigation measures are successful, both during construction and operation. It states that monitoring of mitigation/ compensation/ enhancement habitats will be undertaken in years 1-3, for all areas (to coincide with the aftercare and

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>a) please explain how you would assess and validate that the proposed mitigation is sufficiently mature and established; and</p> <p>b) where reference is made to "implementation of mitigation measures" please explain how you would assess and validate the outcome of an implemented mitigation measure.</p>	<p>implementation period) with further monitoring subject to approval via the final LEMP. The oLEMP also states that the aftercare period would be extended (if required) if reinstatement or biodiversity enhancements are not deemed to have been successful. In that event, monitoring would also be extended until such time that reinstatement or biodiversity enhancements were considered to be successful.</p> <p>A detailed protocol for monitoring of mitigation (plus compensation and enhancement) measures, including those for landscape reasons, will be discussed and agreed with DCC and NRW, following final scheme design and pre-construction survey results. Details of monitoring methods, key indicators and reporting will be included in the final LEMP and secured through DCO R13.</p>
2.37	NRW	<p>Onshore – Mitigation</p> <p>Please clarify your response to ExQ1.2.5 in [REP1-080] "Although mitigation has been presented for the offshore marine environment, we are not aware of any particular opportunities presented for enhancement for biodiversity and geological conservation interests", and whether you agree or disagree with the oLEMP [REP2-010] (paragraph 152).</p>	N/A
2.38	Applicant	<p>Onshore – Mitigation</p> <p>Paragraph 73 of the oLEMP [REP2-010] states that reinstated habitats will be subject to an initial aftercare period of up to 3 years following reinstatement, to be extended (if required), if reinstatement is not deemed to have been successful, and paragraph 158 of the oLEMP refers to monitoring of the mitigation/compensation/enhancement habitats will be undertaken in years 1- 3 (to coincide with the aftercare and implementation period), with further monitoring subject to approval of the final LEMP and agreed management structure.</p> <p>The ExA notes that Norfolk Boreas and Norfolk Vanguard (excluding OnSS for screening) had a landscaping maintenance period of 10 years after planting. Please explain with evidence the reason for initial aftercare/ monitoring duration lasting up to 3 years.</p>	<p>As noted within the oLEMP, aftercare (for the purpose of checking ecological reinstatement) could be extended if reinstatement is not deemed to have been successful after three years. The Norfolk Boreas and Norfolk Vanguard period referred to relates to landscaping aftercare. The DCO for Norfolk Boreas and Norfolk Vanguard has an aftercare period of 10 years only within the North Norfolk area. As set out in the Norfolk Vanguard OWF OLEMS Version 3 the 10 years of aftercare in North Norfolk has been established to reflect the challenging growing conditions anticipated closer to the coast.</p> <p>Difficulties in establishing trees and shrubs in this area have not been raised as an issue by consultees or members of the public. Therefore, the Applicant expects that an initial maintenance period of three years will be sufficient to ensure the establishment of the planting proposed, with ongoing management of the woodland and other</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			habitats within the OnSS site being provided thereafter, as will be set out in the final LEMP.
2.39	Applicant	<p>Resilience of ecological networks and ecosystems</p> <p>Further to your response to ExQ1.2.4 [REP1-007] and your written summary of oral submission at Issue Specific Hearing 3 [REP3a-005] please:</p> <p>a) explain how you assessed the condition of ecosystems (including their structure and functioning);</p> <p>b) describe your approach to rehabilitate and restore degraded ecosystems;</p> <p>c) explain how you assessed the connections between and within ecosystems; and</p> <p>d) outline if there would be any opportunities for any fragmented areas/ routes to be reconnected to bring benefit to species utilising the network.</p>	<p>Planning Policy Wales Edition 11 (PPW11) 2021 Section 6.4.3 states that development plans must consider the need to:</p> <p><i>“secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.”</i></p> <p>Section 6.4.5 of PPW11 states that:</p> <p><i>“planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:</i></p> <ul style="list-style-type: none"> <li>• <i>diversity between and within ecosystems;</i></li> <li>• <i>the connections between and within ecosystems;</i></li> <li>• <i>the scale of ecosystems;</i></li> <li>• <i>the condition of ecosystems including their structure and functioning; and</i></li> <li>• <i>the adaptability of ecosystems. “</i></li> </ul> <p>The Nature Recovery Action Plan (NRAP) for Wales 2020 – 2021 states that one of its objectives is to:</p> <ul style="list-style-type: none"> <li>• <i>“Increase the resilience of our natural environment by restoring degraded habitats and habitat creation.”</i></li> </ul> <p>a&amp;c). There is no legal or policy requirement for developments to provide an assessment of ecosystem condition, connection or function. Nor has the requirement for this been raised during scoping or through the evidence plan process. However, in accordance with CIEEM (2022) Guidelines (and as set out in paragraph 87 of ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066)), the potential for significant effects on ecosystems has been</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>considered, specifically whether any processes or key characteristics will be removed or changed, if there will be an effect on the nature, extent, structure and function of component habitats or if there is an effect on the average population size and viability of component species.</p> <p>These elements are presented separately within of ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066), and together comprise an assessment of effects on ecosystems.</p> <p>b&amp;d). In relation to identifying and improving ecosystem connections, rehabilitating and restoring degraded ecosystems and identifying opportunities for connecting areas to bring benefit to species, the scheme design and measures in the oLEMP have been guided by desk study and field survey information, in addition to several references (Arnell and Wilkinson, 2013; Haysom <i>et al.</i>, 2018; Latham <i>et al.</i>, 2013; Latham and Rothwell, 2019 (used to prepare Drawing 6 of the PEA, which was included as an Annex to the PEIR and ES); Garrett and Ayling, 2021)</p> <p>The ES and oLEMP describe that along the onshore Export Cable Corridor (ECC) habitats will be reinstated. Opportunities to restore degraded habitats and bring benefit to species utilizing the hedgerow network have been sought and include reinstatement of all hedgerows with species-rich mixture including standard trees (except directly over the Onshore ECC) at a 3:1 ratio for any lost. Most of the affected hedgerows are currently species poor and the proposed reinstatement will therefore enhance existing connections.</p> <p>At the OnSS where there is more scope to improve connectivity and restore degraded ecosystems, this has been achieved in line with the positive activities to improve connectivity outlined in Section 3.3 of Latham and Rothwell (2019), as shown in Appendix C of this document.</p> <p>The oLEMP sets out that the Applicant will retain the two existing ponds that are adjacent to the OnSS Footprint so that these will remain accessible to GCN throughout the construction phase via protected habitat links and/ or underpasses. To avoid the OnSS plus related construction compounds and construction access from becoming a barrier to GCN movement, a wildlife underpass is proposed to enable</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			continued east-west movement across the area. The design of the underpass will be informed by the best available evidence from current guidance and successful mitigation schemes.
2.40	Applicant	<p>HRA</p> <p>Please could you describe your approach to the plan-level HRA for The 2017 Offshore Wind Extensions and in particular the cable route protocol, with reference to the 'Cable Route Protocol 2017 Offshore Wind Extensions Plan' (The Crown Estate, 28 August 2019).</p>	<p>The Cable Route Protocol (CRP) comprises a set of requirements for offshore wind developers which are designed to manage the offshore export cable planning process with the aim of avoiding adverse effects on the integrity of Habitats Regulations sites. The CRP must be followed by developers as they progress project planning and they will be required to demonstrate compliance with the CRP within the CIAL provided to The Crown Estate as part of the transmission assets AfL application (which the Applicant has done). Demonstration of compliance to the satisfaction of The Crown Estate is a prerequisite of granting the transmissions assets AfL.</p> <p>The CRP has 14 Requirements that the developer must demonstrate compliance with, and these are summarised below:</p> <ul style="list-style-type: none"> <li>▲ Requirement 1 - Confirmation of any route planning prior to entering AfL;</li> <li>▲ Requirement 2 - Consultation with SNCBs on route planning;</li> <li>▲ Requirement 3 - Consideration of designated sites within the National Grid led Construction and Infrastructure Options Note (CION) process;</li> <li>▲ Requirement 4 - Consultation with SNCBs on survey plans for the route corridor(s);</li> <li>▲ Requirement 5 - Cable corridors considered are aligned with relevant plans and Policy;</li> <li>▲ Requirement 6 - Cable corridors have considered the plan-level HRA;</li> <li>▲ Requirement 7 - Confirmation that best practice and SNCB advice has been followed;</li> <li>▲ Requirement 8 - Request a Crown Estate GIS proximity check of cable corridors;</li> <li>▲ Requirement 9 - Identification of any designated sites / features and the impact these have on cable routing decision making, in consultation with SNCB;</li> <li>▲ Requirement 10 - Outline of cable infrastructure requirements;</li> </ul>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<ul style="list-style-type: none"> <li>▲ Requirement 11 - Continued liaison with SNCB as route planning progresses;</li> <li>▲ Requirement 12 - Evidence of where SNCB advice has been considered / adopted in cable route planning; and</li> <li>▲ Requirement 13 - Evidence of avoidance of harm to Habitats Regulations sites, and where not possible detail of the mitigation measures that will be applied with evidence to support the avoidance of adverse effects.</li> </ul> <p>The Applicant can confirm that it has evidenced its compliance with the CRP Requirements as part of its successful application for transmission assets AfL from The Crown Estate. With particular regard to Requirement 13, the Applicant can confirm that the chosen cable route avoided habitat designations, and also avoided the main sensitive habitat feature (the Constable Bank sandbank), which whilst not formally designated was identified as a feature of conservation interest and concern by the SNCB.</p>
2.41	NRW	<p>HRA</p> <p>Please confirm whether you agree with the Applicant's assessment that the Proposed Development (alone and in combination with other plans and projects) would not have an adverse effect on the integrity of any European site(s); and in light of the written representation from the RSPB [REP1-090], please explain why you do not consider that the Proposed Development would have implications for the conservation objectives of the Liverpool Bay Special Protection Area (SPA).</p>	N/A
2.42	NRW	<p>HRA</p> <p>The Applicant's RIAA [APP-027] excludes likely significant effects from collision-related mortality on Manx shearwater. Please explain why you agree with the Applicant on this point?</p>	N/A
2.43	Isle of Man	<p>HRA</p> <p>Please advise if the Clarification Note on Predicted Impacts Apportioned to Isle of Man Designated Sites [REP3-009] addresses the points raised in your response to ExQ1.2.102 [REP2- 052]. Please outline any remaining issues and provide relevant evidence.</p>	<p>The Applicant notes that this question is not directed at it, however has provided the following response which may be helpful to the ExA.</p> <p>As noted in the SoCG between the Applicant and the Isle of Man (IoM) Government (REP4-014), IoM Government is largely content with the assessment, following consideration of the clarification note (REP3-009), though accepting that little terns were ruled out of the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			assessment in terms of migratory collision risk due to their preference to track close to coastlines. This species was therefore discounted from further assessment, and it was concluded that AyM would not have any impact on little tern features of IoM designated sites.
2.44	Applicant	<p>HRA</p> <p>Paragraph 233, RIAA [APP-027] outlines the UXO:TTS-onset approach and the assessment to assess disturbance from UXO detonation to harbour porpoise within the SACs screened in is referenced in paragraph 235. Please summarise the UXO:PTS onset approach and assessment for cetaceans, and refer to relevant key paragraphs in the RIAA.</p>	<p>The approach to the assessment of PTS from Unexploded Ordnance (UXO) clearance is not specifically detailed in the RIAA (APP-027), which draws on information presented in ES Volume 2, Chapter 7: Marine Mammals (AS-026), however the onset of PTS (inclusive of piling and UXO) is assessed for cetaceans in the RIAA (APP-027). Paragraph 214 - 216 of the RIAA states:</p> <p><i>"PTS-onset is assessed in ES Volume 2 Chapter 7[AS-026], specifically in relation to clearance of unexploded ordnance (UXO) and piling.</i></p> <p><i>For all marine mammals, the ES assessment concluded small numbers of individuals could be at risk from of PTS-onset in the absence of mitigation. As a consequence, AyM has committed to a piling MMMP (see Table 3 [of APP-107]) to reduce the risk of PTS-onset to any individual to negligible levels (see Volume 4, Annex 7.2 [APP-107]). In addition to this mitigation, it is also likely that the presence of project vessels and associated construction activity will ensure that the vicinity of the pile is free of marine mammals by the time that piling begins (e.g. Graham et al., 2019).</i></p> <p><i>With respect to the potential for PTS-onset to affect the relevant sites screened in, Table 11 presents the conclusions. It should be noted that all sites are located at some (variable) distance from AyM (as defined in Table 4), with the marine mammal features of each site being part of the wider MU population."</i></p> <p>Table 11 of the RIAA (APP-027) goes on to confirm no AEoI from PTS as a consequence of underwater noise. The Applicant also highlights that UXO clearance, whilst assessed in the ES and RIAA, does not form part of the licensable activities sought in its application. Should it be determined at the detailed design phase post-consent (once detailed ground investigations have been completed) that UXO clearance is required, this activity will be subject to a separate marine licence application to NRW.</p>

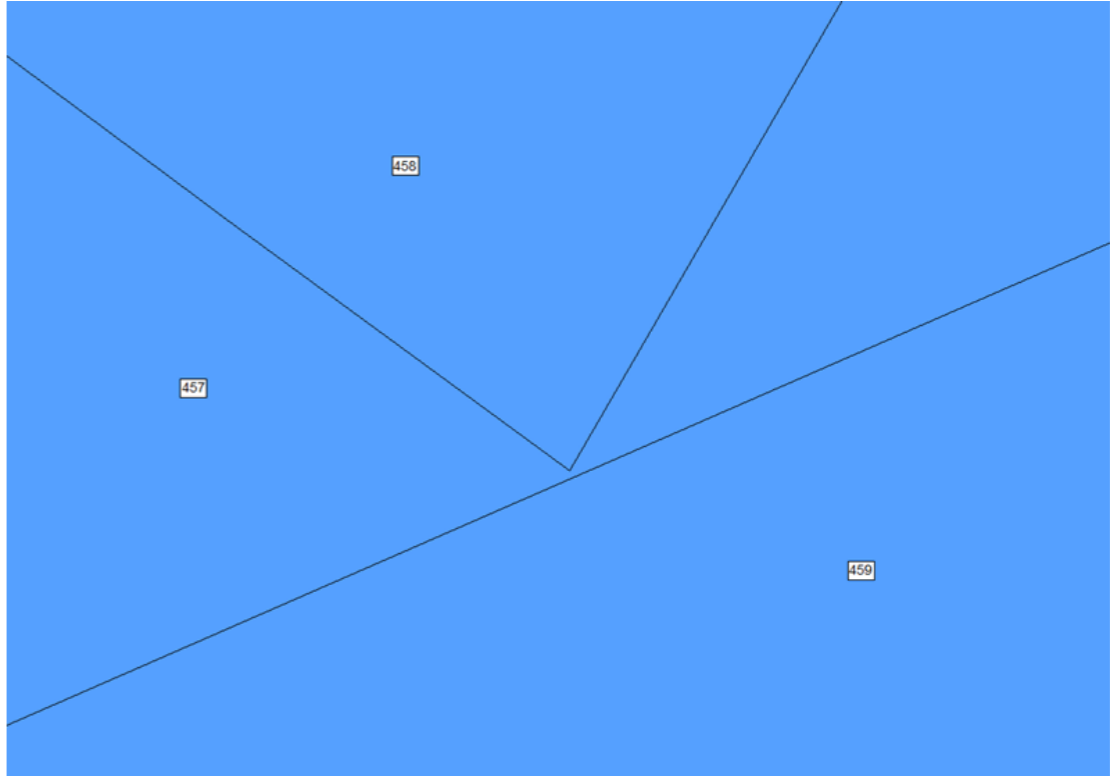


QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
2.45	Applicant	HRA Please describe your RIAA [APP-027] approach to migrant birds from Isle of Man such as Hen harrier, Arctic tern and Little tern.	The approach to migrant birds from Isle of Man including hen harrier, Arctic tern and little tern is described in the Applicant's Deadline 3 Submission - Clarification Note on Predicted Impacts Apportioned to Isle of Man Designated Sites (REP3-009). It is concluded that there is no potential for an AEoI to any Isle of Man designated site.
2.46	Applicant	HRA With reference to RIAA [APP-027] please summarise the cetaceans telemetry assessment and connectivity between Isle of Man Marine Nature Reserves, and the Proposed Development.	The Applicant notes that Manx Marine Nature Reserves are not designated under the Habitats Regulations and are therefore not subject to HRA and hence are not assessed in the RIAA.  The Applicant also notes that no telemetry data has been used in the cetacean assessment, however given that the Manx Marine Nature Reserves are within the same Management Unit (MU) as AyM, there is likely to be some connectivity between AyM and these sites. Manx Marine Nature Reserves are described within ES Volume 4, Annex 7.1: Marine Mammal Baseline Characterisation (APP-106). Potential disturbance effects within Manx waters would be expected to be minimal, given that even the most highly conservative noise disturbance contours generated for AyM only minimally extend into Manx waters (see Figure 18 of APP-053). Further detail can be found within Section 1.15 (transboundary effects) of APP-053.
2.47	JNCC	HRA In light of the Written Representation from the RSPB [REP1-090], please explain why you do not consider that the Irish Sea Front SPA should be included in the Applicant's RIAA [APP-027]?	N/A
2.48	Applicant	HRA Please provide further information such as project name(s) regarding EnBW and BP 1 and 2 - Round 4 as referenced in Table 10 and Table 56 of the RIAA [APP-027].	The Applicant confirms that these projects have now adopted the official names of Mona Offshore Wind Farm (formerly EnBW and BP 1) and Morgan Offshore Wind Farm (formerly EnBW and BP 2).
2.49	Applicant	HRA Please explain the reason for including Mona and Morgan within Table 41, but not within Table 36 of the RIAA [APP-027].	Table 36 of the RIAA (APP-027) details the impacts that may specifically impact the Liverpool Bay SPA supporting habitats as part of the Subtidal and Benthic Intertidal Habitats receptor group. Table 41 of the RIAA (APP-027) details the impacts on breeding bio-season features as part of the offshore ornithology receptor group.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The benthic screening range is 12 km. Because the Mona and Morgan projects are outside of this range, neither project was screened in for benthic receptors, and are therefore not included within Table 36. The species-specific ornithology screening ranges were much greater, so these projects were considered in relation to the Liverpool Bay SPA supporting habitats, and therefore included in Table 41.</p>

## 2.4 Compulsory Acquisition (CA) and Temporary Possession (TP)

Table 4: Compulsory Acquisition (CA) and Temporary Possession (TP).

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
3.1	Applicant	Order limits Please clarify the reason for excluding Plot 26 from the Order limits and identify any implications for doing so.	Plot 26 has been removed from the order limits in response to the project team identifying that access would not be required over the land. The plot is a fenced area housing a pumping station. Access is required over Plot 22 to facilitate access to Work No 5 and it was recognised that access through Plot 26 was not required for this purpose.  No implications of removing this Plot have been identified.
3.2	Applicant	Plots There appears to be an unlabelled plot between Plots 458 and 459 on the last sheet of the Land Plans (which is named Sheet 1 of 1 but which should be named Sheet 1 of 10). Please rectify these issues and identify any implications.	The Applicant has undertaken a review of the Land Plans and can confirm that there is not a plot missing at this location. Plot 457 is a continuous plot which wraps around plot 458 as shown in the image below. In order to provide clarity on the plan, an additional label leader has been inserted.  

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			The Applicant has amended the sheet labelling and submitted updated onshore land plans as Document 5.20 Of the Applicant's Deadline 5 submission; Application reference 2.3.
3.3	DCC	<p>Special Category Land – open space</p> <p>DCC did not provide a response to many of ExQ1 which were directed to DCC. ExQ1.3.31 was directed to DCC and was as follows:</p> <p>Section 11.2 of [APP-021] sets out that any granting of development consent would not be subject to special parliamentary procedure given that 'open space' within the Order land, when burdened with the order right, will be no less advantageous than it was before to (a) the persons in whom it is vested, (b) other persons, if any, entitled to rights of common or other rights, and</p> <p>(c) the public, in accordance with s132(3) of PA2008. Please confirm whether you are satisfied with this conclusion.</p> <p>Please confirm whether you are satisfied with the Applicant's conclusions on this matter.</p>	<p>Whilst acknowledging that this question is not directed at it, the Applicant has provided the following response.</p> <p>There is no statutory open space designation over any part of the Order Limits, but following other offshore wind DCOs the Applicant has taken a precautionary approach to the beach at the landfall on the basis that it is used by the public.</p> <p>On the basis that there will only be temporary interference with the beach area during landfall works with public access being maintained, and the cables being buried with the post-construction rights the Applicant seeks being compatible with continued use by the public it is clear that the Order land will be no less advantageous.</p> <p>For examples of how this approach has been considered on other projects see paragraphs 8.13.9 onwards of the Examining Authority's Report for Norfolk Vanguard, and 8.15.31 onwards of the ExA's Report for the Triton Knoll Electrical System (TKES) (although noting that in the case of TKES the transition joint bays were located within the dunes area potentially identified as open space)</p>
3.4	Applicant	<p>Works</p> <p>The Works Plan [REP1-032] identifies a number of 'Temporary Mitigation Areas'. If temporary, please explain in detail the reasons for seeking permanent rights over the relevant plots.</p>	<p>There is no ability under current compulsory acquisition law to create 'temporary' rights or rights which are the equivalent of a short lease or license. Temporary possession can be used to occupy land without taking permanent rights but is very time limited in its applicability post construction. As set out in the statement of reasons (Document 5.10 Of the Applicant's Deadline 5 submission; Application reference 4.1) at paragraph 121, it is therefore necessary to seek permanent rights where land is required to be maintained for a number of years post construction to ensure mitigation works, habitat restoration and landscape planting becomes established. In order to be able to comply with the anticipated requirements of the landscape and ecological management plan (and potentially conditions of any European Protected Species Licences) which will require ongoing inspection and maintenance of restored and created habitat until established, rights to access the and undertake works and prevent</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>activities which would conflict the requirements are needed for a period post construction, which period is expected to be 3 to 5 years.</p> <p>The Applicant has sought to make clear the limited application of the acquisition in the wording of the restrictive covenant in schedule 7 of the dDC0 (Document 5.9 Of the Applicant's Deadline 5 submission; Application reference 3.1). That provides the restrictions apply "during the period within which the undertaker is bound by any consent to maintain that ecological mitigation areas or areas of habitat creation".</p> <p>Without seeking such rights, the Applicant would have no ability to manage or maintain these areas after the temporary possession rights expire. Accordingly, the LEMP could only require a maximum of 1 year of post-construction monitoring and maintenance of these areas as, after that, the Applicant would not have the necessary land rights to undertake any such works.</p>
3.5	Applicant	<p>Works</p> <p>Sheet 5 of 11 of the Works Plan</p> <p>[REP1-032] shows a widening of Work No. 11. Please explain the reason for this noting that there are no trenchless crossing compounds shown here in Figures 8 and 9 of the Onshore Project Description [APP-062].</p>	<p>Indicative trenchless crossing compounds have been shown in Figures 4 to 16 of the Onshore Project Description (APP-062) for any crossings where the Applicant has committed to trenchless techniques in the Crossing Schedule (APP-121). Trenchless crossing compounds may also be used in other locations, as set out in paragraph 113 of the Onshore Project Description (APP-062).</p> <p>The widened section of Work No. 11 includes the crossing referenced as 5A-EOX-1 and described as "The Flash - Possible Environmental Constraint" in the Crossing Schedule (APP-121). It also includes several utilities crossings. These are intentionally omitted from Figures 4 to 16 of the Onshore Project Description (APP-062), as they would have made the plans cluttered and difficult to read.</p> <p>The Crossing Schedule defines that the crossing technique could be either trenchless or open cut with both crossing options assessed in the EIA.</p> <p>It is considered likely that use of a trenchless crossing technique would be the preferred methodology for crossing this obstacle, and, if practical, to also cross obstacles 5A-UUX-24 (intermediate pressure gas main), 5A-PAT-2 (public right of way), 5A-WX-6 (Aberkinsey Drain) and 5A-UUX-23 (another intermediate pressure gas main) using the same</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>trenchless crossing. However, this crossing would be over 350 m long and is therefore considered complex. As described in 3.16 in (REP1-007), a 60 m cable corridor width is required for complex trenchless crossings.</p> <p>Suitable geotechnical data is not currently available for this area and hence the Applicant cannot confirm the suitability of trenchless techniques in this location, until the full site investigation campaign is complete, post consent.</p> <p>Hence, in summary, a 60 m cable corridor width is required for the proposed trenchless crossing in this area. As the trenchless crossing has not been confirmed, indicative trenchless crossing compounds are not shown in the Onshore Project Description but would be within the Order Limits.</p>
3.6	Applicant	<p>Land Plans and s122 of PA2008</p> <p>The ExA needs to be confident that the Applicant is only seeking to acquire land that is required for the proposed development, is required to facilitate or is incidental to it and that there is a compelling case in the public interest for the land to be acquired compulsorily (s122 PA2008).</p> <p>Regarding Plot 417, Figures 2 and 7 of the outline Landscape and Ecological Management Plan (oLEMP) [REP2-010] show no proposals for much of the proposed temporary construction compound (TCC) area and some areas adjacent to this. Furthermore, paragraph 71 of the oLEMP states that 'At the OnSS TCC, grassland will be reinstated to its previous state following construction', suggesting a reverting back to agricultural use. It is also understood that other areas of Plot 417 would be used for landscape / biodiversity enhancement purposes in addition to mitigation and compensation purposes. In addition, the ExA notes the concerns of the landowner in respect of the amount of land to be acquired and the resulting viability of the farm.</p> <p>On the basis of the above, please: a) provide a detailed explanation for seeking to permanently acquire the totality of land within Plot 417</p>	<p>As explained in ISH3 (and summarised in REP3a-005), the final use for this area will be determined at the detailed design stage and there may also be a requirement for sustainable drainage system (SuDS) measures for the substation (dependent on detailed design) as well as further landscape mitigation/ecology compensation works.</p> <p>The oLEMP (REP4-011; Application reference 8.4) is an outline document which sets out the principles of the landscaping and ecology and shows how the necessary mitigation, compensation and enhancement could be delivered within the Order Limits. The detailed design is subject to outcomes of pre-commencement surveys, the figures in the oLEMP are illustrative and the final design will be subject to approval by DCC in consultation with NRW. As noted in the question, it is expected that some areas would be used for landscaping and feedback from consultees (such as from NRW with regard to future European protected species licence requirements). The final landscaping proposals will need to consider sensitive receptors to the west such as Felin y Gors.</p> <p>Landscaping planting may also be required to help address other impacts. For example cultural heritage impacts on the setting of Bodelwyddan Castle and Park, are avoided by using the screening effect of existing woodland and providing mitigation planting as required. That planting will have to have regard to the existing</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>rather than, for example, acquiring TP (or perhaps rights) over certain parts and handing them back to the landowner for ongoing agricultural use; and b) clarify whether a lesser degree of landscape / biodiversity enhancement would be sufficient to meet any policy requirements in this respect.</p>	<p>woodland as in situ at the time of design in order to ensure it fulfils the function. Planting would also provide a woodland context to the substation site that compliments the long-established woodland of the area, including woods found within Bodelwyddan Park Registered Historic Park and Garden (RHPG); Landscaping and especially screening planting are part of the delivery of good design for the substation required by the NPSs.</p> <p>The total area at the substation provides mitigation, compensation and enhancement. The main ecological impact of the substation footprint is the impact on bat and GCN habitats so compensation planting is needed for this to re-establish habitat links. The landscaping has been assessed as being required mitigation within the ES and the Applicant notes that there have been requests from interested parties for more, not less, landscaping on this site. Enhancement is provided to promote ecological resilience as required by Welsh legislation, national and local planning and policies. The Applicant therefore considers that all of this land is necessary to make the project acceptable in policy terms and therefore that CA is justified. Where there are opportunities to reduce land take without undermining the mitigation and enhancement delivery, the Applicant will pursue those, including consulting the landowner, as is required by the CA guidance and in accordance with Articles 18 and 20 of the dDCO (Document 5.9 Of the Applicant's Deadline 5 submission; Application reference 3.1).</p> <p>While some of the area may be able to be returned to grassland, that cannot be certain at this time. The extent to which this would be a viable agricultural plot given any reduction in size also cannot be known and it is therefore reasonable to provide for the worst case in the dDCO and seek full acquisition of the whole in order that this worst case impact is assessed and, importantly, that there are no expectations regarding future use that may not be met.</p> <p>The Applicant does not agree to any change in the CA on plots 416 and 417 to TP.</p>
3.7	Davis Meade Property Consultants on	<p>Land for OnSS</p> <p>The ExA notes concerns regarding the degree of permanent land take and the future viability of the Faenol Broper farm business. Are</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
	behalf of Mr JB and Mrs E Evans	you able to provide an indication of the degree of land take which would, in your view, negate such a concern?	
3.8	Rhyl Flats Wind Farm Limited (RWF)	Wake effects The Applicant provided its view on the matter of wake effects in respect of RWF in response to ExQ1.3.27 [REP1-007]. Do you agree with the points raised, and if not, do you have any substantive evidence of your own to support your concern on this matter?	The Applicant acknowledges that this question is directed at RWF. It notes the information provided by RWF at Deadline 4 and maintains that wake effects are not a matter for examination.
3.9	North Hoyle Wind Farm (NHWF) Limited	Protective provisions You indicate that should a crossing agreement not be reached with the Applicant, protective provisions may be needed within the dDCO. Are you able to provide any wording for these for the consideration of the Applicant and ExA?	The Applicant acknowledges that this question is directed at NHWF but would like to state that a cable crossing agreement is standard industry practice for this type of work and will adequately protect the interests of NHWF. The Applicant does not consider that protective provisions are necessary in addition to a cable crossing agreement. The Applicant provided comments on the agreement to NHWF on 30 November 2022 and no comments have yet been received in response.
3.10	SP Energy Networks	Protective provisions Noting your D3 submission [REP3-029], the Applicant included revised protective provisions within Schedule 9, Part 4 of its revised dDCO at D3 [REP3-006]. Please confirm whether the protective provisions are satisfactory and if so, whether you intend to withdraw your objection.	N/A
3.11	Applicant	The Crown Further to your response to ExQ1.3.34, please: a) provide an update on the Agreement for Lease with the Crown Estate; and b) indicate whether you envisage any impediments to the granting of the lease, for example, in respect of concerns raised by NHWF and RWF?	a) The Applicant has confidence that the final draft of the Transmission Assets Agreement for Lease with the Crown Estate is in its last stages of finalisation and the parties will be able to proceed to signature before the end of this examination. b) Schedule 1 of the draft Agreement for Lease lists licences and leases granted by the Crown Estate where Necessary Consent needs to be obtained by the Applicant for the granting of the Lease. Such Necessary Consent is not to be unreasonably withheld or delayed and based on that the Applicant does not envisage any impediments in obtaining such Necessary Consent(s) at the appropriate time.
3.12	Applicant	The Crown Please: a) provide an update on negotiations with relevant Crown authorities in respect of s135 of PA2008; b) confirm whether any	a) As noted in status of negotiations document (Document 5.16 Of the Applicant's Deadline 5 submission), negotiations in respect of the required land rights are ongoing with the relevant Crown authorities. It



