

**APPLICANT COMMENTS ON SUBMISSIONS RECEIVED AT DEADLINE 4**  
**FURTHER COMMENTS ON BEHALF OF RHYL FLATS WIND FARM LIMITED**

RFWFL has considered the comments made by the Applicant in Table 3 of their Deadline 5 submission. The bulk of the comments add no further comments or refer to ongoing discussions on the protective provisions. On the issue of wake loss, RFWFL maintain the position set out in their submissions contained in REP2057, REP4-047 and REP-5-041. It is noted that the Applicant has made a further substantive submission in relation to ExA 3.27 and a further response to this is set out below.

Ref	ExA Question	RFWFL's Deadline 4 Response	Applicant's Deadline 5 Response	RFWFL's Deadline 6 Response
3.27	<p>Please comment on the concerns raised by RFWF Limited [RR-020] regarding:</p> <p>a) Work No.2 and implications for the operation of RFWF and its lease agreements;</p> <p>b) Necessary consents from RFWF (similar matter also raised by NHWF Limited [RR-019]); and</p> <p>c) The positioning of the Proposed Development and potential for a reduction in the energy output of RFWF from changes to wind speed and direction.</p>	<p>a) and b) The protective provisions are not yet fully in terms which are acceptable to RFWFL in order for them to provide their consent to the granting of the lease. It cannot be assumed that the existence of protective provisions means that RFWFL has given its consent to the lease. This will still require formal approval by RFWFL whether this is in the form of agreement or a letter of consent. This is not currently in place.</p> <p>c) RFWFL's position is set out in the response to Q3.27 at REP3-029. The TCE siting criteria are broad criteria and</p>	<p>The Applicant confirms that active discussions are ongoing to agree the protective provisions. The Applicant maintains its position with regards the issue of The Crown Estate's siting criteria and wake loss as set out in response to ExQ1.3.27 (REP1-007) and in the Applicant's Deadline 3 comments on RFWFL's response to ExQ1.3.27 (REP3-002).</p> <p>For the reasons set out previously, the Applicant disagrees with RFWFL's interpretation of paragraph 2.6.176 and the subsequent</p>	<p>RFWFL notes that there was no adjustment to the RFWFL protective provisions in the version of the DCO lodged at Deadline 5. The Applicant provided a further iteration of the protective provisions on 16 February and RFWFL provided comments on 20 February. RFWFL would expect to see a further version of the DCO at Deadline 6 incorporating the updated provisions on which further comment can be made.</p> <p>The position of the parties on the Crown Estate siting criteria has been thoroughly ventilated and RFWFL has nothing further to add on this point.</p> <p>It is noted that the Applicant still maintains that paragraphs 2.6.176 –2.6.188 do not apply to existing offshore wind farms. Indeed, the Applicant now seems to be going further</p>

		<p>do not mean that a site outwith the TEC siting distances can be assumed to have no impacts on existing windfarms. It is for the Applicant to show this and they have not done so.</p> <p>The Applicant's interpretation of the NPS would mean that any from of offshore development that is not expressly "listed" in paragraphs 2.6.176 –2.6.188 does not require to go through the assessment process in that part of the NPS. Other impacts on existing wind farms (other than wake loss) would similarly not need to be considered. Such an interpretation cannot be correct and contradicts the position taken by the Applicant on other aspects of RF where they have accepted the need to consider the impact of installing their cable on close proximity to the existing turbines. That demonstrates why</p>	<p>paragraphs of NPS EN-3 that set out policy in relation to 'Offshore Wind Farm Impacts – oil, gas and other offshore infrastructure and activities'. Over the 13 paragraphs of this part of EN-3 the only mention of other electricity generating infrastructure is in paragraph 2.6.177 in relation to wave and tidal and carbon capture and storage. Given this single reference and the complete absence of any general reference to electricity generation projects or specifically other offshore wind farms the Applicant maintains that it cannot have been BEIS's intention for such projects to be included within this policy. There is also nothing in the NPS that requires the ExA or the SoS to consider wake loss as a relevant consideration. In so far as policy seeks to protect other offshore infrastructure (and noting the Applicant's position that this does not</p>	<p>and suggesting that the only existing energy projects that would require to considered in terms of EN-3 are wave, tidal and carbon capture and storage. So, according to the logic of the Applicant's position, if an offshore windfarm affected offshore infrastructure associated with a nuclear power plant or hydrogen pipelines then that can be ignored. RFWFL maintains that the only sensible interpretation of paragraphs 2.6.176 –2.6.188 is that the specific types of offshore infrastructure referred to in this section of EN-3 are simply examples of offshore infrastructure that may be affected.</p> <p>The Applicant is correct that there is no express reference in the NPS to wake loss needing to be considered. However, neither are there express references to an Applicant requiring to assess other specific types of impact of existing offshore infrastructure so this does not take the argument any further forward.</p> <p>The relevance of paragraph 2.6.168 is that is that if a development "likely to affect the future viability or safety of an existing or approved/licensed offshore infrastructure or activity" then these adverse affects are to be given "substantial weight" in decision making. This does not mean that an impact which does not threaten viability can be ignored. It just means that an impact which</p>
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		conducted. Over the remaining lifespan of RF, a 2% wake loss will have a substantial financial impact.		

The Applicant has made further submissions at paragraphs 17 and 18 of their Deadline 5 submission responding to the opinion letter from DNV (REP4-048) RFWFL#s comments on these points are set out below:-

Para Number	Applicant Deadline 5 submission	RFWFL Deadline 6 Response
17	The Applicant notes that RFWFL has not provided any assessment or details to support the assertion that wake loss effects of AyM on Rhyl Flats will be 2% or the basis on which this calculation has been made. The Applicant is therefore unable to comment on this figure.	The purpose of the letter is to show that, in DNV's professional opinion, the construction of AyM will cause tangible wake loss to RF and that detailed assessment is required. It is not for RFWFL to bear the costs of this assessment. RFWFL understand that the Applicant accepts that there may be a wake loss impact of a similar level to that set out by DNV but it has chosen not to share this information with the examination. It is therefore disingenuous for the Applicant to question the figure that DNV have supplied.
18	Notwithstanding the Applicant's position on wake loss and the applicability of paragraphs 2.6.176 – 2.6.188 of NPS EN-3 to other offshore wind farms which has been clearly set out in previous representations, the Applicant does not consider that 2% wake loss would be sufficient to affect the future viability of Rhyl Flats (see paragraph 2.6.185 of NPS EN-3). It should also be noted that RFWFL does not claim any such effect would affect the future viability of the project. The wake loss figure is also irrelevant with regards to paragraph 2.6.184 of NPS EN-3. The Applicant has ensured that the site design of AyM minimises disruption or economic loss to other offshore wind farms as set	Paragraph 2.6.185 requires adverse effects to be given substantial weight where the impact would affect future viability. That does not mean that impact which does not affect viability can be ignored. Paragraph 2.6.183 sets an expectation that the applicant will minimise negative impacts and reduce risk as to as low as reasonably practicable.  If it is accepted that Applicant does require to consider wake loss impacts then the Applicant's reference to the ES is not relevant as they have made it clear that they have not considered wake loss as part of the ES. There is nothing to show that they have done anything to minimise loss caused by potential wake loss.

Commented [MG1]: Are we happy to say this?

	<p>out in the 'Site Selection and Alternatives' chapter of the Environmental Statement (APP-044) and in the 'Other Marine Users' chapter of the Environmental Statement (APP058) in which Table 11 sets out the relevant embedded mitigation.</p>	
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