

From: [Paul Mead](#)
To: [AwelyMor](#)
Cc: [REDACTED] [@flintshire.gov.uk](#)
Subject: EN010112 – Awel y Môr Offshore Wind Farm project
Date: 10 February 2023 11:10:18
Attachments: [DCC notes added Examining Authority 2nd round of questions for DCC.docx](#)

Apologies for sending the attached beyond the 6th February deadline.

DCC have added comments to the table provided by RWE as it was considered the most straightforward way of trying to get relevant comments back.

Unfortunately, Denise Shaw, DCC's case officer contact on this scheme has now left the Authority. This has caused us some difficulties in co-ordinating any further relevant feedback into the examination process. Couple this with a hugely depleted group of specialist officers within the Council it means DCC are going to find it extremely difficult to provide input and information over and above what was contained in their LIR.

We hope to have an Officer attend the 1st March hearing sessions but we must manage expectations in terms of DCC's role from hereon. We will continue to liaise with RWE representatives and are planning, with them, the resourcing of our role in managing any discharge of requirements post consent.

Diolch/Thanks,

Paul Mead BA(Hons) Dip TP MRTPI

Rheolwr Datblygu

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Rydym yn croesawu gohebiaeth yn Gymraeg a ni fydd unrhyw oedi wrth ymateb i ohebiaeth a dderbyniwyd yn Gymraeg.

We welcome correspondence in Welsh and there will be no delay in responding to correspondence received in Welsh.

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Mae'r wybodaeth a gynhwysir yn yr e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag o wedi eu bwriadu yn unig ar gyfer pwy bynnag y cyfeirir ef ato neu atynt. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, hysbyswch yr anfonwr ar unwaith os gwelwch yn dda. Mae cynnwys yr e-bost yn cynrychioli barn yr unigolyn(ion) a enwir uchod ac nid yw o angenrheidrwydd yn cynrychioli barn Cyngor Sir Ddinbych. Serch hynny, fel Corff Cyhoeddus, efallai y bydd angen i Gyngor Sir Ddinbych ddatgelu'r e-bost hwn [neu unrhyw ymateb iddo] dan ddarpariaethau deddfwriaethol.

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Q no.	Affected party	Topic	Question	Link to document in PINs website	Note from AyM	Further comments from DCC
0.9	Denbighshire County Council (DCC)	General and Cross Topic Questions	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.	https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010112/EN010112-000789-Denbighshire County Council LIR with Appendices Redacted.pdf	There isn't much we can add for this question as its for DCC to provide narrative against their policies	No specific conflict with LDP
2.2	NRW, DCC, CCBC, RSPB, NWWT	Biodiversity, Ecology and Natural Environment	General 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.	Schedule Of Mitigation And Monitoring (Tracked) Latest version of document submitted at D4. Question refers to older version of document, which is superseded by the below submission. Any amendments (highlighted by tracked changes) are varied	Note that the oLEMP covers the biodiversity and ecology measures proposed by AyM that would be implemented during and after construction. This provides context to the table of mitigation.	No issues.

from the document REP2-024.

[4.16 D4 AyM Schedule of Mitigation and Monitoring Tracked RevE \(planninginspectorate.gov.uk\)](#)

Marine Licence Principles (Tracked)

Latest version of document submitted at D4. Question refers to older version of document, which is superseded by the below submission. Any amendments (highlighted by tracked changes) are varied from the document REP2-022.

[4.17 D4 AyM Marine Licence Principles Tracked RevE](#)

We include a link to the DPD document, to show that the final sign off of the landscaping and ecological plans at the Onshore Substation, will be controlled through this process detailed in Section 4.

We have provided a link to the oCoCP to reconfirm in Pt 1.4, para 9, that we are allowing for DCC to input and manage activities down to Mean Low Water. This is included simply for clarity, when considering your response to Questions 2.2.

[\(\[planninginspectorate.gov.uk\]\(http://planninginspectorate.gov.uk\)\)](http://planninginspectorate.gov.uk)

Background Context If Required

oLEMP - Outline Landscape And Ecology Management Plan (Tracked)

Latest version of document submitted at D4. As per other comments regarding tracked changes.

[4.10 D4 AyM Outline Landscape and Ecology Management Plan Tracked RevD](#)
[\(\[planninginspectorate.gov.uk\]\(http://planninginspectorate.gov.uk\)\)](http://planninginspectorate.gov.uk)

DPD - Design Principles Document (Tracked)

Latest version of document submitted at D4. As per other comments regarding tracked changes.

[4.9 D3 AyM Design Principles Document Tracked RevC \(planninginspectorate.gov.uk\)](#)

oCoCP - Outline Code Of Construction Practice (Tracked)

Latest version of document submitted at D4. As per other comments regarding tracked changes.