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		impediments to their consent are envisaged; and c) set out any implications for the Proposed Development should consent not be forthcoming?	<p>is proposed that s135 consent will be sought during the course of these discussions and the Applicant will provide further updates at forthcoming deadlines.</p> <p>b) The Applicant does not envisage any impediments to the granting of s135 consent from any of the relevant Crown authorities.</p> <p>c) As set out in response to b), the Applicant does not envisage any impediments to the granting of s135 consent as this is a standard request for works that are usual for this type of development.</p>
3.13	The Welsh Ministers, Secretary of State for Wales, National Assembly for Wales, and The King's Most Excellent Majesty in Right of His Crown (Crown Estate)	<p>The Crown</p> <p>Consent is required for provisions in the DCO relating to Crown land or rights benefiting the Crown in accordance with s135(2) of PA2008. The Applicant indicates it is in discussions with all relevant Crown authorities in this respect [REP3-005]. Please confirm when you expect any consent to be forthcoming and whether you envisage any impediment to such consent.</p>	N/A
3.14	Applicant	<p>S127 and s138 of PA2008</p> <p>Within the negotiations document [REP3-005] please: a) clearly differentiate between those statutory undertakers to which s127 of PA2008 applies and those to which s138 of PA2008 applies; b) following on from this, the extent to which any necessary tests set out in s127(3)(a) or (b), s127(6)(a) or (b) and s138(4) of PA2008 would be met; and c) clarify whether reference to acquisition of both land and rights relating to Network Rail, National Grid and Dŵr Cymru Cyfyngedig is correct.</p>	The Applicant has updated the negotiations document (Document 5.16 Of the Applicant's Deadline 5 submission) to refer to the relevant tests from the Planning Act 2008 and to clarify the position on acquisition of land and rights in relation to Network Rail, National Grid and Dŵr Cymru Cyfyngedig.
3.15	Applicant	<p>Negotiations</p> <p>The negotiations document [REP3-005] notes that it sets out the latest status of negotiations with landowners and occupiers. The ExA notes that, for example, the occupier of Plot 261 as shown in the Book of Reference (BoR) [REP2-011] (who is also the lessee, tenant or occupier</p>	The Applicant's appointed agents have recently received a copy of a tenancy agreement which confirms that E R Jones & Partners are the tenants and occupiers of plot 261 (and others as noted by the ExA). This is an update from the previous details held by the Applicant's appointed agent which noted Huw Jones as tenant and occupier. The

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		of other plots) does not appear in [REP3-005]. Please explain such a discrepancy and investigate whether there might be any others.	<p>Book of Reference has been updated at Deadline 4 reflecting this confirmation and this should therefore now align with the updated status of negotiations document (Document 5.16 Of the Applicant's Deadline 5 submission).</p> <p>The Applicant's appointed agents have completed a review of the Book of Reference (BoR) (Document 5.15 Of the Applicant's Deadline 5 submission; Application reference 4.3) and can confirm that no further updates are required.</p>
3.16	Applicant	<p>Negotiations</p> <p>In response to ExQ1.3.12 [REP1-007], the Applicant indicates that it does not intend to acquire any rights from Category 2 parties (<i>i.e.</i> those within Part 3 of the BoR and also shown in Part 1 or the BoR) and as such, details of negotiations with these parties (with the exception of some statutory undertakers) are not necessary. Please further justify your position on this matter, or update the negotiations document [REP3-005] with Category 2 parties, noting that:</p> <p>a) TRB Limited and Wild Ground are identified as having interests in Plots 416 and 417, which are proposed for outright CA;</p> <p>b) There are many organisations and individuals listed in Part 3 of the BoR [REP2-011] (and Part 1 as Category 2 parties) as having interests / rights, which para 10 and Part 3 identify would be 'extinguished, suspended or interfered with' (including, to highlight a small number of examples, Rhyl &amp; Conwy Wildfowlers Club (Plot 257), EE Limited (Plot 17), WGIF (Jersey) Trustee I Limited (Plot 399), Cornerstone Telecommunications Infrastructure Limited (Plot 16), North Wales Fire Authority (Plot 400), Wild Ground (Plot 414) and individual game rights (<i>i.e.</i> Plot 428) and access rights (<i>i.e.</i> Plot 185));</p> <p>c) Article 22 of the dDCO provides for the extinguishment or suspension of certain private rights; and</p> <p>d) The ExA should be satisfied that the Applicant has sought to negotiate with all parties whose land or rights would be affected, whether permanently or temporarily.</p>	<p>The Applicant would firstly note that not every category 2 interest is relevant to or affected by the Project. Many Category 2 interests, while requiring to be listed in the BoR because they are noted on the title of the land, do not actually affect that part within the red line. For example, many of the plots in St Asaph business park have rights over a wide area because the freeholder's title is very large. Those rights include rights to run services. That technically applies to some of the substation site however; there are no known such services in place in that area, it would be illogical for such services to be in place in the substation area given the design of the business park, and any services in place would be subject to the protective provisions. Therefore, while there is an interest on the title, there is nothing to negotiate with the interest holder and there is no agreement (such as surrender of an easement right) to be reached.</p> <p>Where parties have access rights, especially on existing tracks, the Applicant is not seeking to extinguish, amend or interfere with that right permanently (there may be some interference in construction <i>e.g.</i>, a temporary diversion, but that is Temporary Possession (TP) not Compulsory Acquisition (CA)). The Applicant is simply seeking a right to also use such tracks – <i>i.e.</i>, co-existence. That creation of a new access right affects category 1 owners but not category 2 whose rights remain unaffected, there is accordingly nothing to be negotiated or agreed with such category 2 rights holders.</p> <p>Based on the design information available at this time, the rights enjoyed by TRB Limited and Wild Ground over plots 416 and 417 are capable of subsisting alongside the proposed Development. As such no agreement is currently being sought from these parties. As the Project further refines its design, the Applicant will ensure that this</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>position is reviewed and in the event that the requirement for these rights to be surrendered becomes apparent, the necessary engagement and negotiation with the Affected Parties shall take place.</p> <p>With regards to the parties listed in b), their interests and rights fall within the aforementioned scenario of temporary interference. To provide further context, the rights they hold, and the subsequent impact of the Project are as follows:</p> <ul style="list-style-type: none"> <li>▲ Rhyl &amp; Conwy Wildfowlers Club enjoy sporting rights over plot 257 which, depending on the timings of works, may be subject to temporary disturbance as a result of the cable installation works. Any such disturbance would be compensatable but there would be no requirement to secure the permanent surrender of these rights through negotiation or compulsion.</li> <li>▲ EE Limited enjoy rights over plot 17 which have been granted through a lease of service media. Those rights relate to access to the Landlord's wider title to inspect, maintain, replace, repair and renew service media. It is anticipated that this right of access would be maintained during the course of any temporary possession of this plot and there is no requirement to permanently extinguish it.</li> <li>▲ WGIF (Jersey) Trustee I Limited enjoy access rights over plot 399 which have been granted by a lease which provides across the Landlord's wider title. There is no requirement to permanently extinguish these rights and it is anticipated that the rights can be maintained during the course of the construction period.</li> <li>▲ Cornerstone Telecommunications Infrastructure Limited enjoy rights over plot 16 which have been granted through a lease of service media. Those rights relate to access to the Landlord's wider title to inspect, maintain, replace, repair and renew service media. It is anticipated that this right of access would be maintained during the course of any temporary possession of this plot and there is no requirement to permanently extinguish it.</li> <li>▲ North Wales Fire Authority enjoy access rights over plot 400 which have been granted by a lease which provides across the Landlord's wider title. There is no requirement to permanently extinguish these rights and it is anticipated that the rights can be maintained during the course of the construction period.</li> </ul>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<ul style="list-style-type: none"> <li>▲ Wild Ground enjoy a right of access to maintain drainage over plot 414. It is anticipated that this right of access would be maintained during the course of any temporary possession of this plot and there is no requirement to permanently extinguish it.</li> <li>▲ With regards to game and access rights over plots 428 and 185 respectively, there is no intention to permanently extinguish these rights and as such no agreement has been sought from the beneficiaries of these rights.</li> </ul> <p>Extinguishment of rights would only be exercised where necessary for the delivery of the project. The Applicant is not aware of any category 2 rights which require to be permanently extinguished, however it is possible that unregistered rights exist, and the power is therefore required to be retained in case these emerge. For example, if a private right of access were established over the substation footprint, that would require to be extinguished as it is incompatible with the construction and operation of the substation. Any such extinguishment would be liable to compensation.</p> <p>As explained in a) to c) above the Applicant has sought to negotiate with all parties whose land or rights would be affected. It is not required to negotiate with parties with whom there is no agreement to be reached as the legal interest concerned is either not affected or not one for which a legal agreement is required or competent.</p>
3.17	Network Rail Infrastructure Limited, National Grid Electricity Transmission plc and Dŵr Cymru Cyfyngedig / Welsh Water	<p>Negotiations</p> <p>The Applicant's negotiations document [REP3-005] indicates that discussions are ongoing with the parties and that agreement will be reached before the end of the Examination. Please confirm whether you are of the same view and provide detailed reasons should you consider otherwise.</p>	N/A
3.18	Natural Resources Wales (NRW)	<p>Negotiations</p> <p>The Applicant's negotiations document [REP3-005] states that protective provisions are not required for NRW (as a statutory undertaker) as Plot 26 has been removed from the Order limits. Please confirm whether you are in agreement with this.</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
3.19	Applicant	<p>Funding Statement</p> <p>Appendix 2 of the Funding Statement [AS-018] states that "The width of the area over which permanent rights will be required for the onshore cables is typically 21 metres". Given this, please explain why the Land Plans indicate the 'Acquisition of Permanent Rights' (blue land) over the whole of the cable route width, which is greater than 21 metres.</p>	<p>As the final routing of the cables is not yet known, the final corridor for acquisition of rights cannot yet be defined. The ability to acquire rights over the whole width is required so that, when the final routing is known, the rights can be taken in the appropriate locations. The need for this flexibility to allow the detailed design stage to undertake the final cable routing with regard to all of the affected features is set out in the onshore project description (APP-062) in section 1.2.1. Any CA will also need to adhere to Articles 18 and 20 of the dDCO (Document 5.9 Of the Applicant's Deadline 5 submission; Application reference 3.1) which only permit the Applicant to compulsorily acquire land or rights which is 'required to carry out or to facilitate, or is incidental to, the authorised development'. This ensures when any CA is exercised it is over that which is necessary in accordance with CA guidance.</p>
3.20	Applicant	<p>Funding Statement</p> <p>In response to ExQ1.3.38 [REP1-007], the Applicant indicated it would update the Funding Statement [AS-018] as necessary. Has any further information been made available, or has there been any changes, such as in interest rates or land values, to necessitate this?</p>	<p>The Applicant is in the process of reviewing the funding statement and intends to submit an updated document at Deadline 6.</p>
3.21	Applicant	<p>CA Schedule</p> <p>Glyndwr University submitted a relevant representation on behalf of Glyndwr Innovations Limited [RR-035]. Noting that Glyndwr University is included in the BoR, should it also be included in the CA Schedule [REP2-007]?</p>	<p>The Applicant can confirm that Glyndwr University should be included in the CA Schedule. The Applicant therefore notes this discrepancy and has included Glyndwr University in the CA Schedule submitted at Deadline 4 (REP4-039).</p>
3.22	Applicant	<p>CA Schedule</p> <p>Should entry No 12 of the CA Schedule [REP2-007] include the word 'permanent' as well as 'temporary' (i.e. regarding Plot 344)?</p> <p>Are references to Plots 333, 337, 338, 340, 342, 344, 345 in this entry correct, given this Affected Party does not appear in the BoR under these plot numbers?</p>	<p>The Applicant can confirm that the word 'permanent' should not appear in entry No. 12 of the CA Schedule (REP2-007). The Applicant notes this discrepancy and has submitted an updated CA Schedule as Document 5.17 Of the Applicant's Deadline 5 submission, reflecting this change.</p> <p>The references to Plots 333, 337, 338, 340, 342, 344, 345 are incorrect and have been removed in the updated CA Schedule submitted at Deadline 5 (Document 5.17 Of the Applicant's Deadline 5 submission).</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
3.23	Applicant	<p>CA Schedule</p> <p>In entries 7 and 8 of the CA Schedule [REP2-007] it is stated that "With regards to plots 438, 439, 442, 445, 447, the Applicant enjoys rights of access over these plots.", and further sets out that such rights would not be interfered with. Please: a) clarify whether reference to 'the Applicant' here is correct; and b) whether the non-interference with the rights includes throughout all stages of the Proposed Development.</p>	<p>a) The Applicant notes this discrepancy and has submitted an updated CA Schedule as Document 5.17 Of the Applicant's Deadline 5 submission reflecting this change.</p> <p>b) The Applicant can confirm that there would be no anticipated interference with the respondent's rights at any stage of the proposed development.</p>
3.24	Applicant	<p>CA Schedule</p> <p>An updated CA Schedule [REP2-007] was not provided at D3. Please provide an updated version for D5 and all subsequent deadlines and include all relevant entries for the 'status of objection' column, for ease of reference, even if this overlaps with entries in the negotiations document [REP3-005].</p>	<p>The Applicant notes this request and will update the document and submit it at each forthcoming deadline.</p>
3.25	Applicant	<p>Cwybr Fawr</p> <p>The Applicant's DL3a submission [REP3a-003] states that a trenchless crossing at Cwybr Fawr is not warranted. This seems to conflict with Statement of Reasons (SoR) paragraph 20 [REP1- 047] in respect of Plots 242 and 247 which suggests flexibility for such a crossing is necessary. Please: a) clarify your position with supporting detailed reasons; and b) update any relevant documents as necessary (ie SoR, Land Plans etc..).</p>	<p>a) Roston's response to question 9.4 in Table 4 of (REP3a-003) states <i>"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"</i></p> <p>The Applicant's comment in this same document states <i>".....it is the Applicant's view that the additional cost, engineering risk and scheduling risks associated with a long trenchless crossing are not warranted."</i> (Emphasis added).</p> <p>As described in Statement of Reasons (SoR) paragraph 20 (Document 5.10 of the Applicant's Deadline 5 submission; Application reference 4.1), flexibility has been maintained for a short (~230 m) trenchless crossing to occur if practical. This trenchless crossing passes under an existing caravan storage yard. The surrounding area contains a complex network of overground and underground electric and water utilities, in addition to a footpath and a number of ditches. Detailed ground investigations will be required, post consent, to determine the practicality of this crossing. Hence, to ensure the deliverability of the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>scheme, the option of an open cut route around the caravan storage yard is required.</p> <p>Roston's enquiry in REP3a-003, quoted above, refers to a much longer trenchless crossing across the entire length of the land. Plot 242 is approximately 520 m long. Plot 247 is an additional 190 m, approximately. It is a long trenchless crossing such as this that the Applicant describes as "not warranted". The sections proposed for the use of open cut methods do not contain environmental or technical constraints that require the use of trenchless techniques. As set out in the response to Q9.9 undertaking a drill the entire length of the plots noted above would be impractical due to the land required for entry and exit pits and the proximity of the A525 HDD which combined might result in a larger footprint of land being required from the IP.</p> <p>b) The Applicant has included an updated Statement of Reasons at Document 5.10 of the Applicant's Deadline 5 submission with additional wording at paragraph 20 confirming that any trenchless crossing in this location, if feasible, would only be for part of these plots.</p>
3.26	Applicant	<p>Cwybr Fawr</p> <p>Please: a) provide justification for the specific location and size of Work No 16A, noting the concerns of submission [AS-045] in respect of it; b) confirm whether any additional survey work could be undertaken at this stage to determine whether there is scope to locate the cable route as close to the A525 as possible, as suggested in [AS-045]; and c) clarify the length of time the relevant land at Cwybr Fawr would be unusable.</p>	<p>a) Work No 16A is required for the creation of a Temporary Construction Compound (TCC). A TCC is required to provide facilities and temporary storage during the construction of the onshore cable route between the River Clwyd and the A525.</p> <p>Between the River Clwyd and the A525, Work No 16A was identified as the optimal location for this TCC, during the site selection process. Notably, it has good existing road access and would cause less disruption and impact than other field parcels abutting the route in this vicinity.</p> <p>The size of Work No 16A is sufficient for a 10,000 m<sup>2</sup> TCC to abut the cable route, noting that the cable route works will utilise part of Work No 16A in this location.</p> <p>The area of TCCs on the onshore cable route are either 10,000 m<sup>2</sup> or 22,500 m<sup>2</sup>, depending on their location and intended purpose.</p> <p>These sizes have been selected based on contractor requirements on prior schemes such as Triton Knoll Offshore Wind Farm and Sofia</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>Offshore Wind Farm. Indicative layouts were provided in question 16.3 of (REP1-007).</p> <p>The Applicant has considered the detail of submission (AS-045) and has met the *landowner* on site during the site selection process to discuss these concerns. The size and location of the TCC and associated access has been adapted prior to submission, in response to these concerns.</p> <p>b) In response to these concerns, the cable route has already been located as close to the A525 as possible, whilst balancing all other factors. Specifically, the Order Limits are already approximately 10 m from the hedgeline and then approximately 10 m from the riverbank of the Afon Ffyddian. These offset distances were used throughout the scheme design process to provide a necessary buffer from sensitive features.</p> <p>Hence further survey work undertaken at this stage would not change the cable location.</p> <p>c) The Applicant does not have the requisite information at this stage to confirm the duration of construction works at Cwybr Fawr. The onshore project description (APP-062), paragraph 91, confirms an anticipated duration of 18 months for the onshore cable route construction works – following detailed design more information on the likely duration of each stage of the onshore works will be known and this will be communicated to DCC and the landowners through the construction communications plan secured as part of the Code of Construction Practice (CoCP) (Document 5.12 Of the Applicant's Deadline 5 submission; Application reference 8.13).</p>
3.27	Applicant	<p>TP</p> <p>Notwithstanding the response to ExQ1.3.14 and associated Appendix B [REP1-007], TP relating to Rhyl Golf Club (Plot 22) appears to be extensive given its only purpose would be to provide access to Work No 5. Please further justify the extent of TP relating to Rhyl Golf Club.</p>	<p>TP rights over Plot 22 are required to provide access to Works No. 5. The rights over plot 22 are necessarily wide to ensure that the AyM Project has the ability to access Works No.5, by whatever route is agreed at the time, dependent on the progress of the Central Prestatyn Coastal Defence Scheme and the reconfiguration of the golf course at Rhyl Golf Club following the completion of the Coastal Defence Scheme.</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
3.28	Applicant	<p>Construction compounds</p> <p>Please confirm whether the intention is to use the proposed construction compound near Rhyl Golf Club and the one near the North Wales Bowls Centre or whether these are options?</p>	<p>The Applicant confirms that these are options (so only one of these locations would be used for a TCC). This is noted in Paragraph 69 of ES Volume 3, Chapter 1: Onshore Project Description (APP-062). The Applicant has updated the Construction Traffic Management Plan (CTMP) (REP4-035; Application reference 8.13.7) that was provided at Deadline 4 to clarify this point. The submission of the final CTMP to DCC in order to discharge relevant aspects of DCO R10, will provide DCC with confirmation of which access option has been selected and the management measures associated with that option.</p>
3.29	Applicant	<p>Access</p> <p>How would access to private properties be maintained during construction and where is such provision made for in the dDCO?</p>	<p>The potential to impact upon private access points has been a consideration in developing the proposed design and it is the Applicant's opinion there are very few instances whereby private properties accesses would be impacted by the AyM construction works, given the rural nature of a large part of the cable route and the availability of alternative access points.</p> <p>As detailed in Section 3.10 of the outline Construction Traffic Management Plan (REP4-035; Application reference 8.13.7) submitted at Deadline 4, gated crossing points will be maintained across the working corridor for land owners, livestock and PRoW. This would include accesses to private properties.</p> <p>As detailed in Section 2.2. of the outline Public Access Management Plan (oPAMP) (REP4-033; Application reference 8.13.8) submitted for Deadline 4, when construction work at a specific PRoW is to take place for the installation of cable ducting, temporary diversions will be provided. The Applicant proposes a similar approach for accesses to private properties.</p> <p>Given the varying nature of each access and the residential private properties reliant on it, the Applicant proposes to cover the detailed mitigation measures in any staged (R5) sign off documentation for that defined area.</p>
3.30	Applicant	<p>General</p> <p>Section 10.1.4 of the SoR [REP1-047] suggests the access rights are required for the operational phase. However, pages 17 / 18 of the BoR [REP2-011] suggests the access rights are required for all phases.</p>	<p>The SoR has been amended (Document 5.10 of the Applicant's Deadline 5 submission).</p> <p>The 'operational' accesses may be required in all phases. It is likely that if required in construction TP not CA powers would be used as the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		Please clarify and ensure consistency in all sections of the SoR and BoR.	extent of rights sought under CA is specified for the operational phase. The rights may also be required in any decommissioning phase. As set out in the onshore project description of the ES (APP-062) at section 1.9 the precise details of any onshore decommissioning works, and therefore access needed, will be determined towards the end of the operational life of the Project.
3.31	Applicant	Plot 26 Plot 26 is shown under entry 2 (SP Manweb) of the CA Schedule [REP2-007]. Should this be deleted given the removal of Plot 26 from the Order land?	The Applicant notes this discrepancy and has submitted an updated CA Schedule at Deadline 4 (REP4-039) reflecting this change.
3.32	Applicant	CA Schedule Should Dŵr Cymru / Welsh Water be included in the CA Schedule [REP2-007]?	The Applicant notes this discrepancy and has submitted an updated CA Schedule at Deadline 4 (REP4-039) reflecting this change.
3.33	Applicant	Statement of Reasons The SoR [REP1-047] provides limited information to justify the outright CA of Plot 416. Please provide detailed justification.	The plot lies within the area of land permanently required for the substation landscaping, drainage and ecological mitigation. As it is required for those works, the Applicant requires to have the necessary control over the area to be able to be certain that the substation can operate, and mitigation be maintained.  Please also see the Applicant's response to ExQ2.3.6.
3.34	Applicant	CA Schedule In the CA Schedule columns 8 and 9 [REP2-007], please identify / separate out the plots subject to: CA of land (pink); CA of rights and TP of land (blue); and TP of land only (yellow). In addition, please identify for each relevant entry, the rights sought ( <i>i.e.</i> as set out in section 10 the SoR [REP1-047]).	The Applicant notes this request and has submitted an updated CA Schedule at Deadline 4 (REP4-039) reflecting this change.

## 2.5 Construction

Table 5: Construction.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
4.1	DCC, CCBC and NRW	Staging of Onshore Works At Deadline 3 the Applicant submitted 'Staging of Onshore Works' [REP3-017] document. Please provide comments in respect of the suitability of the suggested staging approach.	N/A
4.2	Applicant	Construction – Management Plans Paragraph 62 of section 3.17 of [REP2-043] states that "As part of the ongoing process for ensuring that impacts due to the construction of the onshore works are minimised, a monitoring strategy will be agreed between the Applicant and DCC as part of the Final CoCP. Each contractor will be required to comply with the final CoCP and the Ecological Clerk of Works (ECoW) will be required to monitor compliance and report breaches." Please confirm what would be the monitoring strategy for Contractors undertaking the pre- commencement works?	The Applicant confirms that a monitoring strategy would not be developed and agreed for pre-construction as it is not necessary given the inclusion of pre-commencement monitoring in other management plans (Such as Section 6 of the outline Invasive Non-Native Species Plan (REP2-047; Application reference 8.13.11) and Section 8.1 of the oLEMP (REP4-011; Application reference 8.4)). The outline Construction Communications plan (REP2-049; Application reference 8.13.12) provides a commitment for a point of contact to be provided during pre-commencement activities. The Applicant has provided an updated version of the CoCP at Deadline 5 to clarify this (Document 5.12 Of the Applicant's Deadline 5 submission; Application reference 8.13).
4.3	Applicant	Construction – Management Plans Could the Applicant confirm if the requirements in section 2.3 Construction of Temporary Construction Compounds in [REP2-018] apply to the pre-commencement works such as site clearance, archaeological investigations ground investigation?	The Applicant has updated the outline Construction Method Statement to differentiate between TCCs and Temporary Hardstandings used for pre-commencement activities. An updated version of the document is provided as Document 5.11 of the Applicant's Deadline 5 submission; Application reference 8.13.1). While some areas which will form TCCs may require to be used during pre-commencement, including to facilitate surveying or site establishment works, and some preparatory work may be carried out, for example vegetation clearance, the Applicant confirms that the establishment and use of the TCC itself is not a pre-commencement activity.
4.4	Applicant	Landfall – Cofferdam Please can the Applicant confirm whether a temporary cofferdam is to be constructed at the landfall and whether piling is to be used?	The use of a temporary cofferdam in the intertidal or subtidal was assessed in the Environmental Statement (ES) as a precautionary measure.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The Applicant will confirm whether a temporary cofferdam is to be constructed in the final Construction Method Statement (as secured by Condition 25 of the Marine Licence Principles (REP4-023; Application reference 5.4.1)) based on the pre-commencement intertidal geotechnical investigation.</p> <p>Even if a temporary cofferdam is not required, it should be noted that piling of smaller structures in the intertidal or subtidal remain possible and that cofferdam piling has been assessed within the ES (as a worst case). For example, Galloper wind farm used a smaller sheet pile structure at its landfall drill exit to ensure that cable burial depth was achieved on the beach. Burbo Bank Extension (BBE) completed their landfall drill adjacent to the proposed Awel y Môr installation. BBE did not use any sheet pile but did use piling for the installation of some small "I" beams into the intertidal area, to support the duct installation.</p>
4.5	Applicant	<p>Temporary Construction Compounds (TCC)</p> <p>In respect of the TCC, paragraph 12 of [REP2-018] states that "Each compound would be removed at the end of the project and the land reinstated to its former condition as far as reasonably practicable."</p> <p>Please confirm whether the level of reinstatement would be agreed with the relevant landowner in advance?</p>	<p>Reinstatement will be undertaken in line with the outline Soil Management Plan (oSMP) (Document 5.13 Of the Applicant's Deadline 5 submission; Application reference 8.13.4) and reinstatement measures set out in the outline LEMP (REP4-011; Application reference 8.4). From a land quality perspective, the main objectives for the reinstatement of the land will be to restore it to its pre-development quality as far as is reasonably practicable, as determined by the information obtained during the pre-construction soils survey. Land will be reinstated as soon as reasonably practical after completion of the construction works. This approach to reinstatement is set out within the agreements that the Applicant is seeking to make with landowners.</p> <p>The final SMP will include an appropriate restoration methodology based on the results of the site investigation and soil resource survey reports.</p>
4.6	NRW	<p>Cable Route Crossings</p> <p>The Applicant confirmed on page 30 of [REP2-002] that the outline Construction Management Plan (oCMS) had been updated to "clarify that any non-trenchless cable route crossings options or culverted haul road would be closely monitored to quickly identify whether channel deformities were starting to occur so that appropriate action</p>	<p>It is acknowledged that this Question is not directed at the Applicant, but the Applicant has provided the following response which may be useful context for the ExA.</p> <p>The Applicant has continued to discuss this issue with NRW following Deadline 3.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>could be taken. The oCMS has also been updated to include potential bank stabilization mitigation and additional information on watercourse crossings".</p> <p>Noting paragraphs 3.2.2 and 3.8.2 of your Relevant Representation [RR-015] are you satisfied that such amendments alleviate your concerns?</p>	<p>NRW has suggested that the inclusion of the following statement within the CMS, alongside some additional updates, could remove NRW's disagreement on this matter:</p> <p><i>"RWE acknowledges and accepts there is a risk that some watercourse crossing techniques may not be acceptable following detailed design and further appraisal and that a trenchless crossing option may remain the only acceptable method".</i></p> <p>The Applicant has made these corresponding changes to the CMS and provided these to NRW. (a copy of the CMS incorporating these changes has been submitted at Deadline 4 as REP4-017; Application reference 8.13.1). NRW has confirmed within its Deadline 4 response (REP4-045) that the updates made by the Applicant to the CMS have addressed the previous concerns raised by NRW in paragraphs 3.3.1 – 3.3.7 (Annex A) of NRW's REP1-080.</p>
4.7	Applicant	<p>Excavated Material</p> <p>With reference to the Applicant's response to ExQ1.10.8(c) [REP1-007] "The proposed substation will use a combination of cut and fill earthworks to achieve a levelled platform", please could the Applicant elaborate on its previous response to ExQ1.4.9. Excavated Material. Reference to cut and fill balance implies that excavated material would be used as general fill material; please clarify if this is the case? Please also clarify if excavated material requiring processing to meet particular properties specification would be undertaken at the OnSS, or would it be classed as unsuitable and deemed as waste to be taken off site?</p>	<p>It is assumed that some of the cut material from the site can be utilised as part of the fill material requirements of the earthworks platform, subject to testing and specification requirements. This earthworks platform is created prior to the import of engineered fill materials which shall be required for the structural fill of the substation platform.</p> <p>Excavated material from the cut may require processing before being used as fill. This processing could involve drying out, and/or material crushing/sorting in the event that either rock or granular and cohesive material are encountered.</p> <p>It is typical for projects of this nature to have some excavated material which is unsuitable for platform fill requirements. This would be determined by the pre-commencement geotechnical investigations. This excavated fill is then either reused on site for landscaping purposes (as specification requirements may be lesser than that of the substation platform) or removed from site. As noted in the Applicant's response to ExQ1.4.9 (REP1-007), the outline site waste management plan (SWMP) (REP2-035; Application reference 8.13.5) requires the Applicant to set out within the final SWMP how it will appropriately manage construction waste on site with in line with the waste hierarchy to ensure waste is minimised This is set out in Para 13 of the outline SWMP (REP2-035; Application reference 8.13.5) which states:</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p><i>"The detailed SWMP will include measures to manage and reduce the amount of waste produced by construction of onshore elements of AyM through a process of identification of wastes, input to the design process, and the continued measurement and management of wastes to achieve the most sustainable level in the waste hierarchy."</i></p> <p>In addition, the Applicant has set out the following within the outline Soil Management Plan (Document 5.13 Of the Applicant's Deadline 5 submission; Application reference 8.13.4):</p> <p><i>"Wherever possible, material will be re-used on site and replaced in its original location and correct depositional sequence in accordance with the SMP and the soil resource survey reports. Material sent offsite for re-use or appropriate soil treatment/disposal will be minimised."</i></p>

## 2.6 Good Design

Table 6: Good Design.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
5.1	Applicant	<p>Design Commission for Wales</p> <p>The written summary of oral submissions to Issue Specific Hearing 3 (ISH3) [REP3a-005] states that the Applicant notes points raised by the Welsh Government that the Design Commission for Wales may be useful for the design review process. Please confirm how the Design Commission are planned to feed into the Design Review process and confirm this within the Design Principles Statement (DPS) [REP3-013], if necessary.</p>	<p>The Applicant submitted an updated Design Principles Document (REP4-009; Application reference 8.8) at Deadline 4, in response to actions from ISH3 (REP4-003), setting out further detail on the well-established design review process within RWE. REP4-009; Application reference 8.8 notes that whilst the Design Panel will utilise experts from within RWE but outside of the project team, with significant knowledge of appropriate legislation and past substation developments, it may also draw on external subject matter experts to offer experience and expertise that complements RWE's experience. REP4-009; Application reference 8.8 does not explicitly refer to the Design Commission for Wales (or the Design Council) but should the Design Champion see a role for the Design Commission for Wales as the design review process evolves this would be consistent with the outlined design review process.</p> <p>NPS-EN1 (and draft NPS-EN1) both make reference to the Design Council, but the Applicant notes that (emphasis added):</p> <p><i>"... the Design Council <b>can</b> be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service."</i></p> <p>The Applicant therefore considers the Design Review process, and establishment of the Design Review Panel, to in-line with both the extant and draft NPSs.</p> <p>The Applicant met with the Design Commission for Wales in November 2022 and recognises the breadth of their experience in leading design reviews for other forms of built infrastructure projects and will continue to consider the role they can play in the design review process.</p>
5.2	Applicant	<p>The choice of Gas Insulated or Air Insulated Substation (GIS or AIS)</p> <p>The written summary of oral submissions to ISH3 [REP3a-005] states that from a landscape and visual perspective there are advantages and disadvantages associated with each of the above options. However, the summary of advantages and disadvantages appears to infer that,</p>	<p>As set out during ISH3 and in the written summary of oral submissions (REP3a-004) the site for the OnSS was selected from a longlist of 14 identified zones. The current location was selected for a number of reasons including Zone of Theoretical Visibility (ZTV) analysis concluding that woodland and landform would restrict visibility large</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		<p>overall, a GIS option provides more benefits in terms of landscaping and visual perspectives over an AIS option, despite a longer time required for screening to be achieved. The ExA notes that GIS buildings could also potentially assimilate more into the local rural landscape than the increased visual clutter associated with AIS installations. A choice of AIS or GIS at this stage could also provide more information to local people.</p> <p>Please comment on the above and provide further justification and/or update the DPS if necessary on your choice of OnSS insulation technology.</p>	<p>parts of the area around the site from the presence of existing screening from woodland to the North and West of the site, less visual receptors in close proximity and sufficient space for landscape planting and mitigation measures for the proposed infrastructure. It is the Applicant's position that the selected OnSS site is capable of mitigating the potential impacts of the OnSS regardless of whether whether an Air Insulated Switchgear (AIS) or a Gas Insulated Switchgear (GIS) OnSS is built.</p> <p>As also noted in the written summary of oral submissions to ISH3 (REP3a-005) 'The GIS building, at 15 m, would be taller than nearby buildings that tend to be two to three storeys (i.e. approximately 7-10m) or equivalent heights for farm/commercial buildings.' The need for this substantially taller building in the GIS option reduces the capacity for it to assimilate into the local, rural landscape when compared with the AIS buildings, which are more comparable with or smaller than the heights of the buildings within the local area. Therefore as presented, it is not as simple as the GIS having benefits over an AIS solution, but that each has different benefits, and there are no constraints in this location for only one option being suitable.</p> <p>The Applicant also presented the technical need for the decision to be made at a later date during ISH3 and in the written notes that followed. Reference was made to the need for AyM to deliver an economically competitive design. The speed at which technology is evolving is difficult to judge and with the drive to provide SF6 free substation solutions it could be that the Applicant selects to deliver an AIS OnSS or it could be that an SF6 free GIS OnSS can be delivered.</p> <p>The DPS sets out the design parameters within which the final design will be progressed and establishes the consultation and engagement the Applicant will undertake in relation to its the final choice of OnSS prior to the details being submitted for approval by DCC in consultation with NRW.</p>
5.3	Applicant	<p>SF6 Gas</p> <p>The written summary of oral submissions to ISH3 [REP3a-005] notes that SF6 gas free Gas Insulated Substations are being developed. Please</p>	<p>The availability of SF6 free switchgear depends on the voltage level and manufacturer.</p> <p>For example, 400 kV SF6 free GIS switchgear is under the development and testing phase by the three main manufacturers.</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		provide any further details of known timescales when such a technology might be available and affordable.	<p>We are aware of a project (for National Grid) due to start installation in 2023 with 400 kV SF6 free switchgear from Hitachi and the Applicant is aware that another manufacturer is forecasting availability in 2025. A third manufacturer is further behind in their development process.</p> <p>There are risks that the development and testing phase will get delayed, or that the manufacturing capability will not be ready for the volume of orders that may arrive in the first few years of availability.</p> <p>As discussed in the Applicant's response to ExQ1.5.1 (REP1-007), the voltage level for AyM has not been selected yet but the likely voltages are 220 kV, 275 kV or 400 kV.</p> <p>SF6 free GIS switchgear at 220 kV or 275 kV is also under development by the main manufacturers, but the release date will be after the 400 kV products, and hence will be later than 2025. It therefore may (or may not) be available in the timeframe of AyM. The Applicant continues to engage with the manufacturers regarding the development of their products.</p>
5.4	Applicant	<p>Land use</p> <p>Has any thought been given to other potential 'uses' of land adjacent to proposed OnSS after construction – for example as an extension to the adjacent nature reserve or for the incorporation of a public access footpath of similar recreational opportunities?</p>	<p>The Applicant would welcome the opportunity to consider this once the final mitigation, compensation and enhancement measures for the project are agreed with NRW and DCC.</p> <p>The Applicant recognises the potential opportunity for an extension to the Nature Reserve and it is proposed to engage with DCC and NRW on the possibility of providing public access through the mitigation area in the future should it be agreed that there is no safety issue with doing so, no conflict with the operation requirements of the OnSS and that there wouldn't be a negative impact on the land management proposed under the final LEMP.</p>
5.5	Applicant	<p>Site selection</p> <p>The written summary of oral submissions to ISH3 [REP3a-005] contains a useful summary of the site selection process undertaken previously detailed. A similar summary could be usefully incorporated into the DPS to tell the 'story' of the site and help interested parties understand why the proposed OnSS site has been chosen as part of the design process. Please consider if you think this to be necessary and update the DPS if appropriate.</p>	<p>The Applicant has included a summary of the site selection process within the Design Principles Document and provided an updated version of this document at Deadline 5 (Document 5.14 Of the Applicant's Deadline 5 submission; Application reference 8.8).</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
5.6	Applicant	<p>Design review</p> <p>Discussions at ISH3 took place around the design review process and details such as how often the panel would meet and what mechanisms would be created to ensure that their recommendations would be acted upon. This is noted in the Action Points for the hearing [EV- 018i].</p> <p>Please provide such details in a revised version of the DPS or provide justification for not doing so.</p>	<p>The Applicant amended the Design Principles Document and submitted an updated version at Deadline 4 (REP4-009; Application reference 8.8), to clarify the design review process and how the design panel would engage in this process.</p>
5.7	Applicant, DCC	<p>DCC and design requirements</p> <p>At ISH3 it was stated that it was likely that DCC would need to procure some external support when considering discharging the relevant requirements of the DCO relating to Design and that potentially this would be agreed between the Applicant and DCC. Please provide further information on this matter, including if necessary updating the DPS to confirm.</p>	<p>The Applicant and DCC agree that a Planning Performance Agreement (PPA) to facilitate support for the Council to discharge the Requirements would be useful.</p> <p>The Parties are discussing the best way for this to be arranged. The likelihood is it will form a private contract between the Applicant and DCC and its remit would cover the discharge of all DCO requirements and post-consent work rather than be linked to the DPS.</p>

## 2.7 Draft Development Consent Order (dDCO)

Table 7: Draft Development Consent Order (dDCO).

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
Questions / comments relate to dDCO Revision I [REP3a-016] (clean) / [REP3a-017] (tracked) Articles (A)			
6.1	Applicant	A2 and A13 - please amend 'Street Works Access Plan' to 'Street Works and Access Plan'	This has been amended in the revised draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.2	Applicant	A2 – should 'm2' refer to 'square metres' rather than 'metres squared'?	This has been amended in the revised draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.3	DCC, Applicant	A2 –  To the Applicant: While noting the contents of paragraphs 3.8-3.11 of [REP3a-005], please respond to the comments of DCC made at Deadline 3 regarding onshore and pre- commencement works [REP3a-020] and amend the dDCO if necessary.  To DCC: Please provide your comments on paragraphs 3.8-3.11 of [REP3a-005].	The Applicant has provided a response to DCC's comments within the Applicant's response to the Rule 17 letter (REP4-005) submitted at Deadline 4.
6.4	DCC	Your LIR [REP1-056] raised concerns around the provisions of Part 3 (Streets) of the dDCO. The Applicant responded to these concerns [REP2-004]. Please confirm whether you are satisfied with the response, and if not, provide detailed reasons for this, highlighting the particular areas / articles of concern.	N/A
6.5	Applicant	A13 – The wording for this article appears to provide quite wide powers. Please provide further justification for these powers, with reference to any precedent if appropriate.	A13 provides powers for the undertaker to form new accesses or improving existing accesses for the purpose of the authorised development. Although this provides wide powers for the undertaker in relation to these works, those powers are restricted to land within the Order Limits and only from those streets which are listed in Schedule 5 and which are shown on the street works and access plan.  This approach has been taken in recent offshore wind farm DCOs namely: The Norfolk Boreas Offshore Wind Farm Order 2021, The Norfolk Vanguard Offshore Wind Farm Order 2022, The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>Offshore Wind Farm Order 2022. Further, this drafting is also included in most recent draft Hornsea Project Four Offshore Wind Farm Order.</p> <p>Unlike these projects where powers to create additional new accesses go beyond the Order Limits and the streets listed in their respective draft Orders, the Applicant has clearly identified and restricted the location of the access works upfront, on the face of the draft Order. This is considered to be a reasonable and justified approach.</p>
6.6	Applicant	A21 – Reference to precedents used would be useful in the Explanatory Memorandum (EM).	The drafting of A21 follows the model clauses. It was also included in the Triton Knoll Electrical System Order 2016. The EM will be updated at Deadline 8 to include reference to the relevant precedent DCOs.
6.7	Applicant	<p>A27(8) – this article still appears to make provision for the compulsory acquisition of rights in respect of land identified for temporary possession only (<i>i.e.</i> Schedule 6 land). As such, the ExA's concerns as set out in ExQ1.3.15 remain. In addition, unlike the DCOs referred to by the Applicant, there is no crossover between Schedule 6 and Schedule 7 (rights land) in this instance. Furthermore, para 129 of the Statement of Reasons [REP1-047] states that Schedule 6 plots will not be subject to compulsory acquisition.</p> <p>a) Please comment and amend A27(8) as necessary.</p> <p>b) Is the wording for the wider A27 based on precedent?</p>	<p>a) Article 27(8) prevents the undertaker from compulsorily acquiring new rights or subsoil in land which is referred to in article 27(1)(a)(i). Article 27(1)(a)(i) describes land specified in columns (1) of Schedule 6 (land of which only temporary possession may be taken). Therefore the undertaker is prevented from acquiring rights in land identified for temporary possession only. A27(8) should make reference to the relevant land being identified in Schedule 7 (land in which only new rights etc may be acquired). This wording has been added to the revised draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).</p> <p>b) A27 largely follows the drafting of recent offshore wind farm DCOs, namely: The Norfolk Boreas Offshore Wind Farm Order 2021, The Norfolk Vanguard Offshore Wind Farm Order 2022, The East Anglia ONE North Offshore Wind Farm Order 2022, The East Anglia TWO Offshore Wind Farm Order 2022 and the Hornsea Project Three Offshore Wind Farm Order 2020.</p>
6.8	Applicant	A33 – should this be made subject to A34?	The Applicant does not believe it is necessary for A33 to be made subject to A34. A33 is a general power to allow the undertaker to undertake works to trees and bushes. A34 makes clear that where such a tree is subject to a tree preservation order there is a restriction on the undertaker's powers.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
6.9	Applicant	A34 – Please provide further justification for the powers granted by this article with reference to precedents if relevant. An update to the EM if necessary would also be useful.	<p>This article reflects the drafting of the model clauses. Inclusion of this power is typical in a DCO of this kind and there is precedent for it in recent offshore wind DCOs namely: The Norfolk Boreas Offshore Wind Farm Order 2021, The Norfolk Vanguard Offshore Wind Farm Order 2022, The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022. Further, this drafting is also included in the most recent draft Hornsea Project Four Offshore Wind Farm Order.</p> <p>The Applicant also notes that currently there are no trees subject to a tree preservation order within the order limits but that this article is nonetheless necessary. For example, should a tree outside the order limits have roots which over time encroach within the order limits and begin to interfere with the authorised development, the undertaker will need to undertake works to that tree and should be able to do so without having to obtain additional consents This accords with the aim of the DCO process.</p>
6.10	Applicant	A35 – This article appears similar to one used in the Able Marine Energy Park DCO but does not contain the same levels of detail in subsections (2) or (3). Should the article be expanded to contain such detail and the EM altered to refer to precedent?	<p>Subsection (2) of Article 24 of the Able Marine Energy Park Order 2014 is not relevant to AyM as it relates to 'work consisting partly of a tidal work and partly of works on or over land above the level of high water' and no such works are proposed for AyM.</p> <p>Subsection (3) of Article 24 of the Able Marine Energy Park Order 2014 a duplication of the provisions of the Energy Act 2004 (Part 2, Chapter 3) which would apply to the development irrespective of whether they are included in the DCO or not. As such, the Applicant does not think it necessary to include these provisions in the draft Order.</p>
6.11	Applicant	A37 - change all references to 'Her Majesty' to 'His Majesty'.	These references have been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
Schedules (Sch), including Requirements (R)			
6.12	Applicant	Sch 1, Work No.6 – add a comma between '5' and '6A'.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
6.13	Applicant	Sch1, Part 1 – The Applicant indicated in its response to ExQ1.6.44 that it had amended reference to the 'Works Plan' to the 'Location Plan' above Table 1 (as it is the Location Plan which contains the co-ordinates). However, this does not appear to have been actioned. Please rectify.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.14	Applicant	Sch 1, Part 1 - Please confirm the scope of works (including any protective measures) at the existing/retained pond on the south side of the proposed OnSS. Sch 1, Part 1 Work No 35 refers to ecological and environmental works, but also includes works such as drainage works including connections to existing drainage and creation of new sustainable drainage including attenuation pond(s), and utilities connections.	<p>It is not the Applicant's intention to conduct utilities connections within or immediately adjacent to the two ponds at either end of the Onshore Substation. However, the Applicant recognise that the present dDCO works descriptions could be read to allow for that.</p> <p>The oLEMP has made commitments to protect both the northern and southern ponds immediately adjacent to the Onshore Substation footprint, as detailed in Paragraph 109 of the most recent oLEMP submitted in Deadline 4 (REP4-012; Application reference 8.4). This will ensure protection of the ponds from activities such utilities connections.</p> <p>If necessary, the applicant could update the Works Plan with a new Works area, 35(A) that only permits drainage, ecological and environmental works within the area around and including the retained ponds.</p>
6.15	Applicant	Sch 2, R2, Table 2 - please ensure consistency of terms i.e. 'wind turbine generators' rather than just 'turbine' or 'wind turbines'.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.16	Applicant	Sch 2, R2, Table 2 – this sets out the minimum distance between wind turbine generators. Where is this measurement taken from and should this be specified?	<p>The minimum distance measurement is taken from the centre point of the respective wind turbine generators.</p> <p>The wording of the relevant parameter in Table 2 has been amended to make this clear.</p>
6.17	Maritime and Coastguard Agency	Sch 2, R3 – at D2 the Applicant responded to your request to be included as a consultee in R3 (aviation) (pg 63 of [REP2-002]). Please confirm whether you are satisfied with this response, and if not, provide reasons.	N/A
6.18	Applicant	Sch 2, R3(2) – missing full stop – please add.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
6.19	Applicant	Sch 2, R6(h) – check punctuation – is there an erroneous comma between 'below' and 'ground'?	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.20	Applicant	Sch 2, R8 (1) - is there an erroneous ':' after the word 'appropriate'?	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.21	Applicant	Sch 2, R8 (2) - The ExA notes the Applicant's response to ExQ6.29c in respect of a scheme of maintenance. Nonetheless, without such details, how can the ExA be confident that adequate provision had been made to ensure new planting has the best chance of establishment and survival?	The Applicant has provided an update to the oLEMP at Deadline 4 (REP4-011; Application reference 8.4) which sets out how details on the duration and type of long-term maintenance will need to be approved with DCC via approval of the final LEMP. As noted within the update (which relates to maintenance for landscape and visual mitigation), paragraph 159 of the oLEMP provides a similar commitment to provide detail on, and when approved to undertake, the management of the OnSS site for ecological compensation and enhancement.
6.22	Applicant	Sch 2, R9(2) - The ExA notes the continued concerns of DCC regarding the time period provided for in this requirement. Noting that the relevant assessments consider landscape and visual effects at 15 years and that the Norfolk Boreas and Norfolk Vanguard DCOs made provision for considerably greater time periods than 5 years, would the Applicant be willing to increase the time period specified in R9(2).	The Applicant refers to the response provided for ExQ2.2.38 which explains the different circumstances to that of Norfolk Boreas and Norfolk Vanguard and to ExQ1.10.31 with regards to the visual effects at 15 years. The Applicant does not consider there to be a need to extend the time period in R9(2), given the update to the oLEMP at Deadline 4 which sets out how details on the duration and type of long-term maintenance will need to be approved with DCC via approval of the final LEMP.
6.23	Applicant	Sch 5 - please amend 'Street Works Access Plan' to 'Street Works and Access Plan'.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.24	Applicant	Sch 2, R15(1) – should this specify '... between <i>the hours</i> of 0700 and 1900...' for clarity and consistency?	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.25	Applicant	Sch 7 – dependent on consideration of ExQ2.3.4 above, should this schedule make specific reference to 'Temporary Mitigation Areas'?	Schedule 7 of the draft DCO has been updated to amend the Class 2 rights to Temporary Mitigation Area Work Rights to clarify the works that these rights relate to these remain as permanent rights for the reasons given in response to ExQ2.3.4 above (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.26	Applicant	Sch 9 (protective provisions) - Planning Inspectorate Advice Note 15 states that full justification should be included in the EM for protective	The Advice Note 15 guidance is in relation to amendments to the standard protective provisions for which there are none in the draft

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		provisions. Please update the EM to provide such justification with reference to agreed bespoke provisions with relevant undertakers where appropriate.	Order. This guidance does not apply to bespoke protective provisions which are negotiated with the relevant parties outside of the DCO process.
6.27	Applicant	Sch 9 (protective provisions) - Planning Inspectorate Advice Note 15 states that:  "If Protective Provisions for more than one protected party are included in a single Schedule, SI drafting requires the numbering of the paragraphs to follow sequentially throughout the Schedule and not re-start at '1' with each part (as with all textual Schedules in several parts). This approach should be adopted in the draft DCO submitted with the application and in each amended draft submitted during the Examination where Protective Provisions are changed."  Please amend this schedule to align with good practice or amend to a separate schedule for each protected party.	The Applicant has deliberately used separate numbering for each of the protective provisions in order to facilitate their negotiation with the various separate parties. The paragraph numbering in Schedule 9 will be updated for the final version of the draft Order submitted to the Examination. As noted in footnote 22 of the Explanatory Memorandum (REP1-017; Application reference 3.2) given the detail is still subject to ongoing negotiation the numbering in Schedule 9 should remain as it currently is in order to facilitate these separate negotiations.
6.28	Applicant	Sch 9, Part 2 (and contents page) – should '(dc)' be '(DC)' for consistency with other parts of the dDCO?	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
6.29	Applicant	Sch 13, Table 1 – please provide a clear subheading for this table. Additionally, should this be 'Table 5' given that there are already Tables 1-4 elsewhere in the dDCO?	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1) so the table is now labelled Table 5.
6.30	Applicant	Sch 13 – please ensure this is kept updated with correct references and versions.	This has been updated and will be for the final version of the dDCO.
6.31	Applicant	Sch 13, item 6 – should this specify all outline code of construction practice appendices given that many have been revised?	The outline CoCP appendices have been added to the dDCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1) – please note that the document references are not up to date but will be for the final version of the dDCO.
6.32	Applicant	All dDCO tables - Please include the lines for columns and rows of all tables for ease of reading.	This has been amended in the draft DCO (Document 5.9 of the Applicant's Deadline 5 submission; Application reference 3.1).
Explanatory Memorandum (EM)			
6.33	Applicant	The track changed version of the EM submitted at D1 [REP1-053] does not appear to have been based on the application version [APP-019]	The Applicant has reviewed the documents and notes that the discrepancy is presentational only and arises from the formatting applied to the submission version - that formatted version is not



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		(with potential implications for the D1 clean version [REP1-017]). Please comment and make any necessary corrections.	editable so changes were made to the underlying word version. The Applicant has run a comparison between the application version (APP-019) and the tracked change submitted at D1 (REP1-053) which confirms that the D1 submissions are based on the application version.
6.34	Applicant	Your response to ExQ1.6.51 suggested that the EM has been amended as per the question regarding Article 27. This does not appear to be the case. Please rectify.	The change made to Article 27 was not mirrored in the EM. That change will be picked up in the revised EM to be submitted at Deadline 8.