[4.15 D4 AyM Outline Code of Construction Practice Tracked RevE \(planninginspectorate.gov.uk\)](#)

2.5	DCC	Biodiversity, Ecology and Natural Environment	<p>General</p> <p>Please clarify your position regarding achieving net gain to biodiversity interest in response to paragraph 15.5 of your LIR [REP1-056].</p>	<p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010112/EN010112-000789-Denbighshire County Council LIR with Appendices Redacted.pdf</p> <p>Please also refer to the oLEMP link in question 2.2 above.</p>	<p>AyM provided a response to the LIR in, most notably in Section 4.6 of that response.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010112/EN010112-000916-2.4 D2 AyM Comments on Denbighshire County Council%E2%80%99s Local Impact Report (LIR) Rev A.pdf</p> <p>This sets out the enhancement measures proposed to provide net benefits for biodiversity (Table 7)</p> <p>AyM has previously agreed with NRW that we do not need to undertake a formal</p>	Unable to provide any further specialist input at this point
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					assessment on BNG given there is no obligation to do so under Welsh Planning Policy and that the mitigation, compensation and enhancement measures proposed are appropriate.	
3.3	DCC	Compulsory Acquisition (CA) and Temporary Possession (TP)	<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</p>	<p>Please note APP-021 has been superseded by</p> <p>Deadline Submission 1 – 1.44 Statement Of Reasons (Tracked)</p> <p>Latest version of document submitted at D1. As per other comments regarding tracked changes.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010112/EN010112-000847-</p>		Satisfied with the applicants conclusions.

			<p>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>1.44 D1 AyM Statement of reasons Trackd RevC.pdf</p> <p>Link to the Planning Act referred to in the question.</p> <p>https://www.legislation.gov.uk/ukpga/2008/29</p>		
4.1	DCC, CCBC and NRW	Construction	<p>Staging of Onshore Works</p> <p>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.</p>	<p>Staging Of Onshore Works</p> <p>Deadline Submission 3 – First Draft</p> <p>3.17 AyM Staging of Onshore Works RevA (planninginspectorate.gov.uk)</p>	<p>This document lays out the indicative timeline for the works, and proposed stages for works as well, although we are happy to enter dialogue regarding the number of Stages and the works they relate to. However, agreeing the general principle of a Staged build is preferential. Please note</p>	DCC are happy to agree to the suggested staging approach

					paragraphs 6-8 of the document for justification of that position.	
5.7	Applicant, DCC	Good Design	<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>RWE emailed on 30th Jan 2023 – 9:52am a willingness to enter into a PPA (following wider discussions with Denise that can be found and forwarded if required, but are summarised in the SoCG) to aid input from DCC with post consent (if achieved) discharging of conditions and then to allow input through the construction process.</p> <p>RWE see this as an efficient mechanism to engagement between the two parties, as a conduit</p>	<p>DCC are happy to progress a PPA with RWE.</p> <p>This has been further discussed during Feb 2022 with RWE</p>

for flow of information in both directions.

RWE response to this question reads as follows,

The Applicant and DCC agree that a PPA to facilitate support for the Council to discharge the Requirements would be useful.

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 Requirements rather than be linked to the DPS.

6.3	DCC, Applicant	DCO	<p>A2 –</p> <p>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.</p> <p>To DCC: Please provide your comments on paragraphs 3.8-3.11 of [REP3a-005].</p>	<p>Applicant's Response to ISH2 and ISH3 Actions</p> <p>(p8-10 of the pdf)</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010112/EN010112-001206-4.3_D4_AyM_Applicant's_Response_to_ISH2_and_ISH3_Actions_Rev_A.pdf</p>	<p>RWE have provided a response to the comments DCC made following ISH to Denise which was also included in the e-mail from Karen Algate to Paul Meade (30th Jan 2023 – 9:52am) and in RWE's response to actions from the ISH.</p> <p>When we discussed with Denise, she was happy that a definition of 'pre-commencement' was included in the DCO (Article 2), as this could be used and referred to by DCC's enforcement team</p>	<p>DCC are happy with RWE's definition of pre-commencement</p> <p>To be included in the DCO.</p>

6.4	DCC	DCO	<p>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.</p>	<p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010112/EN010112-000789-Denbighshire County Council LIR with Appendices Redacted.pdf</p> <p>Comments on Denbighshire County Council's Local Impact Report (LIR) (p65-68 of the pdf)</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010112/EN010112-000916-2.4 D2 AyM Comments on Denbighshire County Council%E2%80</p>	<p>RWE responded to the points on Streetworks in Table 11 of RWE's response to the LIR.</p> <p>Please note the comment on p65 regarding our opinion that these rights are common within DCO approvals for offshore wind farms, and still allow controls to be put in place, through agreement with DCC, before any works may start.</p>	DCC is satisfied with RWE's response.
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				%99s Local Impact Report (LIR) RevA.pdf		
7.8	DCC and CCBC	Flood Risk and Water Quality	<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>		<p>As discussed on a call on 31st Jan 2023 between the parties, there was preference that such a CMS should be drafted in a post-consent, pre-construction period where the necessary detail can be provided from a contractor appointed by the applicant, thus allowing for a fully developed and detail document to be reviewed by DCC.</p> <p>It was discussed between the parties that present time constraints will limit how much DCC could meaningfully contribute to such a plan, and that</p>	<p>DCC do not consider any landfall construction method statement</p> <p>This can be managed in dialogue between DCC and RWE.</p>

anything provided by the applicant now would be limited in detail and methodology.