## 2.8 Flood Risk and Water Quality

Table 8: Flood Risk and Water Quality.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
7.1	Dŵr Cymru/Welsh Water	<p>Deadline 1 Submission</p> <p>In response to the documentation submitted at Deadline 1 ([REP1-058] to [REP1-061]) are you satisfied with the responses provided by the Applicant at [REP2-005]? If not, please give reasons.</p>	N/A
7.2	Applicant, NRW	<p>Flood Risk Activity Permits (FRAP)</p> <p>The ExA notes in the onshore SoCG [REP3-021] that the disapplication of FRAP remains an unresolved matter and that NRW does not consent to the disapplication.</p> <p>Please can both parties advise if discussions regarding this issue are ongoing or is this the NRW final position?</p>	<p>The Applicant has suggested to NRW that the following DCO Requirement could resolve the concerns that NRW set out within its written representation which gave 3 reasons why NRW does not currently consent to the inclusion of Article 7(c) within the DCO in order to disapply Flood Risk Activity Permit (FRAP). These reasons were:</p> <p>“1. In order for NRW to determine whether or not to provide consent for the disapplication of the relevant provisions under section 150, it must be provided with the specific details of the works for which the consent or authorization would be required. To date, NRW has not been provided with the required information. Section 150 does not provide a general or blanket exemption from the need for consents or authorisations, the details of which have not yet been identified but may however materialise during the lifetime of the development.</p> <p>2. Notwithstanding and/or further to the above, NRW is not satisfied that the regulatory mechanisms under the draft DCO in respect of the works are adequate. Should the requirement for an environmental permit in respect of the works be disappplied, the local planning authority will be the discharging authority with responsibility for approving the detailed design. NRW considers it necessary to retain its regulatory functions under the Regulations in respect of the works given its established expertise when appraising works of this nature.</p> <p>3. An application for the works under the Regulations would be subject to an application charge in accordance with NRW's Environmental Permitting Charging Scheme Environmental Permitting Charging Scheme 2022/23 (cyfoethnaturiol.cymru). NRW considers it</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p><i>necessary for this scheme to be applied in respect of the works, having regard to the appropriate allocation of public resources."</i></p> <p>The Applicant has suggested an alternative DCO Requirement that would have NRW as the approving body (and so would address point 2 above) and so maintain NRW's regulatory functions. The suggested DCO Requirements is as follows:</p> <p><i>"(1) Construction of Work Nos. [insert relevant Works Nos] involving crossing of flood defences or a main river using techniques other than trenchless installation techniques, must not commence until for that crossing a watercourse crossing method statement has been submitted to and approved by Natural Resources Wales.</i></p> <p><i>(2) The watercourse crossing method statement must include the following details for each watercourse crossing:</i></p> <ol style="list-style-type: none"> <li><i>1. site plan showing the location of the crossing;</i></li> <li><i>2. details of the activities to be undertaken and the location of each crossing;</i></li> <li><i>3. details of the duration of the proposed crossing activities (in particular whether the activities are permanent or temporary);</i></li> <li><i>4. method statement for the proposed crossing works;</i></li> <li><i>5. general arrangement plan and cross section showing the proposed depth of cable installation;</i></li> <li><i>6. information on the duration of the crossing activities, time of year and anticipated date of commencement; and</i></li> <li><i>7. control measures to be applied and an environmental risk assessment.</i></li> </ol> <p><i>(3) Each watercourse crossing must be carried out in accordance with the approved watercourse crossing method statement."</i></p> <p>The suggested DCO Requirement would also allow NRW to access the fee for DCO requirement discharge, plus any pre application advice fees (as set out in Schedule 11 (4) of the draft DCO). The Applicant is hopeful that this would address Point 3 of NRW's reasons for not agreeing to the inclusion of Article 7(c) within the DCO.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The proposed DCO Requirement will require the provision of information typically included within a FRAP application before a decision is made on the acceptability of a proposed watercourse/flood defence crossing. Works could not take place until that information were provided, approval given and the DCO Requirement discharged. Through this mechanism, specific details would need to be provided to NRW and so The Applicant is hopeful that Point 1 could be addressed through this proposal.</p> <p>The Applicant awaits a response from NRW to the proposed requirement.</p>
7.3	Applicant, NRW	<p>Water Quality (Freshwater)</p> <p>Noting the Applicants response at D3a [REP3a-003] in respect of the WFD and watercourse crossing options, can the Applicant and NRW please provide an update regarding discussions between both parties.</p> <p>Additionally, please can NRW advise whether they are satisfied with the suggestion by the Applicant that further information is to be deferred until post-consent 'when it can be prepared on the base of detailed design and further ground investigations' (row 5, page 11 of [REP3a- 003]).</p>	<p>The Applicant has continued to discuss this issue with NRW following Deadline 3.</p> <p>NRW has suggested that the inclusion of the following statement within the CMS, alongside some additional updates, could remove NRW's disagreement on this matter:</p> <p><i>"RWE acknowledges and accepts there is a risk that some watercourse crossing techniques may not be acceptable following detailed design and further appraisal and that a trenchless crossing option may remain the only acceptable method"</i>.</p> <p>The Applicant has made these corresponding changes to the CMS and provided these to NRW (Document 5.11 Of the Applicant's Deadline 5 submission; Application reference 8.13.1). As noted in the response to ExQ2.4.6, NRW has confirmed within its Deadline 4 response (REP4-045) that the updates made by the Applicant to the CMS have addressed its previous concerns in paragraphs 3.3.1 – 3.3.7 (Annex A) of NRW's REP1-080.</p>
7.4	NRW	<p>Flood Consequence Assessment (FCA)</p> <p>Noting the comment made in Written Representation [REP1-080] regarding the omission of assessment of works located within C2 (as identified in the Development Advice maps in TAN15), the Applicant provided an updated version of the FCA for the Onshore ECC at Deadline 1 [REP1-042].</p> <p>Please confirm whether you are satisfied with the revised FCA? If not, please give reasons.</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
7.5	Applicant	<p>Onshore ECC - Topographic Surveys</p> <p>Section 3.1 of [REP1-042] states that detailed topographic surveys of the onshore infrastructure works area have not yet been undertaken. Please confirm when these surveys are scheduled and how findings will be considered in terms of the existing assessment?</p>	<p>The Applicant intends to undertake detailed topographic surveys of the onshore infrastructure works area (Onshore ECC), prior to the commencement of construction. These surveys will inform the Surface Water Drainage Scheme required for the onshore cabling works as part of the Construction Method Statement under DCO Requirement 10. To date, the Applicant has used publicly available and commercial datasets to inform the submitted design and it is not anticipated that the inclusion of detailed topographic data within the detailed (post consent) design process will result in fundamental change to the outline design proposals.</p>
7.6	Applicant	<p>Substation Preliminary Outline Drainage Strategy – Management of Foul Water</p> <p>Section 4.1 of [REP1-045] states that no intrusive ground surveys have been undertaken. Please confirm when these surveys are scheduled and how findings will be considered in terms of the proposed Drainage Strategy?</p>	<p>The Applicant intends to undertake comprehensive intrusive ground surveys that would inform drainage design prior to the commencement of construction, during the pre-commencement works for the site. These surveys will inform detailed design of the Surface and Foul Water Drainage Plan that is required under DCO R16. Preliminary studies have identified low permeability. As noted within the outline strategy, if low infiltration rates are further confirmed by the pre-commencement studies, suitable runoff rates may still be achieved using interception and other SuDS storage and flow control devices such as: swales, detention basins and ponds.</p>
7.7	Applicant, NRW	<p>Western Wales River Basin Management Plan 2021-2027</p> <p>Please confirm whether the updated Western Wales River Basin Management Plan and associated data [REP1-080] has resulted in any changes to the findings of the WFD compliance assessment?</p>	<p>The Applicant confirms that the updated Western Wales River Basin Management Plan and associated data described in REP1-080 have not resulted in any changes to the findings of the WFD compliance assessment presented in APP-094.</p> <p>ES Volume 2, Chapter 3: Marine Water and Sediment Quality (APP-049) and the WFD assessment (APP-094) referred to the latest water body classifications at the time of writing; these were the 2018 interim classifications provided as part of Cycle 2 River Basin Management Plans (RBMPs). These noted the North Wales coastal water body was at moderate ecological potential (phytoplankton) and failing chemical status (mercury), while the Clwyd transitional water body was at moderate ecological potential (dissolved inorganic nitrogen; mitigation measures assessment) and achieving good chemical status. These classifications remain the same in the updated 2021</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			Cycle 3 data and, therefore, the assessments presented in the application documents would not be changed and remain valid.
7.8	DCC and CCBC	<p>Landfall and Coastal Erosion</p> <p>The ExA are aware that there is a programme of coastal defence works in the area proposed for landfall to protect the surrounding areas from storms and the impact of climate change. In view of this are DCC and CCBC content with the level of detail provided in respect of proposed works at the landfall or is further detail, potentially in the form of a landfall construction method statement, considered necessary?</p>	N/A

## 2.9 Historic Environment

Table 9: Historic Environment.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
8.1	Gwynedd Archaeological Planning Services	ISH2 Please provide any comments, should you wish to, on the Applicant's summary of your views from ISH2 [REP3a-004].	N/A
8.2	Welsh Government	Legal update Please provide an update on the progress of the Historic Environment (Wales) Bill 2023, including a likely date when Royal assent is expected.	N/A

## 2.10 Land Use

Table 10: Land Use.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
9.1	DMPC on behalf of Mr and Mrs HE Hughes	<p>Tree Loss</p> <p>Noting the comments made in the Written Representation (WR) on behalf of Mr and Mrs HE Hughes [REP1-101] and the response made by the Applicant at [REP2-002], are you satisfied that the Proposed Development would not impact on the required level of tree coverage to qualify for the proposed Welsh Government Sustainable Farming scheme?</p>	N/A
9.2	Applicant and DMPC on behalf of Mr and Mrs HE Hughes	<p>Severance</p> <p>In the WR on behalf of Mr and Mrs HE Hughes [REP1-101], concern was raised in respect of temporary severance and subsequent ability to farm. At [REP2-002] the Applicant noted these concerns and confirmed ongoing discussions regarding this matter were underway. Please can both parties provide an update in respect of this issue.</p>	Negotiations are still progressing with the Landowner and their agents, and these include express terms relating to the matter of severance from both a practical and compensatory perspective.
9.3	Applicant and DMPC on behalf of Mr and Mrs HE Hughes and Mr JB and Mrs E Evans	<p>Burial Depth</p> <p>In response to answers to ExQ1.9.3 ([REP1-102] and [REP1-104]) the Applicant confirmed at [REP2-003] that discussions regarding the depth of necessary infrastructure and cables were ongoing and it is likely a minimum burial depth of 0.9m may be achieved. Please can both parties provide an update in respect of this issue.</p>	The Applicant's position has not changed with regards to the minimum burial depth proposed.
9.4	Applicant	<p>Well Management</p> <p>Noting the request by the Applicant regarding the well on Faenor Broper land (row 4, page 221 of [REP2-002]), has further information been provided by DMPC on behalf of Mr JB and Mrs E Evans in respect of the well infrastructure?</p>	The Applicant's appointed agent visited the site with the Landowner on 9 December 2022 and the approximate location of the well has been identified and geolocated with GPS. Further to this, the matter was discussed during the course of a meeting between the Applicant's appointed agents and DMPC on 2 February 2023. The Applicant's appointed agents will continue to engage with DMPC with regards to the provision of any specific information in relation to the well that would be useful to the Project.



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
9.5	Welsh Government	<p>Soil Resources</p> <p>Noting your comments made in respect of ExQ1.9.1 and ExQ1.9.8 [REP1-097], the Applicant responded at [REP2-003] stating that “the Post 1988 Agricultural Land Classification (Wales) Surveys show there have been extensive surveys undertaken to the south and east of Rhyl, to the northwest of Bodelwyddan and around St Asaph Business Park. The ALC determined by these surveys is reflected in the Predictive ALC data and the Applicant considers this represents sufficient information to inform the EIA with permanent loss of up to 5Ha of land predicted to be BMV associated with the OnSS.”</p> <p>Please confirm whether this approach satisfies your concerns?</p>	<p>It is acknowledged that this Question is not directed at the Applicant, but the Applicant has provided the following response which may be useful context for the ExA.</p> <p>The Applicant has undertaken an Agricultural Land Classification (ALC) survey of the substation site which includes the substation footprint, TCC location and wider landscape mitigation and ecological compensation and enhancement area. The ALC survey was undertaken in December 2022 and finds that only a relatively small corner of the site (1.5 Ha) is ALC Grade 3a which represents Best and Most Versatile Land (BMVAL). The remainder of the site is ALC Grade 3b (and so is not BMVAL).</p> <p>This finding differs to the Predictive ALC dataset which suggested more extensive coverage of ALC grade 3a land (BMVAL) across the northern part of the site.</p> <p>The ALC survey confirms a significant reduction in BMVAL land within the substations site, with no BMVAL permanently lost through development of the substation footprint and only 1.5 Ha of BMVAL (located in the south-eastern corner of the site next to Glascoed Nature Reserve) taken out of agricultural production during the operational lifetime of the project.</p> <p>The Applicant provided the ALC survey to Welsh Government and has received the following confirmation:</p> <p><i>“The ALC survey report (see attached – Ref: 2094/1, Soils and Agricultural Quality of Land at Faenol-Bropor, St Asaph – 13<sup>th</sup> January 2023) has been validated by the Department. The report has been completed to an acceptable standard as per ‘Guidelines and Criteria for Grading the Quality of Agricultural Land’ (MAFF 1988). The report confirms that the surveyed area (33.3ha) contains 1.5ha ALC Subgrade 3a, 30.6ha Subgrade 3b and 1.2ha ‘other-land/non-agricultural.’”</i></p> <p>The Applicant has also discussed with Welsh Government whether the inclusion of commitments within the oSMP (Document 5.13 Of the Applicant's Deadline 5 submission; Application reference 8.13.4) to undertake pre-construction ALC survey and Soil Resources and Physical Characteristics surveys would address the Welsh Government comments on undertaking an ALC survey prior to determination of the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>DCO. The results of these surveys would be included within the final SMP that would be provided to DCC for approval (In consultation with Welsh Government).</p> <p>The Welsh Government confirmed the following to the Applicant via e-mail on 25 November 2022:</p> <p><i>“Regarding the inclusion of ALC and Soil Physical Characteristics surveys in the oSMP, following our discussions we would not consider it essential that these are undertaken for the cable corridor prior to the determination of the DCO. There is a commitment by the developer to undertake these surveys, plus a significant area of the route is previously surveyed and the principles of the oSMP will be adequate at this point. From our perspective, it is important that these surveys are undertaken prior to the final SMP so the results can inform the document’s detailed scheme. The Department would be available, and would welcome the opportunity to validate survey reports commissioned. This is to ensure all parties can rely upon the evidence presented. It is a free service.”</i></p>
9.6	Applicant	<p>Agricultural Land Classification</p> <p>In response to ExQ1.9.7, the ExA notes the information provided in Appendices R and S [REP1- 007]. Please update the table in Appendix R to include the following:</p> <ul style="list-style-type: none"> <li>a) name of holding;</li> <li>b) a brief description of the holding e.g. type of farming, if under any management scheme etc; and</li> <li>c) what part of the Proposed Development the land is required for e.g. TCC, ECC etc.</li> </ul>	<p>The Applicant has provided an updated table in Appendix D, with a corresponding plan provided in Appendix E which shows the location of the Holdings identified within the table. The table identifies the holdings that the Applicant is aware of (via consultation with landowners), however there are some areas which do not form part of a recognised agricultural holding but are farmed by a tenant or occupier. The Applicant has identified where this occurs within Appendix D.</p> <p>The Applicant has provided a description of the holding/land use, however, information on the current status of any management schemes being in place is unknown. The information on holding/land use descriptions present the current land use to the best of the Applicant's knowledge and from the information provided by landowner agents. Due to the changeable nature of agriculture, the Applicant wishes to highlight that these may not be fully representative of any future land use.</p> <p>The table also lists the part of the proposed development the land is required for.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
9.7	Welsh Government	<p>Outline Soil Management Plan (oSMP)</p> <p>In response to ExQ1.9.9, 9.10, 9.11, 9.13, 9.14, 9.15 and 9.17 [REP1-097], concerns were raised by the Welsh Government regarding the content of the oSMP. Revisions to the oSMP have been made by the Applicant and submitted into the Examination at Deadline 2 [REP2-033].</p> <p>Do the amendments satisfy your concerns?</p>	<p>It is acknowledged that this Question is not directed at the Applicant, but the Applicant has provided the following response which may be useful context for the ExA.</p> <p>Further to the revisions made to the SMP that were submitted at Deadline 2 (REP2-033; Application reference 8.13.4), the Applicant has continued to discuss the proposals with Welsh Government and received a number of suggested amendments from the Welsh Government that have been incorporated within the updated SMP that was provided at Deadline 4 (REP4-015; Application reference 8.13.4).</p> <p>The Applicant provided the updated SMP to Welsh Government on 24 January 2023 (alongside the recently completed ALC Survey) and has received some further suggested minor additions to the document that the Applicant has incorporated into the version submitted as Document 5.13 of the Applicant's Deadline 5 submission; Application reference 8.13.4 (This latest update has also been provided to Welsh Government on the 2 Feb 2023).</p>
9.8	Applicant	<p>oSMP</p> <p>Paragraphs 7,12, 13 and 14 of the oSMP [REP2-033] refer an agricultural liaison officer whereas paragraph 40 of the same document refers to an agricultural land officer. Please clarify the difference in roles, if any.</p>	<p>The Applicant confirms that both roles are the same and has provided an updated version of the SMP at Deadline 4 (REP4-015; Application reference 8.13.4) to reflect this.</p>
9.9	Applicant	<p>Cwybr Fawr Partnership</p> <p>In conclusion to a number of ExQ1 [AS-045], Rostons on behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes stated that "Whilst 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:</p> <p>a) The route being positioned as close to the property boundary alongside the A525 as possible;</p> <p>b) Directional drilling the entire length; and</p> <p>c) Removing or significantly reducing the size of the construction compounds."</p>	<p>As set out in the response to ExQ2.3.26, the Applicant has considered these requests and explained why it is not possible to further amend the design of AyM at this stage to accommodate them:</p> <p>a) The route being positioned as close to the property boundary alongside the A525 as possible;</p> <p>The proposed export cable corridor is routed alongside the A525 before then approaching the River Clwyd. Throughout the design the order Limits are approximately 10 m from hedgelines and watercourses where practicable to ensure an appropriate buffer from more sensitive receptors. In response to previous requests the Applicant has routed the 40 m cable route as close to the original 100 m Preliminary Environmental Impact Report (PEIR) boundary as</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		Please provide a response to each of these suggestions.	<p>possible. The safest Horizontal Directional Drilling (HDD) angle for crossing the A525 must be considered and is a limiting factor in adjusting the 40 m corridor route. In addition, it is not possible to commit at this stage to the onshore export cables being placed at one location within the corridor as following further site investigation environmental constraints such as ground conditions, archaeological assets, and crossing of existing assets as illustrated in Figure 10 of the onshore project description chapter of the ES (APP-062) will need to be taken into account.</p> <p>Options to relocate the crossing of the A525 further South were also explored following S42 feedback, however, this would create wider impacts on residential properties in Rhuddlan and the Afon Ffyddion watercourse whilst also increasing the technical risks of the trenchless crossings of these roadways. In addition the routing of the cable in this area needs to align with the entry to the OnSS site.</p> <p>b) Directional drilling the entire length; and</p> <p>The ability to HDD the entire length of the land holding is constrained due to the requirement for HDD entry and exit pits, which in practice would be required within the IP's land. This would be necessary because it is not technically feasible to HDD under the A525 from east to west and then continuously HDD to avoid the IPs landholding. In review of Figure 10 of the onshore project description chapter of the ES (APP-062) it is apparent that any HDD would also be required to change direction at a sharp angle in order to achieve the bend immediately to the west of the A525 crossing. to turn an HDD at such an angle is challenging, and as such the area required to facilitate an appropriate bend radius may result in a greater quantum of land being required within the IPs land holding.</p> <p>c) Removing or significantly reducing the size of the construction compounds."</p> <p>The project requires an HDD crossing of the A525, as illustrated in Figure 10 of the onshore project description chapter of the ES (APP-062). A temporary construction compound is required to facilitate this crossing, and to support in the onward construction of the onshore export cable towards the River Clwyd. It is considered that the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			construction compound is in keeping with other similar proposals and is already as refined as is practicable.

## 2.11 Landscape and Visual

Table 11: Landscape and Visual.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
10.1	Applicant	<p>Hedgerows</p> <p>The dDCO (Sch 10, Part 1) provides for the removal of hedgerows 118a to 118b and 121a to 121b. Please:</p> <p>a) clarify the reasons for this, noting that if for visibility splay purposes, the relevant operational access would be used only once or twice a year (pg 53 of [REP1-001]);</p> <p>b) highlight where on plan [REP3a-010] point 121a is or add it if necessary; and</p> <p>c) where the replacement of these hedgerows would be secured, noting that this is shown on Figure 2 of the oLEMP but does not appear to be provided for in the relevant work numbers within the dDCO.</p>	<p>a) The removal of hedgerows 118a to 118b and 121a to 121b is required for visibility splay purposes. There are two overlapping visibility splay requirements in this area:</p> <ul style="list-style-type: none"> <li>▲ One for the permanent substation access on the north side of Glascoed Road</li> <li>▲ One for the temporary cable route access on the south side of Glascoed Road.</li> </ul> <p>Visibility splays are required for the safety of all users of the highway. The extent of visibility splay required in this location has been designed around the highway design speed, based on the range of potential access locations within the relevant Works areas on the north and south sides of Glascoed Road. Clear visibility is necessary for drivers to be able to see a potential hazard in time to take appropriate action and be able to stop in time.</p> <p>The final visibility splay extents would depend on the final location of the respective access points and any potential traffic management measures that would be agreed with the Local Authority.</p> <p>The onshore project description (APP-062) indicates that the permanent substation access will be used approximately once per week. The operational access (on the south side of Glascoed Road, for cable route maintenance) does not have a visibility splay as it is used only once or twice per year.</p> <p>b) The Hedgerow and Protected Tree Plan (REP3a-010; Application reference 2.12) will be updated to add the label for point 121a, which is currently obscured. The updated plan will be submitted at Deadline 6.</p> <p>c) Replacement of hedgerows is not specified and would be part of the permanent landscaping and ecological enhancement within the relevant work and as part of general associated development in I (provision of temporary and permanent ecological and environmental mitigation and compensation works) and (i) (landscaping works and habitat creation). The landscaping for the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>onshore works is secured under the oLEMP through Requirement 13 which sets out the mitigation, compensation and enhancement proposed by the Applicant. The ecological management of the construction is secured within the Construction Method Statement (REP4-017). Paragraph 46 sets out that <i>'all habitats will be reinstated in accordance with the final LEMP, as soon as possible after construction. Hedgerows along the onshore Export cable Corridor will be reinstated using a species rich locally appropriate native mixture...'</i></p>
10.2	Applicant, DCC	<p>Screening</p> <p>The ExA notes that the purpose of the woodland planting in the southwestern area of the OnSS site is to assist with the screening of the proposed substation for the occupiers of properties along Glascoed Road. Noting comments made by Interested Parties during ISH3: a) has any consideration been given to how this might affect any current open views over the landscape from these properties; and b) would there be the opportunity for the occupiers of residential properties in the vicinity of the ONSS site (<i>i.e.</i> those along Glascoed Road and at Faenol Broper) to comment on landscape proposals for the wider OnSS site?</p>	<p>a) The Applicant notes that some of the existing properties on Glascoed Road do not have an open outlook to the north due to the existing trees located on the opposite side of the road, within the Bodelwyddan Castle Registered Historic Park and Garden.</p> <p>Consideration was given to how the views from the properties would be affected by the planting with a change being made to the arrangement of the proposed planting between PEIR and application stage versions so that an area of open space was left immediately opposite the houses rather than creating a continuation of the Bodelwyddan planting along the boundary, which had been the proposal at PEIR stage.</p> <p>At the detailed design stage further consideration would be given to the ultimate height and location of the planting in order to achieve screening of the proposed OnSS whilst also retaining as much of the view towards the sea and Clwydian Range hills as possible from the properties where such views currently exist.</p> <p>b) The Applicant confirms that there will be the opportunity for the occupiers of residential properties in the vicinity of the OnSS site (<i>i.e.</i> those along Glascoed Road and at Faenol Broper) to be discussed via consultation on the Design Guide (as set out in the updated Design Principles Document that was provided at Deadline 4 (REP4-009; Application reference 8.8). Local residents will also be able to comment on the materials submitted to DCC as part of the local authority's consultation for any discharge of DCO Requirement applications.</p>

## 2.12 Marine and Coastal Physical Processes

Table 12: Marine and Coastal Physical Processes.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
11.1	Applicant	<p>Central Prestatyn Coastal Defence Scheme</p> <p>In response to Denbighshire County Council Relevant Representation [RR-001] it was stated that "The Applicant is liaising with the Central Prestatyn Coastal Defence Scheme, is confident that both schemes can co-exist and, will keep the ExA informed as discussions progress."</p> <p>Please provide an update in respect of such discussions.</p>	<p>The Applicant continues to liaise with the Central Prestatyn Coastal Defence Scheme (CPCDS) with the most recent communication on 24 January 2023 from the Applicant and a response from CPCDS on the 27 January 2023. CPCDS confirmed they were presently still working to the shared timeline and design, and communication lines remain open between to two parties.</p> <p>The Applicant remains confident that both schemes can co-exist and that communication will be maintained between the organisations as they move towards their respective construction phases.</p>



## 2.13 Marine – Commercial Fisheries, Shipping and Navigation

Table 13: Marine – Commercial Fisheries, Shipping and Navigation.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
12.1	Applicant	<p>Commercial Fisheries</p> <p>Please explain how mitigation has been designed to enhance any potential medium and long-term positive benefits to the fishing industry and commercial fish stocks.</p>	<p>Paragraph 2.6.135 of NPS EN-3 (and paragraph 2.31.11 of NPS EN-3 states):  <i>“Mitigation should be designed to enhance where reasonably possible any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment.”</i></p> <p>Mitigation measures relevant to commercial fisheries are presented in Table 10 in ES Volume 2, Chapter 8: Commercial Fisheries (APP-054). These measures are intended to minimise impacts on commercial fisheries and promote co-existence between AyM and commercial fishing activity.</p> <p>With reference to conditions secured by the Marine Licence Principles (REP4-023; Application reference 5.4.1) such as the Cable Specification and Installation Plan (CSIP) (Condition 20) and Scour Protection Management Plan (Condition 43), the Applicant will give due consideration to nature-based design in development of the final design during the finalisation and agreement of such plans with NRW in the post-consent phase that could provide ecological enhancement with positive benefits to the fishing industry and commercial fish stocks. See also the Applicant’s response to ExQ2.12.5.</p>
12.2	Applicant	<p>Commercial Fisheries (Safety Zones)</p> <p>In your response to ExQ1.12.14 [REP1-007] you state that you “intends to apply to the SoS for safety zones once the final number and precise location of the offshore infrastructure is decided” and ExQ1.4.23 [REP1-007] “the Safety Zones may extend beyond the Order Limits”. Please summarise your approach to assessing the potential effects of safety zones on commercial fishing.</p>	<p>Safety Zones are included within the Maximum Design Scenario (Table 9, ES Volume 2, Chapter 8: Commercial Fisheries (APP-054)) and therefore taken into account in the assessment of potential impacts of AyM on commercial fisheries. It is assumed that where and whilst a Safety Zone is enacted, commercial fishing activity will be temporarily excluded from the 500 m diameter Zone. The presence of Safety Zones will be notified to other sea users, including fishermen, via timely issue of Notice to Mariners (Condition 1 of the Marine Licence Principles; REP4-023; Application reference 5.4.1). The final number and location of Safety Zones will be determined post-consent and subject to application to the SoS (APP-297).</p>
12.3	Isle of Man	<p>Commercial Fisheries</p> <p>Please respond to the Applicant’s replies to IoM’s responses [REP3-002] to ExQ1.12.5b, 1.12.5c and 1.12.6.</p>	<p>The Applicant acknowledges that this question is directed to the Isle of Man, however, has provided the following response which may be useful context for the ExA.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The Applicant has been in regular contact with the Isle of Man Government since to discuss the issues raised in their responses to ExQ1 and to progress a Statement of Common Ground (SoCG). With reference to Section 3.3 of the SoCG (REP4-014), it is noted that IoM Government does not have any outstanding material concerns regarding commercial fisheries.</p>
12.4	Applicant	<p>Commercial Fisheries</p> <p>With reference to Carl Davies' Deadline 1 Submission [REP1-098] responding to ExQ1.18.8 and your response to this [REP2-003] please summarise the potential impact on:</p> <ul style="list-style-type: none"> <li>a) commercial fish and shellfish catches – the extent of area beyond the windfarm footprint when piling of foundations takes place;</li> <li>b) finfish species and shellfish catches - affected by piling and displacement effects; and</li> <li>c) gradual recovery for some species, but perhaps not for others.</li> </ul>	<p>Detailed assessments of the potential impacts of AyM on fish and shellfish ecology are provided in ES Volume 2, Chapter 6: Fish and Shellfish Ecology (APP-052). ES Volume 2, Chapter 8: Commercial Fisheries (APP-054) assesses the potential subsequent impact for the owners of fishing vessels, where commercially important stocks may be disturbed or displaced to a point where normal fishing practices would be affected.</p> <p>Volume 2, Chapter 6 assesses potential mortality, injury, behavioural impacts and auditory masking arising from noise and vibration associated with the construction of AyM, including during piling. The detailed assessment in Chapter 6 concludes that in relation this potential impact, the significance of the effect will be minor adverse for fish and shellfish species, including those in an egg/larval state. With respect to the magnitude of this impact on commercial fisheries (assessment presented in full in Section 8.10.5 in Volume 2, Chapter 8), the overall significance of the effect on fish and shellfish species is considered (<i>i.e.</i>, both the magnitude and sensitivity of fish and shellfish species are considered to assess the magnitude on commercial fishing fleets). This is because the overall effect on the fish and/or shellfish species relates directly to the availability and amount of exploitable resource. The magnitude of this impact on commercial fisheries is therefore low adverse (short-term impact with minor loss of biological resource; see Table 6 in Volume 2, Chapter 8). The sensitivity of fishing fleets to this impact is considered to be low (fishing fleet has some vulnerability to the impact and moderate levels of alternative fishing grounds; see Table 7 in Volume 2, Chapter 8) due to the range of alternative areas targeted by fleets active in the area and the distribution of key commercial species throughout the Irish Sea. The significance of AyM activities leading to disturbance of commercially important fish and shellfish resources, leading to disruption or displacement of fishing activity is minor adverse. This impact will be temporary during the construction phase of AyM.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>Volume 2, Chapter 6 assesses the potential impacts from AyM on fish and shellfish ecology. The assessments take into consideration the magnitude of the impact and the sensitivity of the receptors, which then inform the significance of effect. When considering the sensitivity of each receptor the recoverability of each receptor to the impact is given due consideration and informs the overall sensitivity rating of the receptors. The recoverability of a receptor is largely informed by the Marine Life Information Network (MarLIN) sensitivity assessments, which takes account the resistance and recoverability (resilience) of a species in response to a stressor. Specific benchmarks (duration and intensity) are defined for the different impacts for which sensitivity is assessed (e.g., smothering, abrasion, habitat alteration etc.). Detailed information on the benchmarks used and for further information on the definition of resistance and resilience can be found on the MarLIN website (██████████). For example, Edible crab (<i>Cancer pagurus</i>) were assessed as having high-very high recoverability rates to increased suspended sediment and smothering impacts respectively within the MarLIN sensitivity assessments on the basis that the species can escape from under silt and migrate away from impact areas. This conclusion has therefore been used to inform the assessment of recoverability of the receptor to increased SSC and deposition from construction and decommissioning of Awel y Môr in Volume 2, Chapter 6. Clarification on how the vulnerability, recoverability and importance of receptors are considered in order to determine their sensitivity to the impacts has been provided in Section 6.5.2 of Volume 2, Chapter 6, and within ETG Clarification Note: Fish Noise Sensitivity Weighting Justification. See Evidence Plan Report within Appendix D4 of the Evidence Plan Report Appendices (APP-303).</p>
12.5	Applicant, NRW	<p>Commercial Fisheries</p> <p>Please provide an update on emerging solutions to ecological engineering for cable and scour protection with biodiversity in mind.</p>	<p>The Applicant's position remains as set out in its response to ExQ1.2.9 (REP1-007). Within that submission, the Applicant highlighted that it will consider the (cable protection) solutions that are available when the CSIP is being developed post consent. Whilst not yet common practice in the UK, the Applicant is aware that the concept of using protection material associated with offshore wind farm infrastructure to enhance marine biodiversity is undergoing significant exploration across a number of European states, most noticeably in the Netherlands, examples of which include the BENSO project and the Rich North Sea Project. These initiatives</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>are trialing nature-based design solutions aimed at increasing our knowledge of how to maximise gains for nature whilst meeting the need for the safe deployment of offshore wind farm infrastructure. Within the UK, initiatives are starting to come forward under The Crown Estate led Offshore Wind Evidence and Change (OWEC) Programme to explore a number of strategic themes for the offshore wind sector, with one such study linked to this concept. Cefas have been commissioned to undertake a study termed Nature Inclusive Cable Enhancement (NICE) Protection. This project aims to review existing cable protection technologies and explore different innovative Nature Inclusive Design (NID) solutions.</p> <p>In terms of specific solutions, the Applicant is aware of a number of organisations that are actively developing innovative, ecologically-focused scour protection products such as (but by no means limited to) ARC Marine, EConcrete, Exo Engineering and BESE-products. The Applicant anticipates that with the ongoing research across Europe on this topic, there will be a strong evidence base to inform any future consideration for scour and/ or cable protection associated with AyM. It is important to note (as set out in the Applicant's original response on this topic) that the application of any such solutions within the final scheme design will be influenced by the expectations of the SNCB and regulatory authority at that time.</p>
12.6	Applicant	<p>Commercial Fisheries</p> <p>Table 7, Offshore Conclusions [AS-028] references to:</p> <p>a) Displacement from AyM array, and Displacement from AyM offshore ECC; "leading to gear conflict and increased fishing pressure on adjacent grounds". Please confirm the activity that causes this displacement.</p> <p>b) Please confirm the activity associated with "Additional steaming to alternative fishing grounds for vessels that would otherwise fish within the AyM area".</p> <p>c) Please define the fishing grounds reference in "Increased vessel traffic within fishing grounds as a result of changes to shipping routes and maintenance vessel traffic from AyM leading to interference with fishing activity".</p>	<p>a) During the construction phase, the presence of construction vessels and Safety Zones will locally exclude fishing activity. During the operation and maintenance phase, the physical presence of installed infrastructure and any associated Safety Zones for maintenance activities will locally exclude fishing activity. Where fishing activity is excluded, it may be displaced into other areas that may already be exploited thereby leading to gear conflict and increased fishing pressure on adjacent grounds.</p> <p>b) During the construction phase, the presence of construction vessels and Safety Zones will locally exclude fishing activity. During the operation and maintenance phase, the physical presence of installed infrastructure and any associated Safety Zones for maintenance activities will locally exclude fishing activity. Where fishing activity is excluded, fishing vessel owners may choose to fish in other targeted areas, such as offshore from the array area, leading to longer steaming distances to alternative fishing grounds.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			c) During the construction and operation and maintenance phases, AyM-related vessel traffic may interfere with fishing activity where AyM-related vessels are present/transiting through fishing grounds (i.e. areas where commercial fishing vessels target their intended catch).
12.7	Applicant	Shipping & Navigation (Safety Zones) In your response to ExQ1.4.23 [REP1-007] "the Safety Zones may extend beyond the Order Limits" please summarise your approach to assessing the potential effects of safety zones on shipping and navigation including potential effects on recognised sea lanes.	Potential impacts from safety zones have been assessed within the ES Volume 2, Chapter 9: Shipping and Navigation (APP-055) for both construction phase (Section 9.10) and operation phase (Section 9.11). Worse case assumptions are detailed within Table 8 (Maximum Design Scenario) and assume that the safety zones (maximum of 500 metres) could extend temporarily out of the order limits. No significant effects have been identified. It is also noted, with reference to the SoCGs with the Maritime and Coastguard Agency (MCA) (REP2-050), Trinity House (REP4-030) and Chamber of Shipping (CoS) (REP4-031), that stakeholders are broadly in agreement with the assessment and its findings, including that the ES and Navigation Risk Assessment (NRA) have identified and assessed the worst-case scenario appropriately.
12.8	Applicant	Shipping & Navigation Please summarise your approach to navigation risk assessment cumulative and in-combination risks associated with the Proposed Development and other proposed developments in the same area of sea.	The overarching Cumulative Effects Assessment Methodology (APP-042) and long list provide the project methodology for assessing cumulative effects. However, given the unique effects associated with shipping and navigation receptors, the cumulative (and in combination) assessment for shipping and navigation users is unique and provided in the Navigation Risk Assessment (APP-111), Section 3.4. The unique approach recognizes the distance vessel may have travelled and therefore considered projects within 100 nautical miles where a pathway between the vessel route and another project exists. The methodology aligns with the Formal Safety Assessment methodology that the MCA require.
12.9	Applicant	Shipping & Navigation Please explain the measures to be adopted (including how it would be secured) to ensure cable protection infrastructure would not reduce (by no more than 5%) the surrounding depth referenced to Chart Datum.	It is recognised that it is not always possible to limit reduction in navigable depth to less <5%. As noted within Table 9 of APP-055, the Applicant will comply with the requirements of Marine Guidance Note (MGN) 654 (Maritime and Coastguard Agency, 2021) which states " <i>the Maritime and Coastguard Agency (MCA) would be willing to accept up to 5% reduction in surrounding charted depths referenced to Chart Datum, unless developers are able to demonstrate that any identified risks to any vessel type are satisfactorily mitigated.</i> "

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The standard Marine Licence conditions suggested by MCA in their consultation response to NRW MLT (REP3a-028), suggest that a Cable Burial Risk Assessment (CBRA) should be undertaken to identify <i>“any cable protection that exceeds 5% of navigable depth referenced to chart datum and, and in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection”</i>. The Applicant is content with the suggested condition and has included a Cable Specification and Installation Plan (CSIP), incorporating a CBRA within Condition 20 of the Marine Licence Principles (REP4-023; Application reference 5.4.1).</p> <p>It is also noted that the MCA state that they 'will continue discussions with Natural Resource Wales in terms of content of the Marine License. On the understanding that they are secured within the Marine License, MCA are content with the mitigation measures proposed' (REP2-050). The Applicant is currently seeking agreement from MCA that the requested conditions are appropriately included.</p>
12.10	Applicant	<p>Shipping &amp; Navigation</p> <p>Please outline the process and parties involved (including how it is secured) to agree the detailed design array layout, and whether construction could commence in the array area prior to an agreed detailed design array layout with relevant stakeholders.</p>	<p>Framework Layout Commitments have been agreed with the Maritime and Coastguard Agency (MCA) and Trinity House (ES Volume 4, Annex 9.1: Navigation Risk Assessment (APP-111) Section 19.1). The Framework layout commitments define parameters within which the final layout will be defined and agreed with the MCA and Trinity House to ensure suitable Search and Rescue (SAR) and surface navigation access alongside the requirements of Marine Guidance Note (MGN) 654 (Maritime and Coastguard Agency, 2021). As noted within Table 9 of ES Volume 2, Chapter 9: Shipping and Navigation (APP-055) (Mitigation Measures Relating to Shipping and Navigation), the Applicant states that the final layout will be approved following discussion and agreement with MCA and Trinity House, this approval is required pre-construction as described within (APP-055) and the Schedule of Mitigation and Monitoring (REP4-021; Application Reference 8.11). This is proposed to be secured as a condition within any Marine Licence granted by NRW as outlined in the Marine Licence Principles (REP4-023; Application reference 5.4.1) at Condition 19. Within their SoCG, MCA state that they <i>'will continue discussions with</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<i>Natural Resource Wales in terms of content of the Marine Licence. On the understanding that they are secured within the Marine Licence, MCA are content with the mitigation measures proposed' (REP2-050).</i>
12.11	Applicant	Shipping & Navigation Please clarify if the Proposed Development would minimise negative impacts to as low as reasonably practicable (ALARP) and summarise your approach to securing mitigation.	As per Table 12 of ES Volume 2, Chapter 9: Shipping and Navigation (APP-055) all impacts on shipping and navigation receptors are considered to be within As Low As Reasonably Practicable (ALARP) levels. This includes impacts that have a residual risk of either Broadly Acceptable or Tolerable with the mitigation proposed in Table 9. Within their SoCG, the MCA state that they <i>'will continue discussions with Natural Resources Wales in terms of content of the Marine Licence. On the understanding that they are secured within the Marine Licence, MCA are content with the mitigation measures proposed' (REP2-050).</i> MCA asked for a list of standard conditions to be included in any Marine Licence granted in their consultation response to NRW Marine Licensing Team (MLT) (REP3a-028), which the Applicant is content with and considers standard conditions. The Applicant has updated the Marine Licence Principles (REP4-023; Application reference 5.4.1) and is in the process of confirming with MCA that these are included appropriately.
12.12	Applicant	Shipping & Navigation Please summarise your strategy towards shipping and navigational monitoring during the Proposed Development construction phase.	Monitoring of vessel traffic is a standard consent condition of the MCA during the construction phase. MCA asked for a list of standard conditions to be included in any Marine Licence granted in their consultation response to NRW Marine Licensing Team (MLT) (REP3a-028), which the Applicant is content with and has therefore included wording in relation to vessel monitoring in its proposed conditions in the Marine Licence Principles (REP4-023; Application reference 5.4.1) at Condition 38.

## 2.14 Marine – Natural

Table 14: Marine – Natural.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
13.1	Applicant	<p>Mitigation</p> <p>NRW's written submission for Deadline 3 [REP3-026] notes their agreement with your proposed approach to post-construction monitoring of secondary scour, with a monitoring plan conditioned as part of any Marine Licence granted. Please update the Schedule of Mitigation [REP2-024] to reflect this.</p>	<p>The Applicant will undertake post-construction monitoring (see the Marine Licence Principles (REP4-023; Application reference 5.4.1) which will include surveys of any secondary scour undertaken for the purposes of asset protection. This is noted as a point agreement between the Applicant and NRW in Section SoCG06-1.13 of REP3-020. The Applicant has updated the Schedule of Mitigation and Monitoring submitted at Deadline 4 (REP4-021; Application Reference 8.11) to reflect the agreement that monitoring of secondary scour will be undertaken as part of the asset-protection monitoring secured via a condition in the Marine Licence.</p>
13.2	Applicant	<p>Marine Biosecurity Plan</p> <p>The commitment to a freestanding and separate Marine Biosecurity Plan in [REP2-002] is noted. NRW advise that such a plan should be secured by both the Marine Licence and the DCO given jurisdictional overlap. However, the dDCO does not as yet contain such security. Please update the dDCO as necessary.</p>	<p>The dDCO includes an Invasive Non-native Species Management Plan (INNSMP) (REP2-047; Application reference 8.13.11) which must be approved by Denbighshire County Council (DCC) in advance of works as part of the Code of Construction Practice (Document 5.12 of the Applicant's Deadline 5 submission; Application reference 8.13). This will cover onshore biosecurity landward of Mean Low Water Springs with DCC as the discharging authority. As set out in the revised Marine Licence Principles Document (REP4-023; Application reference 5.4.1), it is proposed that this will also be included in ML4 given that the works will be undertaken in the onshore environment.</p> <p>The Marine Biosecurity Plan will be included in the Project Environmental Management Plan. This will be secured as a condition in the other marine licences (ML1, ML2 and ML3) and will need to be agreed with NRW prior to commencement of offshore works. The PEMP will cover offshore biosecurity seaward of Mean High Water Springs.</p> <p>There will therefore be an overlap between the INNSMP and Marine Biosecurity Plan in the intertidal area. However, it is envisaged that both plans will focus on different aspects so the overlap will be appropriately managed and no conflict is anticipated.</p>



## 2.15 Public Health and Nuisance

Table 15: Public Health and Nuisance.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
14.1	Applicant	<p>Impact of Noise and Vibration on Businesses</p> <p>Glyndwr University on Behalf of Glyndwr Innovations, raised concerns about the potential impact of noise and vibration from the project on the operation of their business located on St Asaph Business Park [RR-035]. Please provide an update on any discussions with Glyndwr University or Glyndwr Innovations on this issue.</p>	<p>The Applicant has not received any further correspondence from Glyndwr University following the issue of ExQ1.14.11 (PD-006). The Applicant's position with regard to the potential for vibration to occur from operation of the substation is set out in R17Q2.3(c) of the Applicant's response to the 19 December 20220 Rule 17 request for further information (REP4-005). With regard to the management of potential vibration arising from construction of AyM, ES Volume 3, Chapter 10: Noise and Vibration (APP-071) concludes that any trenchless crossing techniques operations are likely to have a minor adverse level of effect, that would not be significant in EIA terms, on users of St Asaph Business Park.</p> <p>The Applicant has committed to a Noise and Vibration Management Plan (REP2-020; Application reference 8.13.2) to be agreed with DCC prior to construction starting. This is secured via DCO R10.</p> <p>The Applicant has also committed to a Communication Plan (REP2-049; Application reference 8.13.12) as part of its CoCP to ensure that local residents and businesses are kept informed as to when works such as trenchless crossing technique operations, any piling that might be required and large deliveries will be expected. This is also secured via DCO R10.</p>
14.2	Glyndwr University (on behalf of Glyndwr Innovations Limited)	<p>Impact of Noise and Vibration on Businesses</p> <p>Please provide a response to question ExQ1.14.11 [PD-006] and an update on any discussions with the Applicant.</p>	N/A

## 2.16 Seascape, Landscape and Visual

Table 16: Seascape, Landscape and Visual.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
17.1	Applicant	<p>Landscape enhancements</p> <p>Please provide an update on discussions / negotiations around potential landscape enhancements to designated areas.</p>	<p>Further to the update the Applicant provided at Deadline 4 in REP4-003, the Applicant held discussions with a representative of the North Wales Local Planning Authorities (NWLPAs) on 1 February 2023, and understands that a review of the draft Landscape Enhancement s106 agreement is being undertaken by the NWLPAs with a view to providing feedback to the Applicant in the near future. The Applicant will continue to engage on this matter and can provide updates at future Deadlines.</p>

## 2.17 Socio-Economic

Table 17: Socio-Economic.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
18.1	Welsh Government, DCC and CCBC	<p>Local Content</p> <p>In response to ExQ1.18.26 [REP1-007] the Applicant stated they “would have significant concern about a proportion of local content being secured through the DCO”.</p> <p>Noting this response and the requirement of the Applicant to submit a Supply Chain Plan in order to be eligible to apply for a Contract for Difference, do you still consider it necessary to secure a percentage of local content for jobs from within the North Wales region during the construction and/or operational phase?</p> <p>If so, please provide a realistic target figure and how this could be secured.</p>	N/A
18.2	Applicant	<p>Supply Chain Plan</p> <p>In response to paragraph 13.4-13.7 of Denbighshire County Council Local Impact Report [REP1- 056] and the Welsh Government Response to ExQ1.18.4 [REP1-097], it was confirmed that you have been proactively undertaking activities to include and maximise the use of local suppliers wherever possible and that you are fully aware and supportive of the benefits of local content and that there are opportunities to maximise higher levels of local sourcing.</p> <p>Please provide an overview of activities undertaken to date.</p>	<p>The Applicant is currently working towards submission of a Supply Chain Plan (SCP), a key requirement of an application for a Contract for Difference (CfD), to the Department for Business, Energy and Industrial Strategy (BEIS), at the next CfD application window. The Applicant's current understanding is that the SCP will be submitted towards the end of 2023, with the full CfD application to be made in Q1 2024.</p> <p>In support of the drafting of that SCP document, the Applicant is in the process of engaging with a range of stakeholders on a number of aspects of the SCP – based around the four categories of Green Business Growth, Infrastructure, Innovation and Skills. The Applicant has recently sent out a questionnaire to local parties including LPAs, Welsh Government, regional and national skills representatives, commerce organisations and education providers and has commenced meetings with some of these bodies to discuss their views on how the SCP should be developed. Local content is an important part of those discussions within the Green Growth section of the SCP, though the input requested from organisations extends to the full suite of SCP topics (as above) where relevant to that organisation's remit.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>The Applicant intends to continue engagement throughout 2023, ahead of the SCP submission, and is currently planning a number of supplier engagement events, likely to take place in Q2 2023.</p> <p>The Applicant also continues to work with other sector bodies, through organisations like the Offshore Energy Alliance (OEA), to ensure there is an industry-wide approach to supply chain engagement and local capabilities assessment. The Applicant has held, and will continue to hold, discussions with Welsh Government, on the best approach to bring forward industry engagement.</p>
18.3	Applicant, DCC, CCBC, IoACC	<p>Requirement 20 – Skills and Employment Strategy</p> <p>Is it necessary to include Requirement 20 in the Schedule of Mitigation [REP2-024]?</p>	The Applicant has updated the Schedule of Mitigation and Monitoring to include the Skills and Employment Strategy (REP4-007) at Item 487 (REP4-021; Application reference 8.11).
18.4	Applicant and Mr Carl Davies	<p>Scour Protection and Lobster Hatcheries</p> <p>The reply to Mr Carl Davies' response to ExQ1.18.8 at Deadline 2 [REP2-003] by the Applicant is noted by the ExA.</p> <p>Please can both parties provide an update in respect of any further discussions regarding scour mitigation and possible lobster hatcheries.</p>	<p>No further discussions have taken place between the Applicant and Mr Davies. As stated at Deadline 2, the Applicant is aware that there are emerging solutions to ecological engineering for cable and scour protection with biodiversity in mind. See also the Applicant's responses to ExQ2.12.1 and 2.12.5 above which provide further detail regarding the Applicant's position on offshore biodiversity enhancement and nature-inclusive design.</p> <p>The Applicant will continue to engage with stakeholders (including commercial fisheries stakeholders under the Fisheries Liaison and Co-Existence Plan, REP1-033; Application reference 8.5) to ensure these options are thoroughly appraised post-consent as the design is finalised. The Applicant considers that this is a matter for the Marine Licence, via plans such as the Cable Specification and Installation Plan (CSIP) (Condition 20 of the Marine Licence Principles (REP4-023; Application reference 5.4.1)), a draft template for which has been provided in the Applicant's response to R17Q1.1 (REP4-008).</p>
18.5	Welsh Government	<p>Community Linguistic Statement</p> <p>Noting the reply by the Applicant to the Welsh Government response to ExQ1.18.12 [REP2-003], are you satisfied that the Community Linguistic Statement has adopted an appropriate and proportionate approach?</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		If not, please provide further detail.	
18.6	Applicant	Draft Skills and Employment Strategy In reply to the Welsh Government response to ExQ1.18.12 [REP2-003], it is stated you will consider the Welsh Language when consulting on the draft Skills and Employment Strategy. Please expand on how this consideration will be implemented in practice?	AyM consulted Welsh Government and other key stakeholders on the outline Skills and Employment Strategy (oSES) from October 2022 to January 2023. The resulting feedback helped shape the submitted oSES (REP4-007), including consideration of the Welsh Language as laid out in Section 1.5 Policy Context.
18.7	CCBC	10-year Regeneration Plan for Llandudno In response to ExQ1.18.4 [REP1-054] reference was made to a 10-year regeneration plan for Llandudno. Please provide either a copy or link to this plan.	N/A
18.8	Applicant	Visitor Displacement In response to ExQ1.18.27 [REP1-054], CCBC stated that "Whilst it was noted in Chapter 4, Volume 3 of the ES that there is opportunity for these visitors to be displaced by younger visitors, there is no evidence to support this." Please confirm whether such evidence exists?	There is no specific evidence on this issue, however, the statement is underpinned by a clear logic chain. Any overnight visitors who decide not to visit Llandudno due to the development or presence of AyM would free up a bed space that may be able to be filled by another visitor. The potential for displacement of visitors is most relevant during peak months when demand is strong and visitor accommodation is highly occupied. The response to ExQ1.18.27 (REP1-054) used the example of younger visitors because they are less likely to be deterred by offshore wind development, but this could apply to any visitor who shares similar views (regardless of age).
18.9	Applicant	Cwybr Fawr Partnership In response to ExQ1.18.6 [AS-045], Rostons on behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes, stated that in respect of the livery "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 stabled permanently, all other land is 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."	The onshore project description (APP-062), paragraph 91, confirms an anticipated duration of 18 months for the onshore cable route construction works. The Applicant is not in a position to comment on whether the paddocks will be unusable during construction at this stage as this will depend upon the timing of the construction works and the current and future use by the Cwybr Fawr Partnership. The Applicant would happily look to develop further detail regarding the proposed mitigation in this area, that can be informed by detailed scheme design, with the landowners and their agent where