It was also discussed that the landform at the beach is less complex than some other schemes around the country and the interaction with the coastal defence measure also planned locally related to access and temporary compounds. It should be noted the project has proposed two access points onto the beach to cater for any interactions of works, allow each party to have their own compounds to work from.

					Dialogue between the applicant and the coastal work contractor also continues and no timeline concerns have been raised to date based on the present programme of each projects work.	
10.2	Applicant DCC	Landscap e and Visual	<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</p>	Note earlier references to the DPD and oLEMP for more detail on what is planned and the process between consent and construction, to finalise any screening through the planting of trees.	<p>Part a)</p> <p>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>DCC agrees with RWE on this point.</p> <p>Any landscaping proposals could balance open views and required screening with details to be shared and agreed with residents.</p>

occupiers of residential properties in the vicinity of the ONSS site (i.e. those along Glascoed Road and at Faenol Broper) to comment on landscape proposals for the wider OnSS site?

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.

At the detailed design stage, as part of the Design Principles Document (DPD) [REP3-014] process,

further consideration would be given to the ultimate height and location of the planting in order to achieve as much screening of the proposed OnSS as possible (in line with representations made during the consultation process set out in the DPD) 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.

Part b)

The Applicant confirms that there be the opportunity for the occupiers of residential properties

				<p>in the vicinity of the ONSS site (i.e. those along Glascoed Road and at Faenol Bropor) to be discussed via consultation on the Design Guide (as set out in the updated Design Principles Document [REP3-014] that is provided at Deadline 4).</p>
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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, although it would be preferably to have discussed any issues through the Design

					guide prior to submission.	
18.1	Welsh Government, DCC and CCBC	Socio-Economic	<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>	<p>Applicant’s Response to the Examining Authority’s First Written Questions (p279-280 of the pdf)</p> <p>1.7 D1 AyM Responses to ExAQ1 RevA (planninginspectorate.gov.uk)</p>	<p>Our response is detailed within this document, and would draw your attention to the second and third paragraphs of the response, noting we are part of the Offshore Energy Alliance and that the Contract for Difference (CfD) process would provide the incentive for local content.</p>	DCC is content with the suggested approach on this matter.
18.3	Applicant, DCC,	Socio-Economic	Requirement 20 – Skills and Employment Strategy	Note the link to the Schedule Of Mitigation And Monitoring	RWE has including an update to the Schedule of	DCC agrees with RWE’s suggested approach.

	CCBC, IoACC		Is it necessary to include Requirement 20 in the Schedule of Mitigation [REP2-024]?	(Tracked) referenced earlier	Mitigation And Monitoring to include Requirement 20, on line item 487 at the very end of the document.	
18.11	Welsh Government, DCC and CCBC	Socio-Economic	<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>	<p>Equalities Impact Report</p> <p>Deadline 3 submission</p> <p>3.10 D3 AyM Equalities Impact Report Rev A (planninginspectorate.gov.uk)</p>		DCC agrees with the suggested approach.
19.1	DCC	Tourism and Recreation	<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</p>	<p>Outline Public Access Management Plan (oPAMP)</p> <p>Latest version of document submitted at D4. As per other comments regarding tracked changes.</p> <p>4.26 D4 AyM Outline Public Access Management Plan Tracked</p>	The latest revision of the oPAMP was submitted at D4 and our response to concerns raised in the LIR are provide in the applicants comments to the LIR report, a link to which was provided earlier in this document. Our responses were	DCC is content with the revised version of the oPAMP.

			<p>your requests/concerns? If not, please explain your reasons.</p>	<p>RevE (planninginspectorate.gov.uk)</p> <p>Comments on Denbighshire County Council's Local Impact Report (LIR)</p> <p>(p38-39 of the pdf – Please refer to link above for copy of document)</p>	<p>provide in Table 6 and 11 of that document.</p> <p>DCC concerns relating to the closure of PRow are understood, but DCC are still in control of the final sign off of the PAMP. We would also ask that you look through section 2.2.1 and 2.2.2. of the oPAMP which details the outline management of routes for PRow users. Whilst some of these methods do facilitate temporary closures, it still allows for a continued flow of foot traffic along the route and to either side of the DCO limits.</p>
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