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
		Please confirm how long the 6 paddocks will be unusable due to construction works?	reasonable, practicable and effective in relation to useability or otherwise of the paddocks.
18.10	Applicant	<p>Cwybr Fawr Partnership</p> <p>In response to ExQ1.18.6 [AS-045], Rostons on behalf of Mrs H Proffitt, Mrs J Johnson, Mrs S Archdale and Mrs R Hughes, stated that in respect of the touring pitches "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>In light of the above, has consideration been given to further mitigation measures in this location?</p>	<p>The Applicant is not in a position to comment on whether the hardstanding "will not be viable while the compound is in use" as this will depend upon the timing of the construction works and the current and future use by the Cwybr Fawr Partnership (CFP). The Applicant will happily look to develop further detail regarding the proposed mitigation in this area, that can be informed by detailed scheme design, with the landowners and their agent where reasonable, practicable and effective.</p> <p>It will clearly be in both parties' interests to minimise the effects of the development on the commercial operation of the CFP.</p>
18.11	Welsh Government, DCC and CCBC	<p>Equalities Impact Report</p> <p>Please confirm whether you are satisfied with the assessment approach adopted and conclusions as detailed within the Equalities Impact Report [REP3-010].</p> <p>If not, please explain your reasons.</p>	N/A

## 2.18 Tourism and Recreation

Table 18: Tourism and Recreation.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
19.1	DCC	<p>Outline Public Access Management Plan (oPAMP)</p> <p>The comments in the DCC Local Impact Report (LIR) in respect of the draft oPAMP are noted. At D1 [REP1-036] and D2 [REP2-041] the Applicant submitted revised versions of the oPAMP.</p> <p>Do the revised versions of the oPAMP deal satisfactorily with your requests/concerns? If not, please explain your reasons.</p>	N/A
19.2	Applicant	<p>Recreational Diver Safety</p> <p>Noting the Marine Licence Principles document [REP2-022] and the mitigation measures embedded into the project design (Table 23 of the Tourism and Recreation ES Chapter [APP- 065]), please confirm how recreational divers will be informed of the commencement of construction works and where necessary, maintenance works during operation?</p>	<p>The Applicant has a well-established process for issuing Notice to Mariners (NtM) for survey, construction and relevant operational work across all the RWE operated Liverpool Bay wind farms. The Applicant will inform dive clubs and regional recreational dive organisations of construction and operational activities on AyM through NtM issued to those bodies.</p> <p>As detailed in the Marine Licence Principles document (REP4-023; Application reference 5.4.1), NtM will be issued prior to commencement of construction and at weekly intervals through construction, as well as for planned operations and maintenance work.</p>
19.3	Applicant	<p>Eryri National Park (NP), Anglesey Area of Outstanding Natural Beauty and Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB)</p> <p>What specific consideration has been given to the effect on the special quality indicators of the NP and the two AONBs in terms of tourism and recreation activities during the construction, operation and decommissioning phases of the Proposed Development?</p>	<p>The SLVIA (AS-027) considers the effect of AyM on views from various visitor attractions and recreational areas/routes in Eryri National Park (NP), Anglesey Area of Outstanding Natural Beauty (AONB) and Clwydian Range and Dee Valley AONB in sections 10.11.5 and 10.11.3 and in Denbighshire from paragraph 1233 respectively. It has also assessed the relevant Special Qualities within Eryri National Park, Anglesey AONB and the Clwydian Range and Dee Valley AONB as agreed with NRW and the North Wales Local Planning Authorities through the Section 42 consultation. The agreed relevant special qualities for assessment in the SLVIA did not include those relating to tourism and recreation activities.</p> <p>The zone of theoretical visibility includes areas of the Eryri NP, Anglesey AONB and Clwydian Range and Dee Valley Area of Outstanding Natural Beauty AONB. These locations are an important part of the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>North Wales tourist offer. The Tourism and Recreation Chapter notes there were around 650,000 walkers on Snowdon in 2018. The development of AyM would have an impact on the views out to sea from these locations. ES Volume 2, Chapter 10: Seascape, Landscape and Visual Impact Assessment (AS-27) conducted an assessment on the visual resource landscape character, seascape character and AONB/ Snowdonia National Park special qualities. The assessment finds non-significant effects on Snowdonia National Park special qualities and Clwydian Range and Dee Valley AONB special qualities (diverse landscape, remote and wilderness and tranquillity and solitude special qualities) but does find a number of significant effects on Isle of Anglesey AONB special qualities in a number specific locations (such as several viewpoints along the Anglesey coast and areas where the AyM OWF would form part of the backdrop to the islands of Ynys Moelfre, Ynys Dulas and Puffin Island).</p> <p>The evidence base presented in ES Volume 3, Chapter 4: Tourism and Recreation (APP-065) was used to assess the magnitude of impact on the volume and value of the tourism economy for local study area level (which includes the areas mentioned in this question and can be seen in Figure 1 of Volume 3, Chapter 4). This was assessed as negligible for all phases of the development.</p> <p>It is recognised that the areas listed above have a number of special qualities that are listed within Section 10.7 of ES Volume 2, Chapter 10: Seascape, Landscape and Visual Impact Assessment (AS-027). A number of these special qualities are key elements of the visitor offer and are therefore key factors that help to draw in the scale of visitor numbers and the associated economic value set out in Section 4.7 of Volume 3, Chapter 4. It should be noted the special qualities have been holistically considered within the tourism and recreation assessment alongside other factors such as the visibility of the wind farm, wider characteristics of the visitor offer across North Wales and the characteristics (e.g., demographics) of visitors. However, the assessment does not assess impacts on tourism and recreation on these specific areas (Eryri NP, Anglesey AONB and Clwydian Range and Dee Valley AONB) as it has done for other tourism locations such as Llandudno. This is because of the greater distance from the windfarm (and its effect on views) and the nature of the visitor</p>



QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
			<p>activities in these locations. On this basis, there is no evidence to suggest that views of wind farms would have an overall negative impact on the volume and value of visitors to these areas and therefore no reason to assess these areas in more detail than has been presented in the Tourism and Recreation chapter of the ES (APP-065).</p>

## 2.19 Traffic and Transport

Table 19: Traffic and Transport.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
20.1	Applicant	<p>Access Routes to the Proposed Substation Site</p> <p>It is noted from your response to EXQ1.20.16 [REP1-007], that in the early stages of the project there were four potential access routes to the proposed site of the sub-station considered:</p> <p>a) One immediately to the north of the crematorium off Glascoed Road the B5381;</p> <p>b) One to the east via St Asaph Business Park;</p> <p>c) One to the north-east, via a minor road off Ffordd William Morgan to the north of St Asaph Business Park; and</p> <p>d) One to the south-west off Glascoed Road.</p> <p>The first two of these, the access route immediately to the north of the crematorium and from the east via St Asaph Business Park were discounted in an internal evaluation before the remaining two from the north-east and south-west were consulted on in the PEIR.</p> <p>Please explain the reasons for discounting these access routes.</p>	<p>The Applicant can confirm that accesses listed a) and b) in the ExQ2.20.1 were discounted for the following reasons:</p> <p>a) North of the crematorium;</p> <p>As noted in response to ExQ1.20.16 this route was discounted before an access zone was defined due to the risk of traffic management related effects at the entrance of the Crematorium during the construction period. Whilst this constraint was considered likely sufficient to discount the access route, further to this the access route was dropped for a number of other factors, including matters relating to noise, traffic, health and safety, and ecology:</p> <ul style="list-style-type: none"> <li>▲ As noted in response to ExQ1.20.16, traffic related disturbance to the crematorium due to access being required immediately opposite the access to the crematorium, with HGVs and abnormal/indivisible loads turning into the access road.</li> <li>▲ Noise related disturbance to the crematorium due to access being required immediately opposite their own entrance, with HGVs and abnormal/indivisible loads turning into the Onshore Substation access road.</li> <li>▲ Greater risk of interaction with overhead lines, constraining access for abnormal and indivisible loads during the onshore substation construction.</li> <li>▲ Closer proximity to the Glascoed Nature Reserve, with associated disturbance, and greater risk of loss of hedgerows.</li> </ul> <p>b) Access via St Asaph Business Park;</p> <p>As noted in response to ExQ1.20.16 this route was discounted due to the risk of a long-term irreversible effect that would result on the Glascoed Nature Reserve. The location of this nature reserve can be seen on the Works Plan (REP1-032; Application reference 2.5) on sheet 11. This reason was considered to be 'black' in the context of the BRAG (Black, Red, Amber, Green) and as such was not considered further.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	APPLICANT'S RESPONSE
20.2	Applicant	<p>Access Routes to the Proposed Substation Site</p> <p>Your response to ExQ1.20.16 [REP1-007] indicated that the choice between the remaining two access routes, from the northeast and southwest, was finely balanced and following consultation, a Black, Red, Amber Green (BRAG) constraint analysis, with Black meaning hard constraint to Green meaning no material constraint was conducted following consultation, resulting in the selection of the access route from the southwest off Glascoed Road.</p> <p>With regard to this BRAG analysis you reference Figure 26 of Volume 1, Chapter 4, Site Selection and Alternatives of the Preliminary Environmental Information Report. Please provide a copy of this Figure and outline the analysis process and its conclusions.</p>	<p>The Applicant can confirm that Figure 26 of the PEIR phase Site Selection and Alternatives chapter accompanies this document at Appendix F.</p> <p>As noted in response to ExQ1.20.16 a BRAG process was undertaken for the defined northern and southern access zones following PEIR consultation, and although the engineering and EIA analysis indicated both the north and south zones to be broadly comparable, the landowner preferences were considered to influence the emerging design preference more positively towards the southern option. From an engineering perspective the northern route also represented a slightly greater degree of pre-commencement constraint, to modify the entrance to the farm and allow adequate turning space for ALLs.</p> <p>From an environmental perspective the northern route represented a significantly greater loss of tree habitat as a result of the same need to modify the entrance to the farm and the embankment immediately to the west of the farm. By comparison the southern route was considered to have a lower requirement for substantive construction work at the periphery of the access zone, and although there were noted visual and noise impacts during the construction phase, these were considered to be marginally less adverse than the northern route constraints.</p> <p>As noted in response to ExQ1.20.16 the decision was very much balanced, and stakeholder feedback received from the landowner was considered to be material in the planning balance.</p>
20.3	Applicant	<p>Dangerous Loads</p> <p>It is noted from paragraph 196 of Volume 3, Chapter 9: Traffic and Transport of the ES [APP- 070] that it is not proposed to prepare an ALAR until after any consent is granted. It has therefore been assumed that the route from Junction 26 of the A55 to the proposed site of the sub-station via the B5381 Glascoed Road is acceptable based on the ALAR prepared for the GyM offshore windfarm sub-station. Please provide a copy of the report on which this assumption has been based.</p>	<p>The Applicant has provided a copy of the ALAR prepared for the GyM offshore windfarm sub-station within Document 5.5 of the Applicant's Deadline 5 submission. The GyM ALAR shows swept path analysis for delivery of a 200 tonne transformer within Figure Ref: RWEnp-GyM-SP01, demonstrating an ALL delivery could be made via the Junction 26 of the A55, through St Asaph Business Park and turning westwards on St Asaph Business Park roundabout. The Applicant has also undertaken Swept Path Analysis for a 24 axel vehicle (on a worst case basis for ALL delivery), and can confirm that such a vehicle can be accommodated along the same route.</p>

### 3 References

- Arnell, A.P. & Wilkinson, J.W., (2013). Spatial Conservation Status Modelling of the Great Crested Newt in Anglesey and North-East Wales. CCW Contract Science Report 1044.
- Burt, M.L., Mackenzie, M.L., Bradbury, G. and Darke, J. (2022). Investigating effects of shipping on common scoter and red-throated diver distributions in Liverpool Bay SPA. NECR425. Natural England.
- CIEEM (September 2022). Welsh Government's Approach to Net Benefits for Biodiversity and the DECCA Framework in the Terrestrial Planning System. CIEEM Briefing Paper.
- Cook, A.S.C.P. (2021). Additional analysis to inform SNCB recommendations regarding collision risk modelling. BTO Research Report 739, BTO, Thetford, UK.
- Cook, A.S.C.P., Humphries, E.M., Masden, E.A. Burton, N.H.K. (2014). The avoidance rates of collision between birds and offshore turbines. BTO Research Report No 656 to Marine Scotland Science.
- Cook, A.S.C.P., Wright, L.J., and Burton, N.H.K. (2012) A review of flight heights and avoidance rates of birds in relation to offshore windfarms. The Crown Estate Strategic Ornithological Support Services (SOSS).
- Deakin, Z., Cook, A.S.C.P., Daunt, F., McCluskie, A., Morley, N., Witcutt, W., Wright, L. and Bolton, M. (2022). A review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland. The Scottish Government, Edinburgh.
- Furness, R.W. (2015). Non-breeding season populations of seabirds in UK waters. Available at:  
[REDACTED]
- Garrett HM, and Ayling SC (2021) Terrestrial and Freshwater Resilient Ecological Networks; a guide for practioners in Wales. NRW Evidence Report 483. NRW. Bangor.
- Guilford, T., Meade, J., Freeman, R., Biro, D., Evans, T., Bonadonna, F., D. Boyle, S. Roberts, and C. M. Perrins. (2008). GPS tracking of the foraging movements of Manx Shearwaters *Puffinus puffinus* breeding on Skomer Island, Wales. *Ibis*, 150(3), 462-473.

- Haysom, K. Driver, D. Cartwright, M. Wilkinson, J. and Foster, J. (2018) Review of the Current Conservation Status (CCS) of the Great Crested Newt in Wales, with specific references to its long term prospects and within its stronghold in North East Wales. NRW Science Report No. 259.
- Heinänen, S., Žydelis, R., Kleinschmidt, B., Dorsch, M., Burger, C., Morkūnas, J., Quillfeldt, P. and Nehls, G., (2020). Satellite telemetry and digital aerial surveys show strong displacement of red-throated divers (*Gavia stellata*) from offshore wind farms. *Marine environmental research*, 160, p.104989.
- Horswill, C. and Robinson, R.A., (2015). Review of Seabird Demographic Rates and Density Dependence. JNCC, Peterborough.
- Johnston, A., & Cook, A. S. C. P. (2016). How High Do Birds Fly?: Development of Methods and Analysis of Digital Aerial Data of Seabird Flight Heights. British Trust for Ornithology.
- Johnston, A., Cook, A. S., Wright, L. J., Humphreys, E. M., & Burton, N. H. (2014). Modelling flight heights of marine birds to more accurately assess collision risk with offshore wind turbines. *Journal of Applied Ecology*, 51(1), pp. 31–41.
- Latham J and Rothwell J. (2019). A handbook on habitat networks. Practical application for improving connectivity and building ecosystem resilience. NRW Evidence Report No. 275. NRW. Bangor.
- Latham, J., Sherry, J. and Rothwell, J. (2013). 'Ecological Connectivity and Biodiversity Prioritisation in the Terrestrial Environment of Wales'. CCW Staff Science Report No. 13/3/3, (Bangor: Terrestrial Ecosystem Group, Countryside Council for Wales).
- Maritime and Coastguard Agency (2021). Safety of Navigation: Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response. Marine Guidance Note (MGN) 654.
- McGregor, R.M., King, S., Donovan, C.R., Caneco, B., Webb, A. (2018). A Stochastic Collision Risk Model for Seabirds in Flight. HiDef BioConsult Scientific Report to Marine Scotland, 06/04/2018, Issue I, 59 pp.
- Natural England (2022). Natural England interim advice on updated Collision Risk Modelling parameters (July 2022)

- NIRAS Group (UK) Ltd, (2022). Offshore Wind Round 4 Plan-level Habitats Regulations, Report to Inform an Appropriate Assessment, Report on behalf of The Crown Estate.
- Parker, J., Banks, A., Fawcett, A., Axelsson, M., Rowell, H., Allen, S., Ludgate, C., Humphrey, O., Baker, A. & Copley, V. (2022). Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase I: Expectations for pre-application baseline data for designated nature conservation and landscape receptors to support offshore wind applications. Natural England. Version 1.1. 79pp.
- Richards, C., Padgett, O., Guilford, T., & Bates, A. E. (2019). Manx shearwater (*Puffinus puffinus*) rafting behaviour revealed by GPS tracking and behavioural observations. *PeerJ*, 7, e7863.
- Skov, H., Heinänen, S., Norman, T., Ward, R.M., Méndez-Roldán, S. & Ellis, I. (2018). ORJIP Bird Collision and Avoidance Study. Final report – April 2018. The Carbon Trust. United Kingdom. 247 pp.
- SNCBs (2014). Joint Response from the Statutory Nature Conservation Bodies to the Marine Scotland Science Avoidance Rate Review.
- SNCBs (2022). Joint SNCB Interim Displacement Advice Note.
- UK Government (2017). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- Welsh Government (2019). Welsh National Marine Plan, <https://www.gov.wales/welsh-national-marine-plan> [Accessed: February 2023].
- Woodward, I. *et al.* (2019) Desk-based revision of seabird foraging ranges used for HRA screening. BTO research report number 724. Theford.

## 4 Appendix A – A List of DCOs Referenced by the Applicant

NO.	NAME OF DCO	STATUTORY INSTRUMENT	LINK
1	Hornsea Three Offshore Wind Farm Order 2020	S.I. 2020/1656	<a href="#">The Hornsea Three Offshore Wind Farm Order 2020 (legislation.gov.uk)</a>
2	Norfolk Vanguard Offshore Wind Farm Order 2020	S.I. 2020/706	<a href="#">The Norfolk Vanguard Offshore Wind Farm Order 2020 (legislation.gov.uk)</a>
3	Norfolk Boreas Offshore Wind Farm Order 2021	S.I. 2021/1414	<a href="#">The Norfolk Boreas Offshore Wind Farm Order 2021 (legislation.gov.uk)</a>
4	East Anglia Three Offshore Wind Farm Order 2017	S.I. 2017/826	<a href="#">The East Anglia THREE Offshore Wind Farm Order 2017 (legislation.gov.uk)</a>
5	Port of Tilbury (Expansion) Order 2019	S.I. 2019/359	<a href="#">The Port of Tilbury (Expansion) Order 2019 (legislation.gov.uk)</a>
6	M20 Junction 10a Development Consent Order 2017	S.I. 2017/1202	<a href="#">The M20 Junction 10a Development Consent Order 2017 (legislation.gov.uk)</a>
7	A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016	S.I. 2016/547	<a href="#">The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (legislation.gov.uk)</a>

NO.	NAME OF DCO	STATUTORY INSTRUMENT	LINK
8	Silvertown Tunnel Order 2018	S.I. 2018/574	<a href="https://legislation.gov.uk">The Silvertown Tunnel Order 2018 (legislation.gov.uk)</a>
9	Glyn Rhonwy Pumped Storage Generating Station Order 2017	S.I. 2017/330	<a href="https://legislation.gov.uk">The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (legislation.gov.uk)</a>
10	Cleve Hill Solar Park Order 2020	S.I. 2020/547	<a href="https://legislation.gov.uk">The Cleve Hill Solar Park Order 2020 (legislation.gov.uk)</a>
11	Immingham Open Cycle Turbine Order 2020	S.I. 2020/847	<a href="https://legislation.gov.uk">The Immingham Open Cycle Gas Turbine Order 2020 (legislation.gov.uk)</a>
12	Drax Power (Generating Stations) Order 2019	S.I. 2019/1315	<a href="https://legislation.gov.uk">The Drax Power (Generating Stations) Order 2019 (legislation.gov.uk)</a>
13	Hinkley Point C (Nuclear Generating Station) Order 2013	S.I. 2013/648	<a href="https://legislation.gov.uk">The Hinkley Point C (Nuclear Generating Station) Order 2013 (legislation.gov.uk)</a>
14	West Burton C (Gas Fired Generating Station) Order 2020	S.I. 2020/1148	<a href="https://legislation.gov.uk">The West Burton C (Gas Fired Generating Station) Order 2020 (legislation.gov.uk)</a>
15	Eggborough Gas Fired Generating Station Order 2018	S.I. 2018/1020	<a href="https://legislation.gov.uk">The Eggborough Gas Fired Generating Station Order 2018 (legislation.gov.uk)</a>
16	Thurrock Flexible Generation Plant Development Consent Order 2022	S.I. 2022/157	<a href="https://legislation.gov.uk">The Thurrock Flexible Generation Plant Development Consent Order 2022 (legislation.gov.uk)</a>



NO.	NAME OF DCO	STATUTORY INSTRUMENT	LINK
17	The East Anglia ONE North Offshore Wind Farm Order 2022	S.I. 2022/432	<a href="#">The East Anglia ONE North Offshore Wind Farm Order 2022 (legislation.gov.uk)</a>
18	The East Anglia TWO Offshore Wind Farm Order 2022	S.I. 2022/433	<a href="#">The East Anglia TWO Offshore Wind Farm Order 2022 (legislation.gov.uk)</a>
19	The Northampton Gateway Rail Freight Interchange Order 2019	S.I. 2019/1358	<a href="#">The Northampton Gateway Rail Freight Interchange Order 2019 (legislation.gov.uk)</a>
20	The Triton Knoll Electrical System Order 2016	S.I. 2016/880	<a href="#">The Triton Knoll Electrical System Order 2016 (legislation.gov.uk)</a>
21	The Able Marine Energy Park Development Consent Order 2014	S.I. 2014/2935	<a href="#">The Able Marine Energy Park Development Consent Order 2014 (legislation.gov.uk)</a>
22	The Burbo Bank Extension Offshore Wind Farm Order 2014	S.I. 2014/2594	<a href="#">The Burbo Bank Extension Offshore Wind Farm Order 2014 (legislation.gov.uk)</a>
23	The Rampion Offshore Wind Farm Order 2014	S.I. 2014/1873	<a href="#">The Rampion Offshore Wind Farm Order 2014 (legislation.gov.uk)</a>
24	The Sizewell C (Nuclear Generating Station) Order 2022	S.I. 2022/853	<a href="#">The Sizewell C (Nuclear Generating Station) Order 2022 (legislation.gov.uk)</a>

## 5 Appendix B – Position of the AyM project to the relevant goals and targets of the Kunming-Montreal Global Biodiversity Framework

TARGET	POSITION OF THE AYM PROJECT
1. Reducing threats to biodiversity	
<p>TARGET 1</p> <p><i>Ensure that all areas are under participatory integrated biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.</i></p>	<p>The AyM project would not impact upon this target.</p> <p>The AyM project does not interfere with the potential for any future designations.</p>
<p>TARGET 2</p> <p><i>Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.</i></p>	<p>The AyM project would not impact upon this target.</p> <p>The project's RIAA has concluded no Adverse Effect on Integrity / no significant effects for all internationally designated sites. ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066) and ES Volume 3, Chapter 11: Air Quality (AS-030) also concluded no significant effects for other designated sites. This position is agreed with the SNCB (see Document 5.19 of the Applicant's Deadline 5 submission).</p> <p>The AyM project therefore will not further degrade any designated site, nor will it impede any future restoration plans.</p>
<p>TARGET 3</p> <p><i>Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.</i></p>	<p>The AyM project would not impact upon this target.</p> <p>The AyM project has sought to minimise interaction with all existing designated sites / areas of increased ecological importance, and the presence of AyM infrastructure does not inhibit any future designations.</p>
<p>TARGET 4</p>	<p>The AyM project would not impact upon this target.</p>

TARGET	POSITION OF THE AYM PROJECT
<p><i>Ensure urgent management actions, to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species, to significantly reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential, including through in situ and ex situ conservation and sustainable management practices, and effectively manage human-wildlife interactions to minimize human-wildlife conflict for coexistence.</i></p>	<p>Mitigation and compensation measures are proposed to avoid or offset potentially significant negative effects on protected species and other species of conservation importance. The project will also achieve an overall biodiversity net gain through the proposed ecological enhancement measures.</p>
<p>TARGET 5</p> <p><i>Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spill-over, applying the ecosystem approach, while respecting and protecting customary sustainable use by indigenous peoples and local communities.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>TARGET 6</p> <p><i>Eliminate, minimize, reduce and or mitigate the impacts of invasive alien species on biodiversity and ecosystem services by identifying and managing pathways of the introduction of alien species, preventing the introduction and establishment of priority invasive alien species, reducing the rates of introduction and establishment of other known or potential invasive alien species by at least 50 percent, by 2030, eradicating or controlling invasive alien species especially in priority sites, such as islands .</i></p>	<p>The project has committed to onshore and offshore plans for mitigation measures and best practice handling techniques to minimise the potential for invasive non-native species to be spread by construction activities.</p> <p>AyM is therefore compliant with this target.</p>
<p>TARGET 7</p> <p><i>Reduce pollution risks and the negative impact of pollution from all sources, by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: reducing excess nutrients lost to the environment by at least half including through more efficient nutrient cycling and use; reducing the overall risk from pesticides and highly hazardous chemicals by at least half including through integrated pest management, based on science, taking into account food security and livelihoods; and also preventing, reducing, and working towards eliminating plastic pollution.</i></p>	<p>The project has committed to Marine Pollution Contingency Plan and an onshore Pollution Prevention and Emergency Incident Response Plan (an outline of which can be found at REP2-037; Application reference 8.13.6).</p> <p>AyM is therefore compliant with this target.</p>
<p>TARGET 8</p> <p><i>Minimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions,</i></p>	<p>The project is directly targeted at addressing climate change and has sought to avoid, minimise and where necessary mitigate its impact on the receiving environment.</p> <p>AyM is therefore compliant with this target.</p>

TARGET	POSITION OF THE AYM PROJECT
<p><i>including through nature-based solution and/or ecosystem-based approaches, while minimizing negative and fostering positive impacts of climate action on biodiversity.</i></p>	
<p>2. Meeting people's needs through sustainable use and benefit-sharing</p>	
<p>TARGET 9  <i>Ensure that the management and use of wild species are sustainable, thereby providing social, economic and environmental benefits for people, especially those in vulnerable situations and those most dependent on biodiversity, including through sustainable biodiversity-based activities, products and services that enhance biodiversity, and protecting and encouraging customary sustainable use by indigenous peoples and local communities.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>TARGET 10  <i>Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification, agroecological and other innovative approaches contributing to the resilience and long-term efficiency and productivity of these production systems and to food security, conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services.</i></p>	<p>The AyM project will restore any agricultural land affected by the cable corridor works to agricultural use whilst mitigating any loss of hedgerow or trees. The project will achieve an overall biodiversity net gain through the proposed ecological enhancement measures.  AyM is therefore compliant with this target</p>
<p>TARGET 11  <i>Restore, maintain and enhance nature's contributions to people, including ecosystem functions and services, such as regulation of air, water, and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and ecosystem-based approaches for the benefit of all people and nature.</i></p>	<p>The AyM project is directly targeted at addressing climate change and has sought to avoid, minimise and where necessary mitigate its impact on the receiving environment.  AyM is therefore compliant with this target.</p>
<p>TARGET 12  <i>Significantly increase the area and quality and connectivity of, access to, and benefits from green and blue spaces in urban and densely populated areas sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and improving human health and well-being and connection</i></p>	<p>The AyM project does not affect any urban area and so it would not impact upon this target.</p>

TARGET	POSITION OF THE AYM PROJECT
<p><i>to nature and contributing to inclusive and sustainable urbanization and the provision of ecosystem functions and services.</i></p>	
<p>TARGET 13  <i>Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030 facilitating a significant increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>3. Tools and solutions for implementation and mainstreaming</p>	
<p>TARGET 14  <i>Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, fiscal and financial flows with the goals and targets of this framework.</i></p>	<p>The Environmental Impact Assessment has included detailed consideration of biodiversity, within ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066) and ES Volume 2, Chapters 4-7: Offshore Ornithology, Benthic Subtidal and Intertidal Ecology, Fish and Shellfish Ecology and Marine Mammals (APP-050, APP-051, APP-052 and AS-026).</p> <p>The project has sought to avoid, minimise and where necessary mitigate its impact on the receiving environment.</p> <p>Furthermore, it has also sought to achieve an overall biodiversity net gain through the proposed ecological enhancement measures.</p> <p>AyM is therefore compliant with this target.</p>
<p>TARGET 15  <i>Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions:</i></p> <p><i>(a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains and portfolios;</i></p> <p><i>(b) Provide information needed to consumers to promote sustainable consumption patterns;</i></p> <p><i>(c) Report on compliance with access and benefit-sharing regulations and measures, as applicable;</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>

TARGET	POSITION OF THE AYM PROJECT
<p><i>in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.</i></p>	
<p>TARGET 16</p> <p><i>Ensure that people are encouraged and enabled to make sustainable consumption choices including by establishing supportive policy, legislative or regulatory frameworks, improving education and access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner, halve global food waste, significantly reduce overconsumption and substantially reduce waste generation, in order for all people to live well in harmony with Mother Earth.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>TARGET 17</p> <p><i>Establish, strengthen capacity for, and implement in all countries in biosafety measures as set out in Article 8(g) of the Convention on Biological Diversity and measures for the handling of biotechnology and distribution of its benefits as set out in Article 19 of the Convention.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>TARGET 18</p> <p><i>Identify by 2025, and eliminate, phase out or reform incentives, including subsidies harmful for biodiversity, in a proportionate, just, fair, effective and equitable way, while substantially and progressively reducing them by at least 500 billion United States dollars per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>
<p>TARGET 19</p> <p><i>Substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources, in accordance with Article 20 of the Convention, to implement national biodiversity strategies and action plans, by 2030 mobilizing at least 200 billion United States dollars per year, including by:</i></p> <p><i>(a) Increasing total biodiversity related international financial resources from developed countries, including official development assistance, and from countries that voluntarily assume obligations of developed country Parties, to developing countries, in particular the least developed countries and small island developing States, as well as countries</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p> <p>The AyM project is directly targeted at addressing climate change and has sought to avoid, minimise and where necessary mitigate its impact on the receiving environment. Furthermore, it has also sought to achieve an overall biodiversity net gain through the proposed ecological enhancement measures.</p>

TARGET	POSITION OF THE AYM PROJECT
<p>with economies in transition, to at least US\$ 20 billion per year by 2025, and to at least US\$ 30 billion per year by 2030;</p> <p>(b) Significantly increasing domestic resource mobilization, facilitated by the preparation and implementation of national biodiversity finance plans or similar instruments according to national needs, priorities and circumstances</p> <p>(c) Leveraging private finance, promoting blended finance, implementing strategies for raising new and additional resources, and encouraging the private sector to invest in biodiversity, including through impact funds and other instruments;</p> <p>(d) Stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, benefit-sharing mechanisms, with environmental and social safeguards</p> <p>(e) Optimizing co-benefits and synergies of finance targeting the biodiversity and climate crises,</p> <p>(f) Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions<sup>1</sup> and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity</p> <p>(g) Enhancing the effectiveness, efficiency and transparency of resource provision and use;</p> <p>Note<sup>1</sup>: Mother Earth Centric Actions: Ecocentric and rights based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth.</p>	
<p>TARGET 20</p> <p>Strengthen capacity-building and development, access to and transfer of technology, and promote development of and access to innovation and technical and scientific cooperation, including through South- South, North-South and triangular cooperation, to meet the needs for effective implementation, particularly in developing countries, fostering joint technology development and joint scientific research programmes for the conservation and sustainable use of biodiversity and strengthening scientific research and monitoring capacities, commensurate with the ambition of the goals and targets of the framework.</p>	<p>The nature of the AyM project means there will be no impact on this target.</p>

TARGET	POSITION OF THE AYM PROJECT
<p>TARGET 21</p> <p><i>Ensure that the best available data, information and knowledge, are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent<sup>2</sup>, in accordance with national legislation.</i></p> <p><i>Note<sup>2</sup>: Free, prior and informed consent refers to the tripartite terminology of “prior and informed consent” or “free, prior and informed consent” or “approval and involvement.</i></p>	<p>The comprehensive EIA and RIAA has facilitated engagement with statutory and non-statutory stakeholders on the potential effects from the AyM project. Where relevant commitments have been made for environmental monitoring to validate predictions made in the ES / RIAA, such findings will also increase wider knowledge of the interaction of such projects with the environment which will help inform future renewable energy generation projects (both in terms of best EIA practice but also the potential for future design innovation).</p>
<p>TARGET 22</p> <p><i>Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.</i></p>	<p>The project has been brought forward under The Planning Act 2008 and therefore, all interested parties have had the opportunity to engage in the project throughout the NSIP consenting process.</p> <p>the Applicant has sought to work extensively with local stakeholders to identify opportunities to benefit the natural and built environment, through ecological and visual enhancement across the project infrastructure and proposed project boundary.</p> <p>The Welsh language has been promoted throughout the consultation process and through the provision of reports also written in the Welsh language. The Applicant has provided a Community Linguistics Statement (APP-325) which provides a commitment to promote the use of the Welsh language as part of the proposed development through proposing that all non-technical public-facing signage within the development site during construction and operation will be bilingual.</p>
<p>TARGET 23</p> <p><i>Ensure gender equality in the implementation of the framework through a gender-responsive approach where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.</i></p>	<p>The nature of the AyM project means there will be no impact on this target.</p>



## 6 Appendix C – Table showing how AyM Improves Connectivity in the OnSS area

POSITIVE ACTIVITIES TO IMPROVE CONNECTIVITY (LATHAM AND ROTHWELL, 2019)	EXAMPLES OF HOW THIS IS ACHIEVED BY THE PROJECT AT THE ONSS AREA
good management of wildlife habitat to provide healthy source populations of species that are better able or more likely to move;	The oLEMP (REP4-011; Application reference 8.4) ensures the area will be managed for the benefit of wildlife rather than agriculture, for the lifetime of the development.
enlarging areas of wildlife habitat or buffering them with zones of sensitive management;	<p>The oLEMP (REP4-011; Application reference 8.4) enlarges the pond network in line with Arnell and Wilkinson, 2013 and Haysom et al 2018, and in accordance with NRW's position that it will assist toward favourable conservation status of the GCN population.</p> <p>The oLEMP also increases the amount of hedgerow and woodland in accordance with NRW broadleaved woodland Habitat Network Map.</p> <p>It also serves to enlarge the area already managed for wildlife at Glascoed Nature Reserve.</p>
restoring or creating new habitat to off-set fragmentation, where possible located to complement the existing distribution of habitat and to reflect historical patterns of loss;	As above.
restoring and maintaining features in the landscape that act as corridors and 'stepping stones' for movement, such as hedges, stream-side vegetation and individual trees;	Retained features within the oLEMP (REP4-011; Application reference 8.4) area including hedgerows, grassland, trees and ponds will be maintained and enhanced for the benefit of wildlife.
improving the general condition of the landscape through good management so that it becomes more 'permeable' to species movement; and	The oLEMP (REP4-011; Application reference 8.4) ensures the area will be managed for the benefit of wildlife rather than agriculture.
encouraging the development of large, continuous areas of habitat at a landscape-scale, and developing 'nature-based solutions'.	<p>The oLEMP (REP4-011; Application reference 8.4) enlarges the pond network and increases the amount of hedgerow and woodland.</p> <p>It also serves to enlarge the area already managed for wildlife at Glascoed Nature Reserve.</p>

## 7 Appendix D – Response to ExQ2.9.6: Table showing holdings

Table showing breakdown of Draft Order Limits by holding (where relevant), land title number showing the area of DOL within ALC.

HOLDING NAME	DESCRIPTION OF HOLDING/LAND USE	LAND PARCEL	AYM INFRASTRUCTURE	ALC GRADE 1 LAND (HA)	ALC GRADE 2 LAND (HA)	ALC GRADE 3A LAND (HA)	ALC GRADE 3B LAND (HA)	OTHER (HA)	URBAN (HA)	TOTAL (HA)
Faenol Bropor	Livestock & Arable Farming	WA607191	ECC, OnSS, OnSS TCC & permanent landscape mitigation and ecological compensation/enhancement.			1.50	29.58	1.47		32.55
Faenol Bropor	Livestock & Arable Farming	WA865775/ NOW CYM823327	ECC, mitigation (permanent), utilities connection			5.35		0.16		5.51
Amenity Use (Foreshore)	Amenity	CYM241160	Beach access & operational access				0.52			0.52
Amenity Use (Golf Course)	Amenity (Golf Course)	CYM255759	Landfall (HDD)				15.98		1.02	17.00
Bank of the River Clwyd	Bank of the River Clwyd	Unregistered1188	HDD		0.40		0.04			0.44
Beach Foreshore	Beach Foreshore	CYM347373	Landfall (HDD)				2.83			2.83
Beach Foreshore	Beach Foreshore	CYM679016	Landfall (HDD)				2.83			2.83
Beach Foreshore	Beach Foreshore	Unregistered42	Landfall (HDD)				1.59			1.59
Beach Foreshore	Beach Foreshore	WA3605	Beach access & mitigation (temporary)				0.35			0.35
Bryn Carrog Farm	Livestock Farming	WA982018	ECC, TCC & operational access				2.73			2.73
Bryn Carrog Farm	Livestock Farming	WA982308	Visibility splay			0.17				0.17
Bryn Cwnin Farm part of The Bodrhyddan Estate	Arable Farming	CYM250395	ECC & mitigation (temporary)			1.05	0.01			1.05
Bryn Cwnin Farm part of The	Arable Farming	CYM298742	ECC & mitigation (temporary and permanent) & operational access	0.07	4.54	6.09	0.70	0.13	0.01	11.55

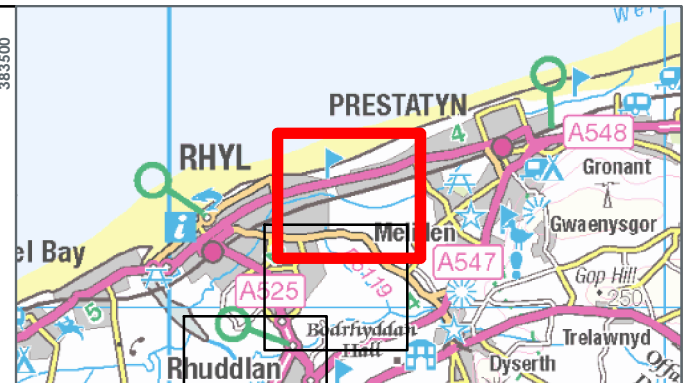
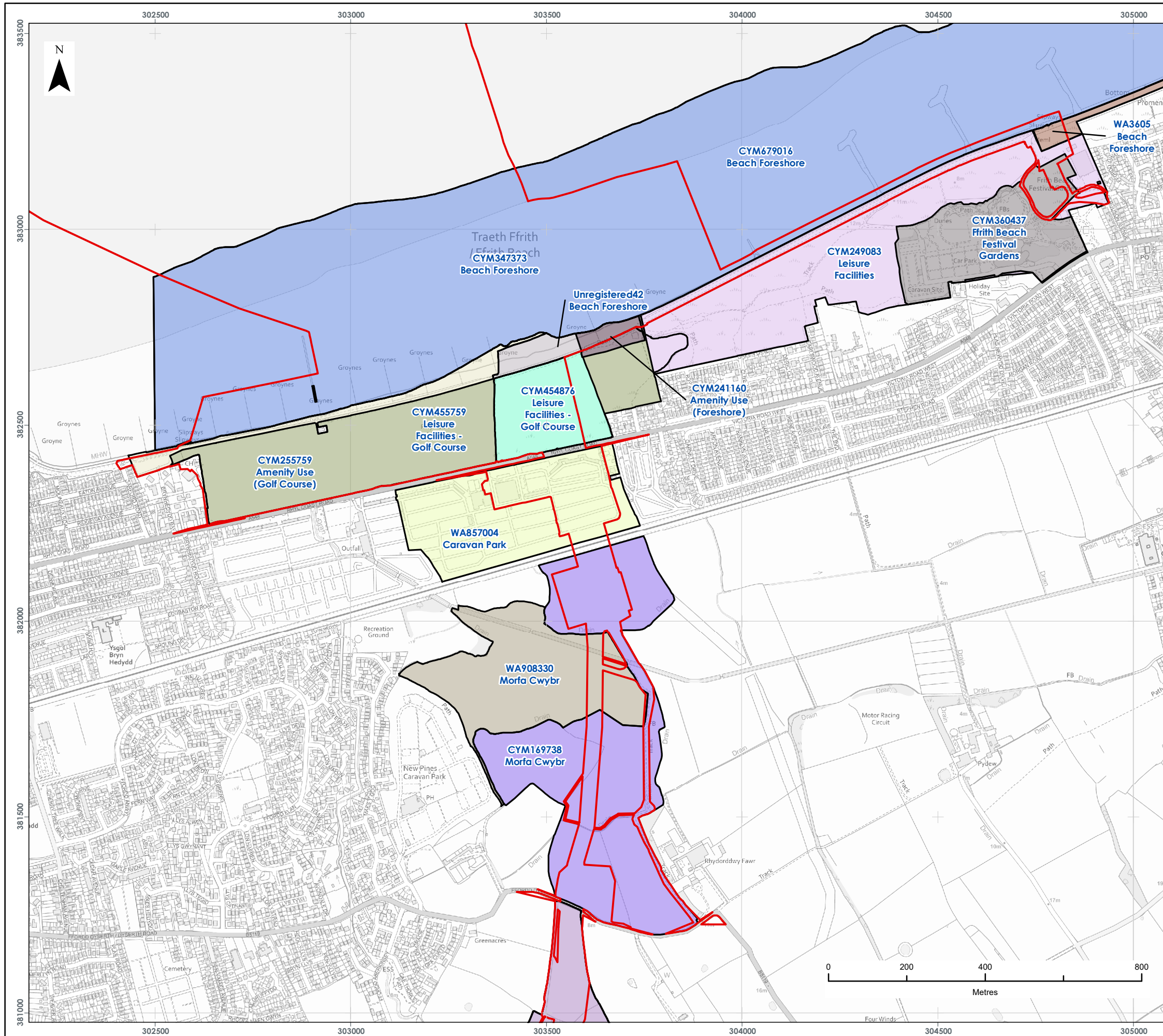
HOLDING NAME	DESCRIPTION OF HOLDING/LAND USE	LAND PARCEL	AYM INFRASTRUCTURE	ALC GRADE 1 LAND (HA)	ALC GRADE 2 LAND (HA)	ALC GRADE 3A LAND (HA)	ALC GRADE 3B LAND (HA)	OTHER (HA)	URBAN (HA)	TOTAL (HA)
Bodryddan Estate										
Bryn Cwnin Farm part of The Bodryddan Estate	Arable Farming & Woodland	CYM332543	ECC & operational Access		0.84			0.66	0.01	1.50
Caravan Park	Caravan Park	WA857004	Landfall (HDD)				2.72		2.20	4.92
Cwybr Fawr	Mixed Use - livestock farming, equine & business (leisure facilities)	CYM651103	ECC, TCC & operational access		3.66	0.99	0.86		0.02	5.53
Cwybr Fawr	Livestock Farming	WA5943	ECC & operational access		0.06	0.02	2.14			2.21
Fferm	Livestock Farming	WA613551	ECC & operational access			0.02	0.97			0.98
Fferm	Livestock Farming	CYM742002	Operational Access & Visibility Splay			0.18				0.18
Fferm	Equine	WA730271	ECC & operational access			0.60	0.02			0.62
Ffrith Beach Festival Gardens	Ffrith Beach Festival Gardens	CYM360437	Beach access, TCC & mitigation (temporary)				0.49		0.06	0.54
Groesffordd Farm	Livestock Farming	CYM456237	ECC & operational access		0.01	0.07	1.05			1.13
Hafod Llwyd	Livestock Farming	CYM735650	ECC & operational access		0.00		2.58			2.58
Highway	Highway	CYM185643	A525/A547		0.01	0.34			0.01	0.35
Holding name hasn't been identified by landowner	Arable Farming	CYM182785	ECC, mitigation (temporary) & operational access			4.80	1.96	0.22		6.99
Holding name hasn't been	Arable Farming	CYM542758	ECC, TCC, mitigation (temporary and permanent) & operational access		0.33	2.97	1.15	0.01	0.02	4.49

HOLDING NAME	DESCRIPTION OF HOLDING/LAND USE	LAND PARCEL	AYM INFRASTRUCTURE	ALC GRADE 1 LAND (HA)	ALC GRADE 2 LAND (HA)	ALC GRADE 3A LAND (HA)	ALC GRADE 3B LAND (HA)	OTHER (HA)	URBAN (HA)	TOTAL (HA)
identified by landowner										
Holding name hasn't been identified by landowner	Livestock & Arable Farming	WA859967	ECC, mitigation (temporary) & operational access			4.10	2.29			6.39
Holding name hasn't been identified by landowner	Livestock Farming	WA641203	ECC & operational access				2.12			2.12
Holding name hasn't been identified by landowner	Livestock Farming	CYM475317	Unlicensed works, TCC and operational access				0.36	0.03		0.39
Holding name hasn't been identified by landowner	Livestock Farming	WA588181	ECC			0.37				0.37
Leisure Facilities	Leisure Facilities	CYM249083	Beach access & mitigation (temporary)				3.28		0.24	3.52
Leisure Facilities - Golf Course	Leisure Facilities - Golf Course	CYM454876	Landfall (HDD)				4.48		0.06	4.54
Leisure Facilities - Golf Course	Leisure Facilities - Golf Course	CYM455759	Landfall (HDD)				18.87		0.76	19.64
Marli Farm	Livestock Farming	WA898992	ECC & TCC				1.33			1.33
Morfa Cwybr	Livestock & Arable Farming	CYM169738	ECC, TJB, TCC and operational access			1.92	5.83	0.14		7.89
Morfa Cwybr	Livestock Farming	WA908330	ECC & operational access				1.04			1.04
Morfa Cwybr	Arable Farming	WA2529	ECC & operational access			0.60	2.22			2.82

HOLDING NAME	DESCRIPTION OF HOLDING/LAND USE	LAND PARCEL	AYM INFRASTRUCTURE	ALC GRADE 1 LAND (HA)	ALC GRADE 2 LAND (HA)	ALC GRADE 3A LAND (HA)	ALC GRADE 3B LAND (HA)	OTHER (HA)	URBAN (HA)	TOTAL (HA)
National Grid Substation	National Grid Substation	CYM472358	Existing substation				0.95			0.95
Pengwern Farm	Livestock & Arable Farming	WA892656	ECC & operational access			2.88	1.94	0.19		5.01
Pentre Mawr	Livestock & Arable Farming	CYM130979	Unlicensed works, ECC, TCC, mitigation (permanent) & operational access			0.61	4.81			5.42
Tan Y Bryn	Livestock Farming	WA444662	ECC & mitigation (temporary and permanent)		0.06		0.05	0.33		0.44
The land does not form part of a recognised agricultural holding	Woodland	Unregistered1190	HDD			0.01	0.00	0.27		0.27
Ty Fferm	Livestock Farming	WA982015	ECC, TCC & operational access				0.92			0.92
Ty Isa	Livestock Farming	WA888504	ECC & HDD			2.43	0.95			3.38
Tyddyn Isaf	Livestock Farming	WA398993	ECC, TCC, mitigation (temporary) & operational access			1.24	4.69	0.07		6.00
Tyddyn Isaf	Livestock Farming	WA840017	ECC & operational access			0.46	0.07			0.53
Waen Meredydd Farm part of the Cefn Estate	Livestock & Arable Farming	CYM568240	Unlicensed works, ECC, TCC, mitigation (permanent) & operational access			1.32	8.52	0.11		9.94

## 8 Appendix E – Response to ExQ2.9.6: Plan showing holdings





**LEGEND**

**Order Limits**  
 Order Limits

**Title Number**

- CYM169738
- CYM241160
- CYM249083
- CYM255759
- CYM347373
- CYM360437
- CYM454876
- CYM455759
- CYM679016
- Unregistered42
- WA3605
- WA857004
- WA859967
- WA908330

**Label Status**

**Title Number:** Land Registry Title Boundary Intersects Order Limits

**Title Number:** Land Registry Title Boundary Beyond Order Limits

**Title Number:** Not Part of a Recognised Agricultural Holding

**Title Number:** The land does not form part of a recognised agricultural holding but is farmed by a tenant or occupier. The land may form part of the tenant's or occupier's wider portfolio of owned or rented land

Data Source:  
 © Crown copyright [and database rights] (2021) OS OpenData.

**PROJECT TITLE:**  
 AWEL Y MÔR OFFSHORE WINDFARM

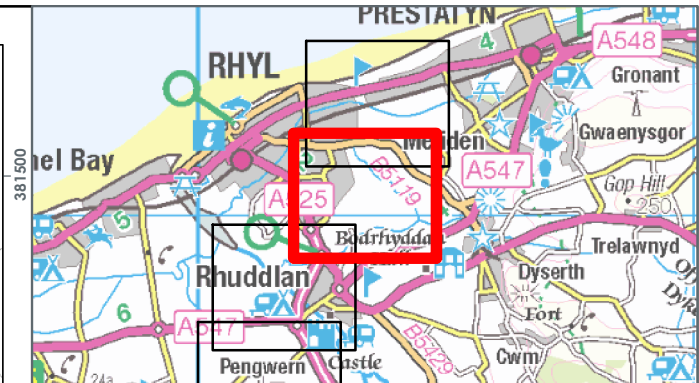
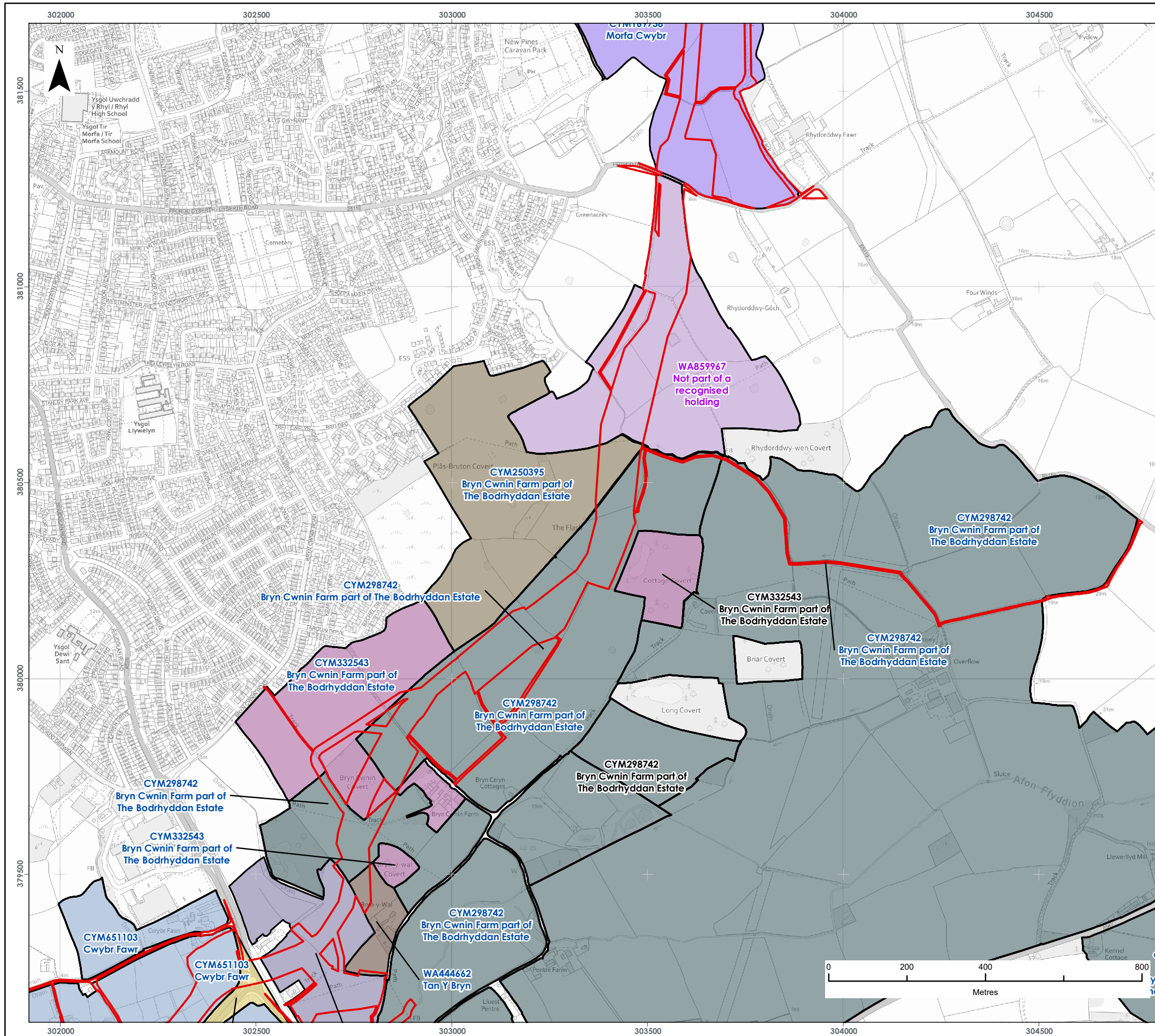
**FIGURE TITLE:**  
 APPENDIX C - RESPONSE TO  
 ExA Q9.6 - LAND REGISTRY TITLES

VER	DATE	REMARKS	Drawn	Checked
1	04/02/2023	First Issue	JRS	MF

**FIGURE NUMBER:**  
 FIGURE 1  
 Page 1 of 5

SCALE: 1:10,000    PLOT SIZE: A3    DATUM: ODN    COORDINATE SYSTEM: British National Grid





**LEGEND**

Order Limits

**Title Number**

- CYM169738
- CYM185643
- CYM250395
- CYM298742
- CYM332543
- CYM542758
- CYM651103
- WA444662
- WA859967
- WA908330

**Label Status**

Title Number: Land Registry Title Boundary Intersects Order Limits

Title Number: Land Registry Title Boundary Beyond Order Limits

Title Number: Not Part of a Recognised Agricultural Holding

Title Number: The land does not form part of a recognised agricultural holding but is farmed by a tenant or occupier. The land may form part of the tenant's or occupier's wider portfolio of owned or rented land

Data Source:  
© Crown copyright [and database rights] (2021) OS OpenData.

PROJECT TITLE:  
*AWEL Y MÔR OFFSHORE WINDFARM*

FIGURE TITLE:  
**APPENDIX C - RESPONSE TO  
EXA Q9.6 - LAND REGISTRY TITLES**

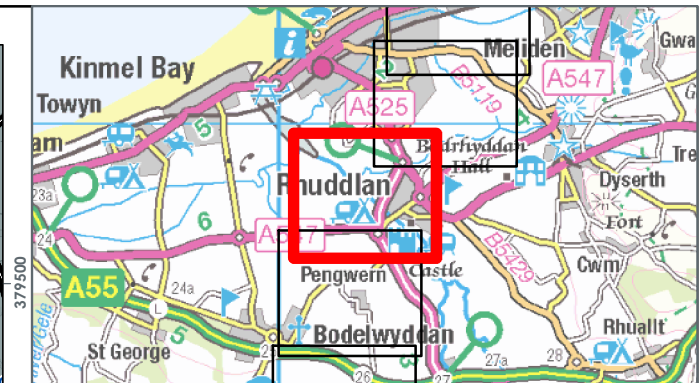
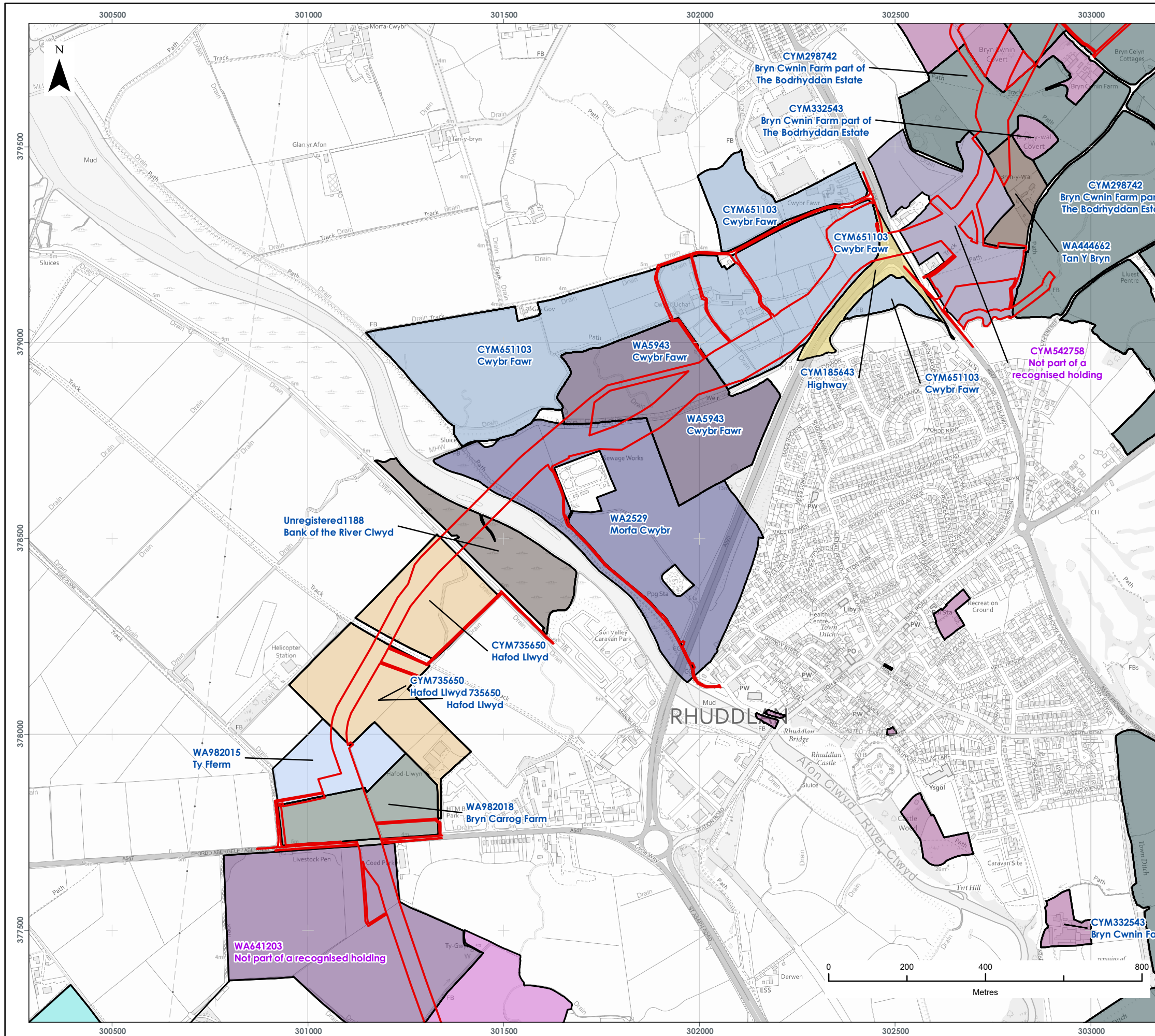
VER	DATE	REMARKS	Drawn	Checked
1	04/02/2023	First Issue	JRS	MF

FIGURE NUMBER:  
**FIGURE 1**  
Page 2 of 5

SCALE: 1:10,000    PLOT SIZE: A3    DATUM: ODN    COORDINATE SYSTEM: British National Grid







**LEGEND**

Order Limits

**Title Number**

- CYM185643
- CYM298742
- CYM332543
- CYM542758
- CYM651103
- CYM735650
- Unregistered 1188
- WA2529
- WA444662
- WA5943
- WA613551
- WA641203
- WA982015
- WA982018
- WA982308

**Label Status**

- Title Number: Land Registry Title Boundary Intersects Order Limits
- Title Number: Land Registry Title Boundary Beyond Order Limits
- Title Number: Not Part of a Recognised Agricultural Holding
- Title Number: The land does not form part of a recognised agricultural holding but is farmed by a tenant or occupier. The land may form part of the tenant's or occupier's wider portfolio of owned or rented land

Data Source:  
© Crown copyright [and database rights] (2021) OS OpenData.

**PROJECT TITLE:**  
AWEL Y MŌR OFFSHORE WINDFARM

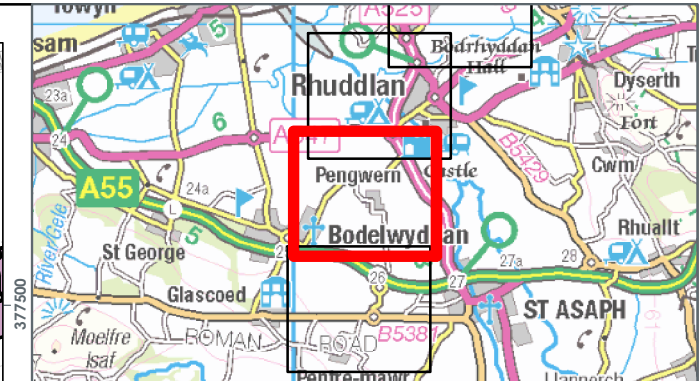
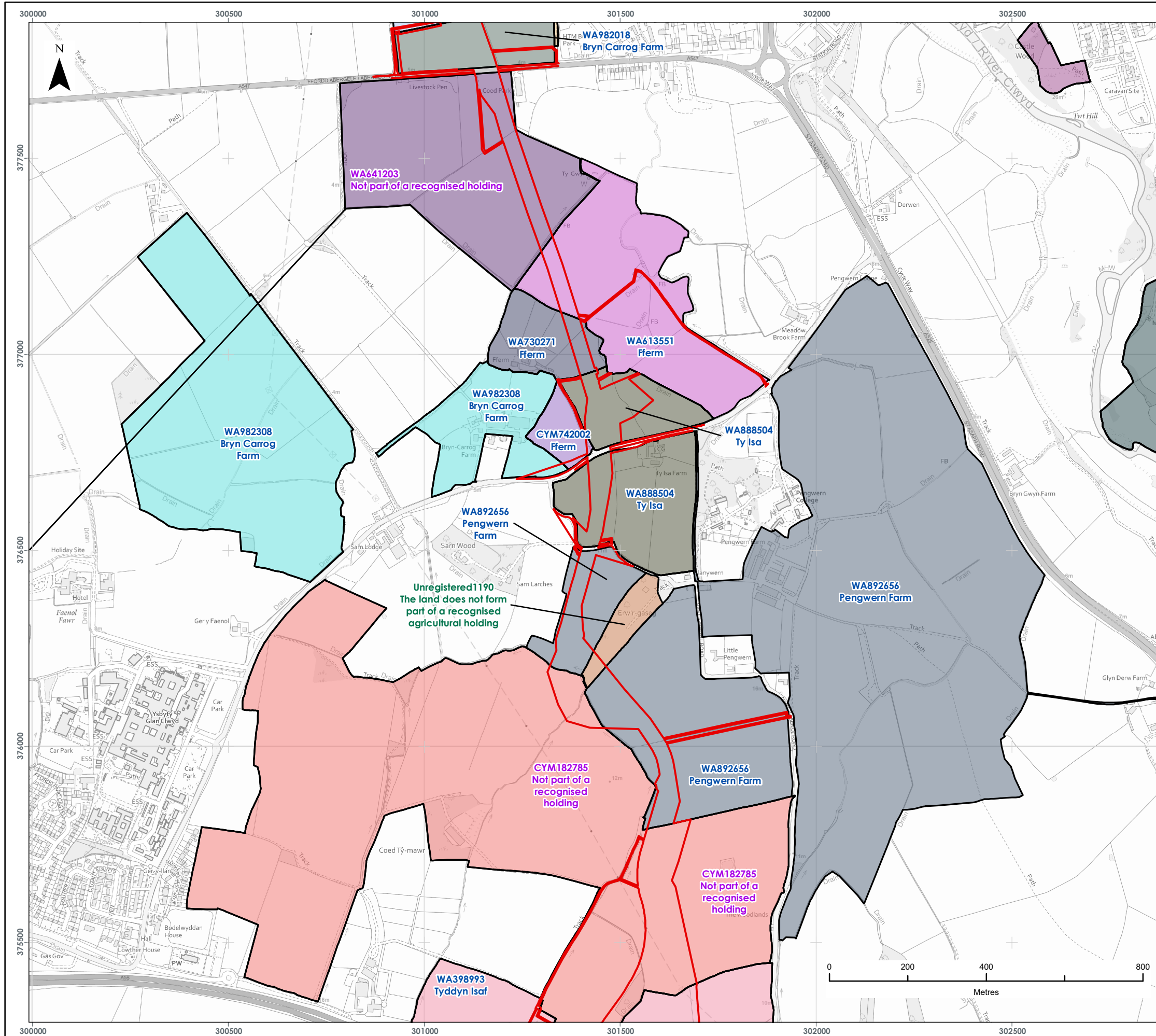
**FIGURE TITLE:**  
APPENDIX C - RESPONSE TO  
EXA Q9.6 - LAND REGISTRY TITLES

VER	DATE	REMARKS	Drawn	Checked
1	04/02/2023	First Issue	JRS	MF

**FIGURE NUMBER:**  
FIGURE 1  
Page 3 of 5

SCALE: 1:10,000    PLOT SIZE: A3    DATUM: ODN    COORDINATE SYSTEM: British National Grid





**LEGEND**

Order Limits

**Title Number**

- CYM182785
- CYM298742
- CYM332543
- CYM735650
- CYM742002
- Unregistered 1190
- WA398993
- WA613551
- WA641203
- WA730271
- WA888504
- WA892656
- WA982015
- WA982018
- WA982308

**Label Status**

Title Number: Land Registry Title Boundary Intersects Order Limits

Title Number: Land Registry Title Boundary Beyond Order Limits

Title Number: Not Part of a Recognised Agricultural Holding

Title Number: The land does not form part of a recognised agricultural holding but is farmed by a tenant or occupier. The land may form part of the tenant's or occupier's wider portfolio of owned or rented land

Data Source:  
© Crown copyright [and database rights] (2021) OS OpenData.

PROJECT TITLE:  
*AWEL Y MÔR OFFSHORE WINDFARM*

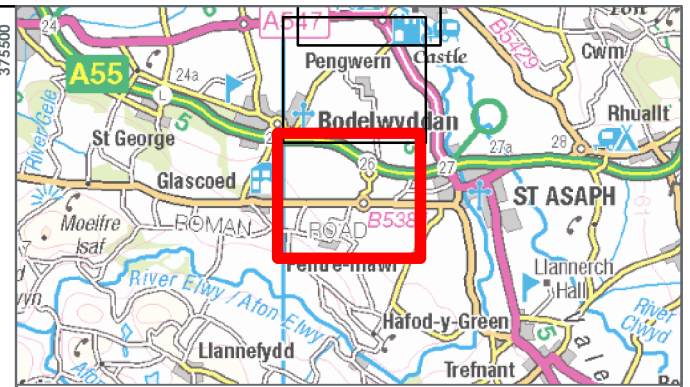
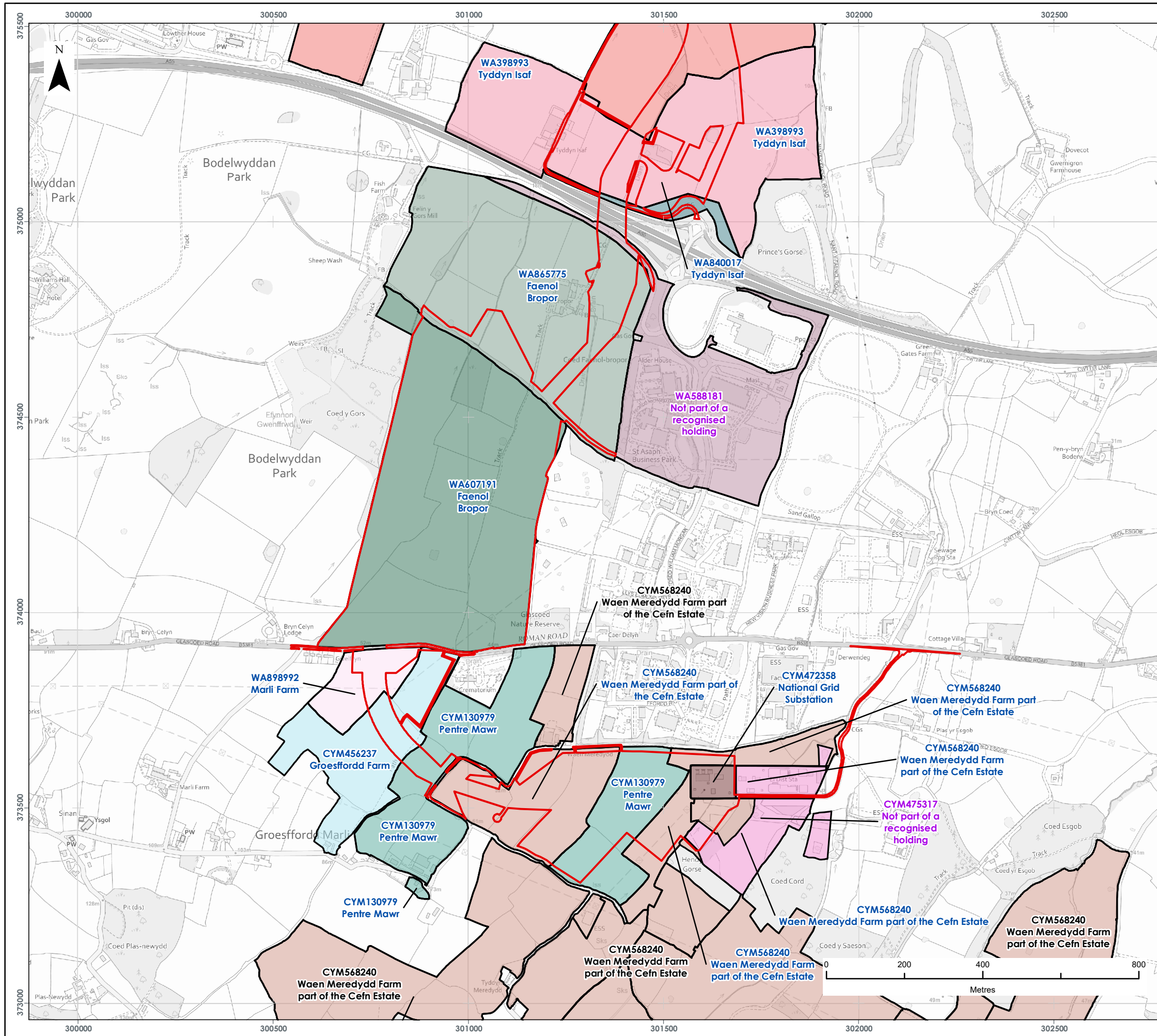
FIGURE TITLE:  
**APPENDIX C - RESPONSE TO  
ExA Q9.6 - LAND REGISTRY TITLES**

VER	DATE	REMARKS	Drawn	Checked
1	04/02/2023	First Issue	JRS	MF

FIGURE NUMBER:  
**FIGURE 1**  
Page 4 of 5

SCALE: 1:10,000	PLOT SIZE: A3	DATUM: ODN	COORDINATE SYSTEM: British National Grid
-----------------	---------------	------------	--





### LEGEND

Order Limits

#### Title Number

- CYM130979
- CYM182785
- CYM456237
- CYM472358
- CYM475317
- CYM568240
- WA398993
- WA588181
- WA607191
- WA840017
- WA865775
- WA892656
- WA898992

#### Label Status

- Title Number:** Land Registry Title Boundary Intersects Order Limits
- Title Number:** Land Registry Title Boundary Beyond Order Limits
- Title Number:** Not Part of a Recognised Agricultural Holding
- Title Number:** The land does not form part of a recognised agricultural holding but is farmed by a tenant or occupier. The land may form part of the tenant's or occupier's wider portfolio of owned or rented land

Data Source:  
© Crown copyright [and database rights] (2021) OS OpenData.

#### PROJECT TITLE:

AWEL Y MŌR OFFSHORE WINDFARM

#### FIGURE TITLE:

APPENDIX C - RESPONSE TO  
EXA Q9.6 - LAND REGISTRY TITLES

VER	DATE	REMARKS	Drawn	Checked
1	04/02/2023	First Issue	JRS	MF

#### FIGURE NUMBER:

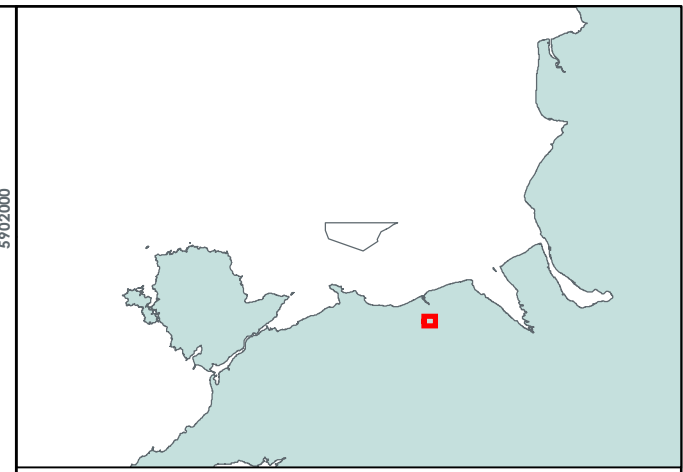
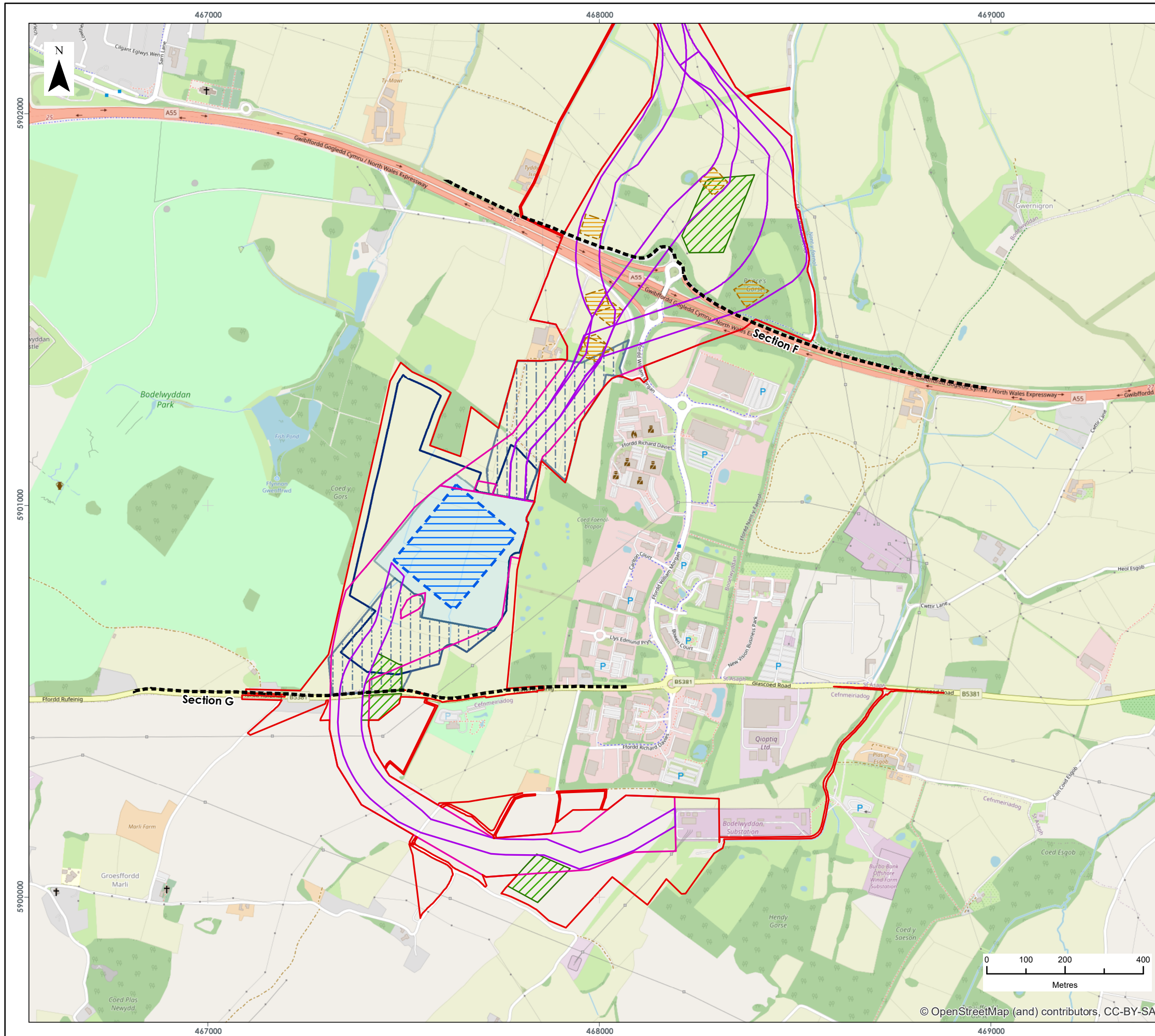
FIGURE 1  
Page 5 of 5

SCALE: 1:10,000    PLOT SIZE: A3    DATUM: ODN    COORDINATE SYSTEM: British National Grid

Fferm Wynt Alltraeth  
**AWEL Y MŌR**  
Offshore Wind Farm

# 9 Appendix F - Figure 26 of the PEIR Phase Site Selection and Alternatives Chapter





- LEGEND**
- Draft Order Limits
  - Onshore Cable Route Section Breaks
  - Proposed Onshore Export Cable Corridor
  - Preferred 40 to 60 m Wide Cable Route
  - Proposed Horizontal Direction Drilling Compound
  - Proposed Temporary Construction Compound
  - Proposed Substation Compound
  - Proposed Substation Zone
  - Proposed Substation Access Road Zone
  - Proposed Substation Construction Compound Zone

Data Source:

PROJECT TITLE:  
**AWEL Y MÔR OFFSHORE WINDFARM**

FIGURE TITLE:  
**Awel y Môr PEIR boundary - A55 Optionality & Onshore substation**

VER	DATE	REMARKS	Drawn	Checked
1	10/08/2021	For Issue	BPHB	SL

FIGURE NUMBER:  
**Figure 26**

SCALE: 1:10,000    PLOT SIZE: A3    DATUM: WGS84    PROJECTION: UTM30N



© OpenStreetMap (and) contributors, CC-BY-SA



RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB

T +44 (0)8456 720 090

Registered office:

RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB