

From: [REDACTED]
To: [AwelyMor](#)
Subject: EN010112- EXQ3 DEADLINE 8th MARCH 2023 - Proposed Development- Awel y Mor Offshore Wind Farm Scheme Our Clients-: Mr JB & Mrs E Evans ,Faenol Bropor , Bodelwyddan, LL18 5UY Our Ref-: AWE..EVA.J.-1-C
Date: 07 March 2023 18:51:00
Attachments: [EN010112-001365-AYMO - ExO3 - English final.pdf](#)
[EXTRACT FROM MAFF AGRICULTURAL LAND CLASSIFICATION SHEET 108.pdf](#)
[SITE PLAN.pdf](#)
Importance: High

Dear Sirs,

RE: AWEL Y MÔR OFFSHORE WINDFARM PROJECT
OUR CLIENT /INTERESTED PARTY :- MR JB & MRS E EVANS, FAENOL BROPOR, BODELWYDDAN
LL18 5UY REGISTRATION NO-: **20031650 RR-038**

With reference to the third written questions issued on 1st March 2023 we respond as follows in respect of the Questions 8.1 & 9.1 -:

Question 8.1 -Listed Designation

The Examining Authority are correct in their interpretation that Faenol Bropor house is not subject to a specific listed designation (and it is the Barn to the North West of Faenol Bropor Farmhouse that is listed as Grade II).

Question 9.1 (Land Use) - Faenol Bropor

With regard to the additional ,adjacent ,land farmed by our client ,on the basis referred to in the CA Hearing (on 28th February), this is a tenanted parcel, being the 'old ' Bodelwyddan Castle parkland ,extending in all to about 65 hectares (as shown edged in purple for identification purposes only on the appended Site Plan) . Whilst a protected tenancy from year to year applies, the freehold of the subject parcel is not owned by our client.

Furthermore it is designated historic parkland and in this respect it is described as follows on CADW''s website ([Historic Parks & Gardens - Full Report - HeritageBill Cadw Assets - Reports](#) [REDACTED]) -:

'The park is largely undulating grassland dotted with large mature deciduous trees (mainly oaks) and clumps of trees with some larger areas of woodland, especially on the east boundary'.

Moreover, it is understood from our client that no rights are permitted to plough or cultivate the parkland and a significant proportion is also expressly limited, in the Tenancy agreement , to grazing by sheep only .Moreover parts contain excavations which were undertaken to create former first world war trench training facilities for the nearby Kinmel Military Camp .

In addition, I gather a section of the parcel consists of protected ridge and furrow ground and there are areas containing what are understood to be old lead mine shafts.

Accordingly, the parkland is significantly hampered in respect of productive capacity .Moreover whilst the current Welsh Government Agricultural Land Classification (ALC) mapping facility categorise the majority of the parkland as Grade 3a this contrasts with the ALC plan (dated 1966) which (as shown on the attached map extract in yellow) refers to the subject area being Grade 4 - which ,given its versatility limitations, would be deemed more accurate .

Therefore, as the above-mentioned tenanted land is significantly limited in its productive capacity, whilst conveniently located to Faenol Bropor , it is considered that our client's use of this parcel has negligible bearing on the proceedings . It is the potential permanent loss of productive versatile land within Plots 416 & 417 of the Applicant's ' onshore land plan' (being in excess of 54% of one entire Freehold agricultural unit) that is deemed the crucial factor when determining the adverse impact on the validity of the farm business .

Furthermore, Faenol Bropor land is clearly identified on the foregoing MAFF ALC plan as Grade 2, and since the 1970's there has been significant investment (including in respect of under-

drainage) to further improve its productive capacity. Also it is understood that a large proportion of plot 417 has been used to grow spring arable crops and has been reseeded (during April /May) in the past. Therefore, it is somewhat perplexing why the area subject to the compulsory acquisition application has been downgraded , in the first instance, to Grade 3a and 3b (by the Welsh Government- bearing in mind that the parkland has been upgraded from Grade 4 to mainly 3a) ; and, given the aforesaid , it is deemed justifiable to legitimately question the Applicant's attempt to further downgrade the majority of Plot 417 (in addition to Plot 416) to Grade 3b.

Please let us know should we be able to assist regarding any further questions .

Many thanks.

Yours faithfully ,

Eifion Bibby

J Eifion Bibby MRICS FAAV

Director & RICS Registered Valuer

For and on behalf of :

Davis Meade Property Consultants, Plas Eirias Business Centre, Abergele Road, Colwyn Bay, Conwy, LL29 8BF.

[REDACTED]

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Application by Awel y Môr Offshore Wind Farm Limited for an Order Granting Development Consent for the Awel y Môr Offshore Wind Farm project
The Examining Authority's third written questions and requests for information (ExQ3)
Issued on 1 March 2023

The following table sets out the Examining Authority's (ExA's) third written questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 23 August 2022 [PD-007]. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and any Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, either providing a substantive response or explaining why the question is not relevant to them. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with a number (indicating that it is from an ExQs round of that number) and then has an issue number and a question number. For example, the first question on 'General and cross topic issues' in this round of questions is identified as ExQ3.0.1. When you are answering a question, please start your answer by quoting the unique reference number.

Responses should be sent to the [mailbox](#) for the Examination. If you are responding to a small number of questions, answers in an email or a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the Case Team.

Responses are due by **Deadline 7: Wednesday 8 March 2023**

Abbreviations used

A	Article
AIL	Abnormal Indivisible Load
AIS	Air Insulated Substation
ALAR	Abnormal Load Assessment Report
ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
ATR	Active Travel Routes
AyM	Awel y Môr
BEIS	Department for Business, Energy and Industrial Strategy
BoR	Book of Reference
CA	Compulsory Acquisition
CCBC	Conwy County Borough Council
CEA	Cumulative Effects Assessment
Cefas	Centre for the Environment, Fisheries and Aquaculture Sciences
CLS	Community Linguistic Statement
CSIP	Cable Specification and Installation Plan
DAERANI	Department of Agriculture, Environment and Rural Affairs, Northern Ireland
dDCO	Draft Development Consent Order
DCC	Denbighshire County Council
DCO	Development Consent Order
ECC	Export Cable Corridor
ECoW	Ecological Clerk of Works
EDR	Effective Deterrent Radius
EM	Explanatory Memorandum
ENP	Eryri National Park



ENPA	Eryri National Park Authority
EPR	Environmental Permitting (England and Wales) Regulations 2016
ES	Environmental Statement
ExA	Examining Authority
FCA	Flood Consequence Assessment
FCC	Flintshire County Council
FMfP	Flood Map for Planning
FRAP	Flood Risk Activity Permit
FS	Funding Statement
FTE	Full Time Equivalent
FWNP	Future Wales – The National Plan 2040
GC	Gwynedd Council
GCN	Great Crested Newts
GIS	Gas Insulated Substation
GyM	Gwynt y Môr
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
INNS	Invasive Non-Native Species
IoACC	Isle of Anglesey County Council
JNCC	Joint Nature Conservation Committee
km	kilometres
LIR	Local Impact Report
LPA	Local Planning Authority
LWS	Local Wildlife Site
LVIA	Landscape and Visual Impact Assessment
m	metres



MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
NATS	National Air Traffic Services
NE	Natural England
NS	NatureScot
NHWF	North Hoyle Wind Farm
NO_x	Nitrogen Oxides
NPS	National Policy Statement
NRW	Natural Resources Wales
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Project
NT	National Trust
NWWT	North Wales Wildlife Trust
oACMP	outline Air Quality Management Plan
oCCP	outline Construction Communications Plan
oCoCP	outline Code of Construction Practice
oCMS	outline Construction Method Statement
oNVMP	outline Noise and Vibration Management Plan
oLEMP	outline Landscape and Ecology Management Plan
oPPEIRP	outline Pollution Prevention and Emergency Incident Response Plan
oPAMP	outline Public Access Management Plan
oSES	outline Skills and Employment Strategy
oSWMP	outline Site Waste Management Plan
oSMP	outline Soil Management Plan
OnSS	Onshore Substation
oPPIERP	outline Pollution Prevention and Emergency Incident Response Plan



PA2008	Planning Act 2008
PAH	Polycyclic Aromatic Hydrocarbons
PPW	Planning Policy Wales
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
PTS	Permanent Threshold Shift
R	Requirement
RFWF	Rhyl Flats Wind Farm
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
Sch	Schedule
SGLP	Special Category Land Plans
SLVIA	Seascape, Landscape and Visual Impact Assessment
SoCG	Statement(s) of Common Ground
SoS	Secretary of State
SoR	Statement of Reasons
SNP	Snowdonia National Park
SuDS	Sustainable Drainage Systems
TAN	Technical Advice Note
TP	Temporary Possession
TPO	Tree Preservation Order
TSUPRoW	Temporary Stopping Up of Public Rights of Way Plan
TTS	Temporary Threshold Shift
UKCP18	UK Climate Projections 2018



UXO	Unexploded Ordnance
VP	Viewpoint
WBFGW	The Well-being of Future Generations (Wales) Act 2015
WTG	Wind Turbine Generator

The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be found [here](#).

The Examination Library will be updated as the examination progresses.



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ExQ3: 1 March 2023**Responses due by Deadline 7: Wednesday 8 March 2023**

ExQ3		Question to:	Question
0. General and Cross Topic Questions			
0.1	NRW		<p>Marine Licence The Applicant's update on the Marine Licence Submission and Progress submitted at Deadline 4 [REP4-025] states that a public consultation took place during December 2022 and January 2023 concerning information submitted to the Marine Licensing Team of NRW on 25 November 2022. Please provide a summary of any relevant results of this public consultation.</p>
0.2	Applicant		<p>Document Control The ExA notes submission [REP4-003] in respect of document naming and numbering. However, the matter of inconsistency with dDCO Schedule 13 still pertains to some documents submitted before Deadline 4 (including Offshore Land Plan, Onshore ECC / Substation Flood Consequence Assessments, outline Drainage Strategy and oCoCP Appendices 2, 3, 5, 6, 9, 10 and 11). Please confirm how you intend to rectify this?</p>
0.3	Applicant, NRW		<p>Pre-commencement works - Offshore The definition of commencement works in Article 2 of the dDCO [REP6-005], [REP6-006] does not include certain onshore works relating to surveying or investigatory works. Please confirm how pre-commencement works (if they exist) are dealt with in the Marine Licence.</p>
0.4	Applicant		<p>Pre-commencement works The definition of 'onshore' in Article 2 of the dDCO [REP6-005], [REP6-006] includes Works Nos 3 and 3a, categorised in Schedule 1 Part 1 of the dDCO as 'Intertidal and in the County of Denbighshire'. Please confirm that the definition of pre-commencement works contained within the definition of 'commence' in the dDCO applies to these Work areas.</p>

ExQ3: 1 March 2023

Responses due by Deadline 7: Wednesday 8 March 2023

0.5	North Hoyle Wind Farm Ltd (NHWF), Applicant	<p>North Hoyle Wind Farm Could NHWF confirm its anticipated date and duration for decommission work of its offshore wind farm.</p> <p>Could the Applicant please describe its assumption regarding North Hoyle wind farm decommissioning work and if it was included in your cumulative effects assessment.</p>
0.6	Applicant	<p>Household Supply Please confirm the estimated figure in terms of household supply. At paragraphs 14, 884 and 891 of the Planning Statement [APP-298] it is stated that the Proposed development is anticipated to provide clean electricity for up to 500,000 homes, whereas at paragraph 878 this figure is 400,000.</p>

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0.7	Applicant	<p>Mona and Morgan Offshore wind Farms</p> <p>Your answer to ExQ2.0.6 notes the text contained within paragraph 5(e) of Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 concerning the requirement to assess cumulative effects with “other existing and/or approved” projects, stating that this means that the legal requirement is limited to projects that are either consented or are built out already. The answer further refers to the Advice Note 17 in the context of other existing development and/or approved development. However, scoping reports have been issued for both Mona and Morgan, meaning that they would fall in Tier 2 of the Advice Note.</p> <p>The ExA also note in your response that “there is significant uncertainty regarding...onshore substation site” but note that the potential substation locations are all in the vicinity of Bodelwyddan and would presumably ‘feed into’ the same National Grid substation as the proposed development would:</p> <ul style="list-style-type: none">a) Provide further evidence, with reference to case law if necessary, that “existing” in the context of paragraph 5(e) of Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, equates to projects that are consented or are built out; andb) Provide any further justification over your decision not to carry out a cumulative assessment, should you wish to do so.
0.8	NGET	<p>Bodelwyddan Substation</p> <p>Your written representation submitted at Deadline 1 [REP1-071] states that “NGET are pursuing a planning application for the enabling works to facilitate the connection of the Proposed Development and other connected projects to the NGET Bodelwyddan substation. NGET is progressing the necessary consent applications, which it currently anticipates submitting in 2023.”</p> <p>Please provide an update to the above in terms of programming and timing, and any further information/details on the proposed enabling works which may be relevant to this proposed project.</p>

ExQ3: 1 March 2023**Responses due by Deadline 7: Wednesday 8 March 2023**

0.9	Gwynedd Council (GC), Applicant	<p>Wales Coastal Path ExQ2.0.8 concerned the Wales Coastal Path and the proposed re-routing through the Penrhyn Estate.</p> <p>To GC: Please provide any further information you may have on the location of this re-routing, and respond to the Applicant's answer to ExQ2.0.8, should you wish to do so. Will the change to the route of the footpath have any implications for recreational and leisure users of the path with regard to any effects of the proposed development?</p> <p>To the Applicant: Thank you for your response to ExQ2.0.8. Do you consider that the change to the route of the footpath would have any implications for recreational and leisure users of the path with regard to any effects of the proposed development?</p>
1. Aviation		
1.1	Applicant, NATS	<p>Radar Mitigation Contract Please provide any further update to your response to ExQ2.1.1. on the progress of the Radar Mitigation Contract and provide an alternative solution/remedy should the Contract not be signed by March 20th when the examination of the proposed development closes.</p>
2. Biodiversity, Ecology and Natural Environment		
2.1	NRW, JNCC, RSPB, NWWT	<p>General Please advise if you have any issues with the Applicant's Response to R17Q1.1 [REP4-008] and the provided template plans, and if issues exist, please reference with explanation and evidence to justify.</p>
2.2	Applicant	<p>General Further to your Appendix J – Response ExQ1 2.88 – Technical note on Non-Road Mobile Machinery [REP1-007] please could you summarise any potential air quality impacts upon other habitats from NRMM emissions.</p>

ExQ3: 1 March 2023**Responses due by Deadline 7: Wednesday 8 March 2023**

2.3	RSPB, NWWT	General - Mitigation Please advise if you have any issues with Schedule of Mitigation and Monitoring [REP4-021], and if issues exist, please reference with explanation and evidence to justify.
2.4	NRW, DCC	Onshore - Mitigation With reference to Applicant's Response to ISH3 Action Points [REP4-003] please could you confirm if you have any issues with pre-commencement works being able to take place in accordance with outline management plans such as the oLEMP [REP4-011], oCoCP [REP5-016], and outline drainage strategy as certified.
2.5	Applicant	Onshore - Mitigation Further to your ISH3 Action Points [REP4-003] response please clarify if the outline management plans such as the oLEMP [REP4-011], oCoCP [REP5-016], and outline drainage strategy [REP1-045] as certified would require further review and agreement by DCC and NRW prior to undertaking any pre-commencement works. (e.g. archaeological investigations, creation of temporary means of access, site clearance including vegetation clearance and diversion and laying of utilities and services).
2.6	Applicant	Onshore - Mitigation Further to your ISH3 Action Points [REP4-003] Glascoed Nature Reserve response please could you describe the potential impacts of construction works along the north-eastern corner of the substation platform footprint, and the potential effects upon the habitats and species of Glascoed Nature Reserve.
2.7	Applicant, NWWT	Onshore With reference to NWWT SoCG [REP4-032] please could the Applicant and NWWT confirm their position status for each discussion point in Table 3 to Onshore Biodiversity and Nature Conservation or provide an updated SoCG.

ExQ3: 1 March 2023**Responses due by Deadline 7: Wednesday 8 March 2023**

2.8	Applicant	Offshore – Ornithology With reference to IoM SoCG [REP4-014] please could you provide a response if directional data in the assessment suggests there is a likely connection of the study area with the range of the birds nesting on the Calf of Man.
2.9	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.21 [REP6-003] and advise on any disagreement with evidence to justify.
2.10	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.23 [REP6-003] and advise on any disagreement with evidence to justify.
2.11	NRW	Offshore – Ornithology Please could you confirm that you are satisfied with the use of generic parameters given in Horswill and Robinson (2015) as site-specific parameters are not readily available.
2.12	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.17 [REP6-003] and advise on any disagreement with evidence to justify.
2.13	RSPB	Offshore – Ornithology Please could you comment on Applicant response to ExQ2.2.12 [REP6-003] and advise on any disagreement with evidence to justify.

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2.14	Applicant, RSPB, NRW	HRA RSPB Please could you comment on NRW Advisory Deadline 5 addendum ANNEX A: NRW Advisory's position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA on our statutory advice relating to the Awel y Môr offshore windfarm [REP5-039]. To the Applicant and NRW ANNEX A: NRW Advisory's position regarding the implications of the newly published Conservation Objectives for Liverpool Bay SPA. Please could you advise on any implications for the Report to Inform Appropriate Assessment [APP-027] and associated annexes?
3. Compulsory Acquisition (CA) and Temporary Possession (TP)		
3.1	Applicant	Negotiations Paragraph 1 of the negotiations document [REP6-016] states that leaseholders and tenants are listed below respective landlords. Please clarify this statement, noting for example, that the owner of Plot 17, the owner of Plot 285 and the owner of Plot 331 as shown in the Book of Reference (BoR) [REP6-010] are listed in the negotiations document but the respective lessees / tenants are not?
3.2	Applicant	Negotiations Please explain why the negotiations document [REP6-016] does not include some occupiers, for example those listed under Plot 17, Plot 285 and Plot 331 in the BoR [REP6-010]?
3.3	Applicant	Negotiations Please clarify why some Affected Parties are listed numerous times in the negotiations document [REP6-016]?

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3.4	Applicant	Negotiations Submissions [REP5-036] and [REP5-037] indicate a different date for the most recent negotiations to that indicated in the negotiations document [REP6-016]. Please clarify the situation.
3.5	Applicant	Negotiations Entries 28 and 29 in the CA Schedule [REP6-018] do not appear in the negotiations document [REP6-016]. Please add them as necessary (noting that the Trustees of the Bodrhyddan Estate Maintenance Fund do not appear in the BoR [REP6-010]).
3.6	Applicant	Negotiations For ease of reference, and notwithstanding they are not included within the BoR, it would be helpful for the Applicant to include a separate section within the negotiations document [REP6-016] detailing negotiations with North Hoyle Wind Farm Ltd and Rhyl Flats Wind Farm Ltd.
3.7	Applicant	BoR The agent who submitted [AS-048] appears in the BoR [REP6-010] numerous times. Please confirm if these entries are correct.
3.8	Applicant	BoR Has the Applicant undertaken any further investigations into the 'unknown' interests in the BoR [REP6-010], such as for Plots 96, 97 and 98?
3.9	Applicant	CA Schedule As the Welsh Government has made submissions, including in respect of the A55 [REP1-097], should the Welsh Ministers, as the Crown authority for land associated with the A55 and as the highway authority, be included in the CA Schedule [REP6-018]?

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3.10	Applicant	CA Schedule For ease of reference, the ExA again requests that the information as it appears in the negotiations document [REP6-016] be copied over into the relevant parts of the CA Schedule [REP6-018] at each deadline.
3.11	Applicant	Document updates Please ensure the negotiations document [REP6-016] and CA Schedule [REP6-018] are updated at each successive deadline.
3.12	Applicant	OnSS and Biodiversity Enhancement It is mentioned throughout your submissions, including [REP3a-005], that biodiversity enhancement quantum at the OnSS site would meet relevant policy requirements. Please specify which policy requirements.
3.13	Applicant	Rights of Way Plot 416, which contains a public right of way, would be subject to CA of land. How would the Applicant (or any subsequent landowner) be prevented from permanently stopping up the public right of way in the future?
3.14	Applicant	Statutory Undertakers The negotiations document [REP6-016] identifies s127(6) of PA2008 as relevant to seven Statutory Undertakers. However, is this correct given that only two of them are identified in the BoR as being landowners (Network Rail Infrastructure Limited and Dŵr Cymru / Welsh Water)?
3.15	Applicant	Plots Having regard to submission [REP5-034], please address concerns around: a) Time periods for rights sought; b) The necessity for certain plots (or parts of them) to be included within the Order land (i.e. Plots 142 and 145); and c) Implications for future development / diversification of land.

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3.16	Applicant, Network Rail Infrastructure Limited (NRIL)	Protective Provisions Please clarify: a) Whether you expect agreement to be reached on protective provisions before the close of the Examination; b) The main areas of outstanding disagreement; c) Implications for the Proposed Development should protective provisions not be agreed; d) Approaches open to the ExA should protective provisions not be agreed; and e) Whether consideration has been given to the use of those protective provisions as per other made dDCOs (i.e. Norfolk Boreas and Hornsea Three).
3.17	Applicant, Dwr Cymru / Welsh Water	Protective Provisions Please clarify: a) Whether you expect agreement to be reached on protective provisions before the close of the Examination; b) The main areas of outstanding disagreement; c) Implications for the Proposed Development should protective provisions not be agreed; and d) Approaches open to the ExA should protective provisions not be agreed.
3.18	Applicant	Other Agreements / Protective Provisions Please provide a response to the submission from NHWF [REP5-040], including your views on the protective provisions as suggested. Please also indicate the approaches open to the ExA should agreement between the parties not be reached by the close of the Examination.

ExQ3: 1 March 2023

Responses due by Deadline 7: Wednesday 8 March 2023

3.19	Applicant, Rhyl Flats Wind Farm Limited (RFWF)	<p>Wake effects The ExA notes all representations put forward by the Applicant and RFWF in respect of wake effects.</p> <p>To the Applicant:</p> <ul style="list-style-type: none">a) Please set out in detail your views on the relevance of NPS EN-3 paragraphs 2.6.176 – 2.6.188 to the Proposed Development (noting that you suggest in [REP1-007] and [REP5-003] that they are not relevant, though make reference to consultation with ‘other offshore wind farm operators’ as potentially affected stakeholders within the relevant section of the NPS Tracker [REP3-003] relating to these NPS paragraphs);b) Please confirm and summarise the potential wake effect and socio-economics assessment undertaken to meet Regulation 5 (2)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. If this assessment has not been undertaken, please provide justification and relevant evidence;c) Please confirm and summarise your approach to NPS EN-1, paragraph 5.12.2, where if the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2);d) Do you consider there could be potential for wake effects on the operation of RFWF? If not, why not?; ande) If so, would you be willing to undertake an assessment of this? <p>To RFWF:</p> <ul style="list-style-type: none">f) What is the remaining operation period of RFWF / when is RFWF due to be decommissioned?g) [REP4-048] states that the construction of Awel y Môr would result in a tangible wake loss at Rhyl Flats wind farm of (in the region of) 2%. Is this figure a percentage loss of energy generation from RFWF and in the absence of a wake loss assessment how was this figure calculated?; andh) With reference to NPS EN-3 paragraph 2.6.185, do you consider that this wake loss would be likely to affect the future viability of RFWF?
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		<p>To the Applicant and RFWF:</p> <p>i) Please comment on whether NPS EN-3 paragraph 2.6.188 (and draft NPS EN-3 paragraph 2.34.8) would offer a possible solution to the wake effect dispute and if so, please provide some suggested wording for such a requirement; and</p> <p>j) RFWF suggests potential for up to 2% wake loss as a result of the Proposed Development. Having regard to the remaining operational period of RFWF and any potential effects on its electrical output as a result of such a wake loss, to what degree might this affect the benefits that the Proposed Development could provide in terms of electrical output / renewable energy over its lifetime?</p>
3.20	Applicant, RFWF	<p>Protective Provisions</p> <p>Notwithstanding wake loss matters, please clarify:</p> <p>a) Whether you expect agreement to be reached on protective provisions before the close of the Examination on all other matters;</p> <p>b) The main areas of outstanding disagreement;</p> <p>c) Implications for the Proposed Development should protective provisions not be agreed; and</p> <p>d) Approaches open to the ExA should protective provisions not be agreed.</p>
3.21	The Crown Estate	<p>The Applicant's response to ExQ1.3.27c [REP1-007] suggests that The Crown Estate's siting criteria for offshore wind farm extensions (2017) sets a 5km stand-off from other operational offshore wind farms to take into account potential for wake effects / reductions in energy output for other offshore wind farms. Can the Crown Estate please comment on this matter and clarify whether this is the case?</p>
4. Construction		

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4.1	Applicant	<p>Onshore Further to your ISH3 Action Points [REP4-003] response to pre-commencement, construction and programme, response to ExQ2.4.3 [REP5-004] and Outline Onshore Construction Method Statement [REP6-045] please indicate the maximum hardstanding footprint area and indicate these locations at the OnSS area for the following pre-commencement works:</p> <ul style="list-style-type: none">a) Archaeology investigation;b) Ground investigation; andc) Site clearance including vegetation clearance.
4.2	Applicant, NRW, DCC	<p>Onshore To the Applicant Please could you confirm the impact assessment for noise and air quality (with reference to your response in ExQ2.4.7 [REP5-004] that crushing/sorting may be required in the event that either rock or granular and cohesive material are encountered). Please also clarify if crushing/sorting is deemed a demolition activity, with reference to your previous response ExQ1.4.18 [REP1-007] that you do not intend to undertake demolition activities on site.</p> <p>To NRW, DCC Please could you list any permits required for crushing/processing material on site.</p>
4.3	Applicant, NRW	<p>Onshore To the Applicant: Please could you clarify your approach to waste and materials. The statement that cut material from the site can be utilised as part of the fill material requirements of the earthworks platform, subject to testing and specification requirement in response to ExQ2 4.7 [REP5-004] infers that it would not be a waste but be managed in such a way that it would be a material.</p> <p>To the Applicant and NRW: Please outline the mechanism and approach to the waste legislation framework in regard to the re-use of excavated rock/granular soil and if an outline materials management plan is required.</p>

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5. Good Design		
5.1	Applicant	Design Principles Document The ExA note the changes made to the Design Principles Document at Deadlines 4 and 5. One such change relates to the Design Review Process (Chapter 4, [REP5-020]). Please provide within the document an indicative timeline for the process and the various stages identified. This does not need to include dates but should, for example, show the stages outlined in paragraphs 120 to 128 in a clear visual style so that interested parties can clearly see the stages proposed and local residents can see when they can expect to be consulted within the process.
5.2	Applicant	Design Principles Document Your answer to ExQ2.5.4 [REP5-004] notes the potential opportunity for an extension to the Nature Reserve as part of the proposals and the potential for public access through the mitigation areas, provided certain conditions are met. Could such proposals be included within the Design Principles Statement? If so please provide an updated version.
6. Draft Development Consent Order (dDCO)		
Questions / comments relate to dDCO Revision K [REP6-005] (clean) / [REP6-006] (tracked)		
Articles (A)		
6.1	Applicant	A27(8) – this still appears to be excessive in scope as it continues to refer to CA of rights over land identified for TP only. Any land subject to CA of rights / restrictive covenants is included in Schedule 7 and provision is made for this in A20. There is no apparent crossover of Schedules 6 and 7. Please amend A27(8) of the dDCO as necessary.
Schedules (Sch), including Requirements (R)		
6.2	Applicant	Sch 1, Part 1 (just above Table 1) - you correctly changed the first reference to 'works plans' to 'location plan' (as the location plan includes the co-ordinates) but incorrectly changed the second reference to 'works plans' to 'location plan' also. Please rectify as the Work Nos are shown on the works plan.

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6.3	Applicant	Sch 2, Requirement 2, Table 3 – should this specify maximum hub and meteorological mast heights (noting that SLVIA documents (i.e. [APP-206 / APP-209]) suggest this would be 179m for MDS A and 157m for MDS B)?
6.4	Applicant	Sch 4 - further to ExQ1.6.46(a), this schedule still refers to 'Streets and rights of way to be temporarily stopped up or restricted' though no streets are identified. Please explain the reason for this or amend the schedule as necessary.
7. Flood Risk and Water Quality		
7.1	Dŵr Cymru/Welsh Water	<p>Foul Water Drainage</p> <p>Your submission at Deadline 1 [REP1-058] states that it appears that the application does not propose to connect to the public sewerage system but that if circumstances change that you would wish to be re-consulted. The proposed substation preliminary outline drainage strategy [APP-138], [REP1-045], contains proposals for foul sewerage connections (part 4).</p> <p>Please provide any comments on these proposed connections, should you wish to do so.</p>
8. Historic Environment		
8.1	Applicant and any interested/relevant IPs	<p>Faenol Broper</p> <p>The Landscape and Visual Impact Assessment (Volume 3, Chapter 2 of the ES) [AS-029] and the Visual Effects from Faenol-Broper document [REP4-027] states that Faenol-Broper is a Grade II listed farmhouse (Table 13 and para 6 respectively). However, it is the ExA's understanding that it is the barn to the North West of Faenol-Broper Farmhouse which is the listed building as opposed to the farmhouse (Cadw reference 1378).</p> <p>Please confirm if this is correct. If so please correct/amend any relevant documents, including their findings and conclusions if necessary. If this is not correct, please provide evidence of the listing of the farmhouse.</p>

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9. Land Use		
9.1	DMPC on behalf of Mr JB and Mrs E Evans	Faenol Broper The Applicant makes reference to the Faenol Broper agricultural unit also farming 30ha of land near Bodelwyddan Castle which would not be affected by the Proposed Development (Page 176 of [REP1-007]). Is this land in addition to the 61.29ha of the holding as reported and if so, does this have any implications for the percentage of land take referred to by DMPC ([REP1-103] and [REP1-104]) and the viability of the farm business? Please annotate the additional 30ha on a plan.
9.2	Applicant	Faenol Broper The Ground Conditions and Land Use [APP-067] and Socio-Economic [AS-034] ES chapters report no significant effects on agricultural operations as land to be restored. Is this conclusion accurate in the case for Faenol Broper given the permanent land take for the OnSS and associated works?
9.3	Applicant	Agricultural Holdings Table Please update the table within Appendix D in relation to ExQ2.9.6 [REP5-004] to include the following detail: a) Total size of each holding; b) Loss of holding to Proposed Development by hectare; c) Loss of holding to Proposed Development, split by temporary and permanent development by hectare; d) Percentage loss of holding to Proposed Development, split by temporary and permanent development; and e) Significance of loss in EIA terms for each holding.

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9.4	Applicant	Agricultural Holdings In respect of those holdings noted as not forming part of a recognised agricultural holding, but are farmed by a tenant or occupier (Appendix E in response to ExQ2.9.6 [REP5-004]), please confirm which plot they relate to in the Book of Reference [REP6-010]. Please include this information on the above-mentioned agricultural holdings table in relation to Appendix D of ExQ2.9.6 [REP5-004].
9.5	Trustees of the Bodrhyddan Estate Maintenance Fund and Bodrhyddan Farming Company	Outline Soil Management Plan (oSMP) Noting your concerns in respect of potential effect on soil quality, are you satisfied with the measures proposed in the oSMP [REP5-018]? If not, please list your specific concerns and any additional mitigation considered necessary.
9.6	Applicant	Onshore Substation Site (OnSS) Noting that a further Agricultural Land Classification (ALC) survey has been undertaken at the proposed OnSS site, is it necessary to update the table provided in response to ExQ1.9.8 [REP1-007]?
9.7	Applicant	Onshore Substation Site (OnSS) Please provide a plan illustrating the split of ALC land on the proposed OnSS site.
9.8	Applicant	Agricultural Land Plans Please provide revised plans contained in of Appendix L and Appendix M, produced in response to ExQ1.9.1 [REP1-007], at a scale of 1:10,000.
9.9	Applicant	Sustainable Farming Scheme Noting the continued concern regarding tree loss and the potential effect on the required level of tree coverage to qualify for the proposed Welsh Government Sustainable Farming Scheme [REP5-036] and the comments provided by Welsh Government regarding this matter [REP5-044], has any communication taken place with the Welsh Government in order to provide the required details for possible exemptions and/or variations to be considered in more detail?

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9.10	Applicant	Outline Soil Management Plan (oSMP) Paragraph 76 of the oLEMP [REP4-011] states that “At the OnSS TCC, grassland will be reinstated to its previous state following construction. Elsewhere, grassland will be reinstated with the aim of creating the S7 Priority Habitat lowland meadow. This shall be initiated via careful soil management, to ensure the replaced soil is of low fertility and prepared to a good standard.” Please confirm where in the oSMP this specific approach to reinstatement is detailed?
10. Landscape and Visual		
10.1	Applicant DCC	Outline Landscape and Ecology Management Plan (oLEMP) The oLEMP (paras 90, 92 and 93) [REP4-011], oCoCP (para 40) [REP4-019] and oCMS (para 99) [REP4-017] make provision for details of tree protection. However, should this be extended to make provision for details of hedgerow protection also?
10.2	DCC	Outline Landscape and Ecology Management Plan (oLEMP) The Applicant considers a five-year period to be suitable within Requirement 9 of the dDCO, though has amended the oLEMP [REP4-012] to make provision for the final LEMP to include proposals for the long-term maintenance of landscaping associated with the OnSS site. This would be secured under Requirement 13 of the dDCO. Please confirm whether this resolves your concerns regarding landscaping around the OnSS and its effectiveness as screening over the long term.
10.3	Applicant	Landscape and Visual Impact Assessment (LVIA) LVIA Figure 2.6 [APP-162] was revised [AS-033] as requested by the ExA. However, both versions are identified as ‘Revision A’. Please amend [AS-033] to reflect this error and include the application reference on this document also (6.6.2.2.7).
11. Marine and Coastal Physical Processes		
No questions relating to this topic area in this round of questions.		
12. Marine – Commercial Fisheries, Shipping and Navigation		

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No questions relating to this topic area in this round of questions.

13. Marine - Natural

No questions relating to this topic area in this round of questions.

14. Public Health and Nuisance

No questions relating to this topic area in this round of questions

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15. Other Projects and Proposals		
No questions relating to this topic area in this round of questions		
16. Project Description and Site Selection		
No questions relating to this topic area in this round of questions		
17. Seascape, Landscape and Visual		
17.1	Applicant, NRW	Plans The third row of [REP4-003] provides links to a number of requested documents. Please provide pdf copies of these.
17.2	Applicant, NRW	Clwydian Range and Dee Valley AONB Management Plan [REP4-003] notes that a revised version of the Clwydian Range and Dee Valley AONB Management Plan was adopted in late December 2022. Please: a) provide a pdf copy of this; and b) identify any implications for the SLVIA (and LVIA).
17.3	Applicant, IoACC, GC, CBCC, DCC, (Eryri National Park Authority (ENPA)	Landscape Enhancement Please: a) provide an update on discussions / negotiations around the potential landscape enhancements to designated areas; and b) confirm whether the intention is to submit a completed legal agreement in respect of this into the Examination and, if so, when?
17.4	NRW, ENPA, IoACC	Climate Change The Applicant makes reference (including in paragraphs 3.36 and 3.61 of [REP5-007]), to predicted widespread adverse changes to landscapes, including those within the AONBs and the SNP (now ENP), as a result of unchecked climate change. It goes on to suggest that the Proposed Development's mitigation of climate change impacts would thus play a part in conserving these landscapes. Do the parties share this view, and if not, please provide reasons?

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17.5	Applicant	NPS EN-1 Having regard to NPS EN-1 paragraph 5.9.12, please explain how the Proposed Development has sought to avoid compromising the purposes of the AONB and National Park designations and how it has been / would be designed sensitively given the various siting, operational, and other relevant constraints?
18. Socio-Economic		
18.1	Applicant	Outline Skills and Employment Strategy (oSES) – Priorities Paragraph 40 of the oSES [REP4-007] details education and training as one of the communities top four priorities: please provide a full list of all identified priorities.
18.2	Applicant	Outline Skills and Employment Strategy (oSES) - Stakeholders Paragraph 69 of the oSES [REP4-007] states that consultation of the final SES will include other key stakeholders. Please confirm when such consultation will take place and why early consultation with such stakeholders is not deemed necessary? Please also confirm which stakeholders will be included in the 'other' category?

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18.3	Applicant	<p>Outline Skills and Employment Strategy (oSES) - Evaluation</p> <p>Paragraph 100 of the oSES [REP4-007] confirms that the evaluation of the success of the activities within the final SES will be undertaken on a periodic basis in order to understand if the objectives of the strategy are being met and to understand the wider economic benefits the Proposed Development is having within the local region.</p> <p>Please confirm:</p> <ul style="list-style-type: none">a) How the evaluation will be undertaken?b) How often the evaluation will occur?c) Who will undertake the evaluation? Is this to be an independent body/organisation?d) How will success be measured?e) If the activities are not deemed successful what steps will be taken to rectify this? <p>In respect of the findings of the proposed evaluation, paragraph 100 further states that “<i>Where relevant, this will be communicated to key stakeholders and the Skills and Employment Strategy updated with feedback as it is received</i>”. Please confirm how the decision will be made to provide feedback to the key stakeholders and it Is not considered necessary to communicate all findings?</p>
18.4	Applicant	<p>Outline Skills and Employment Strategy (oSES) – Apprenticeship Programme</p> <p>Please confirm the anticipated number of apprenticeships at Grŵp Llandrillo Menai’s Coleg Llandrillo for 2023. If consent is granted for the Proposed Development, is there a commitment to employ any of the 2023 apprentice cohort onto the AyM project?</p>
18.5	Applicant	<p>Outline Skills and Employment Strategy (oSES) – Technician Career Pathway</p> <p>If consent is granted for the Proposed Development, is there a commitment to employ any of the individuals on the technician career pathway onto the AyM project?</p>

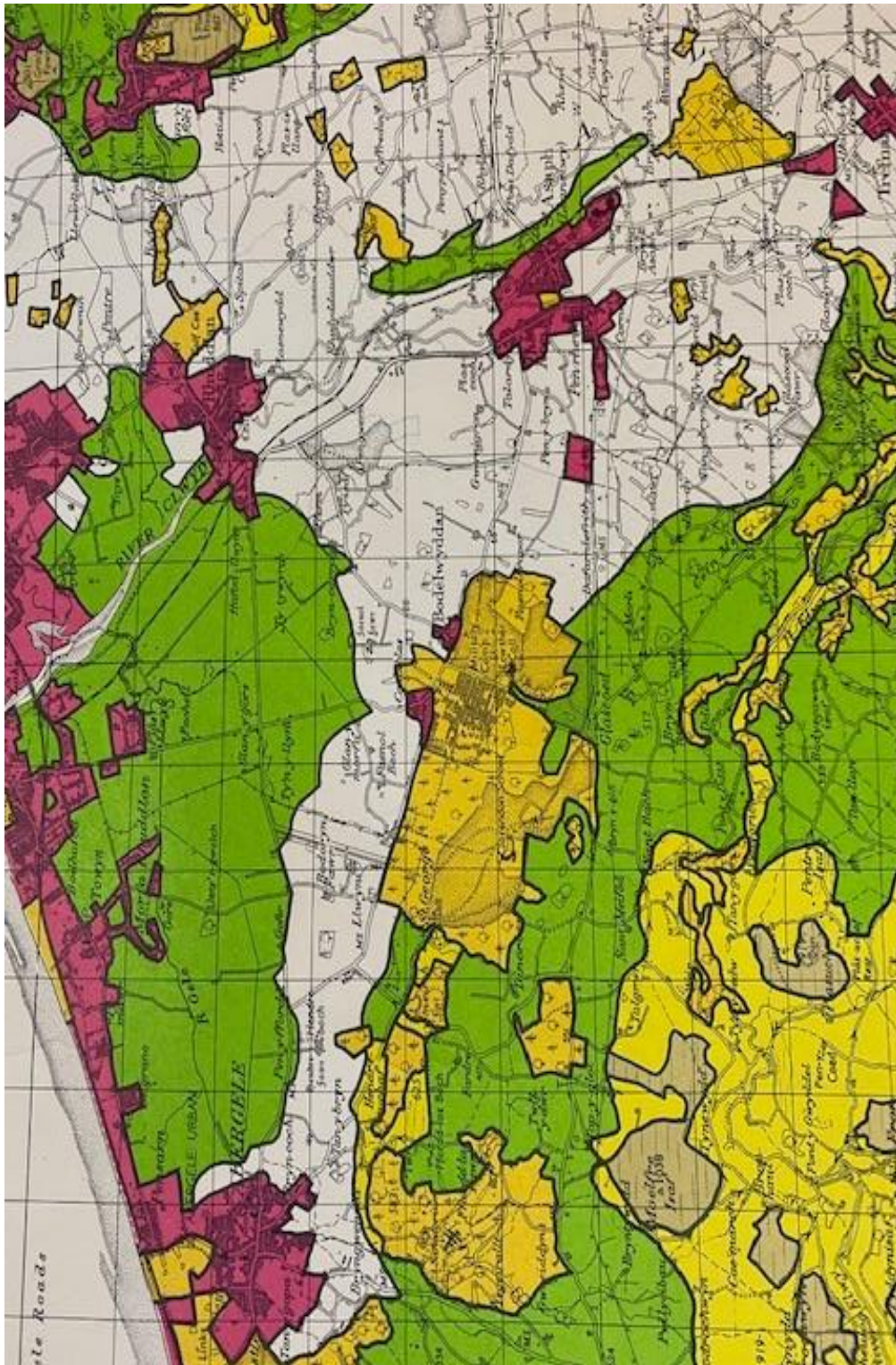
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18.6	Welsh Government	Community Linguistic Statement Noting your response made in respect of the CLS at ExQ2.18.5 [REP5-044], are you satisfied with the amendments made to the CLS by the Applicant at D6 [REP6-023]? If not please list your specific concerns.
19. Tourism and Recreation		
19.1	Applicant	Outline Public Access Management Plan (oPAMP) Table 1 of the oPAMP [REP4-034] appears to have some inconsistencies with Schedule 4 of the dDCO. Please rectify as necessary.
19.2	CCBC	Statement of Common Ground (SoCG) and EIA Baseline Characterisation The comments made in your draft SoCG [REP4-013] regarding baseline characterisation and assumptions are noted. Are you aware of any additional information/evidence which has become available since the drafting of the ES which would alter the tourism and recreation baseline? If so, please provide further detail.
19.3	CCBC	Llandudno and the Great Orme – Visitor Economy Noting the comments made in your SoCG [REP4-013] regarding Llandudno and the Great Orme visitor economy, please confirm the level significance CCBC consider to be correct.
20. Traffic and Transport		
20.1	Applicant	Number, Weight and Dimensions of Proposed Onshore Sub-Station Transformers Please confirm the number, weight and overall dimensions of the transformers for the proposed onshore sub-station transformers that will be delivered to the site as abnormal indivisible loads.

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20.2	Applicant	<p>Relevance of Previous GyM ALAR to AyM</p> <p>It is noted that the GyM ALAR [REP5-005] was completed in 2006 and the proposed site access for AyM is located on a different section of the B5381 with a different vertical and horizontal alignment. Would you please:</p> <ul style="list-style-type: none">a) Demonstrate that the abnormal indivisible loads required for AyM are directly comparable to those required for GyM and considered in the ALAR;b) Confirm that there has been no material changes to the route adopted for GyM up to the point it diverges from that proposed for AyM since the GyM ALAR was published; andc) Demonstrate that the route proposed for AyM from the point it diverges from that adopted for GyM can safely accommodate the abnormal indivisible loads required for AyM including achieving the required visibility at the proposed site access on the B5381.
20.3	DCC	<p>Abnormal Load Routing</p> <p>Do you have any concerns regarding the proposed routing of abnormal indivisible loads to the onshore sub-station site, as set out in Volume 3, Chapter 9: Traffic and Transport of the ES [APP-070].</p>



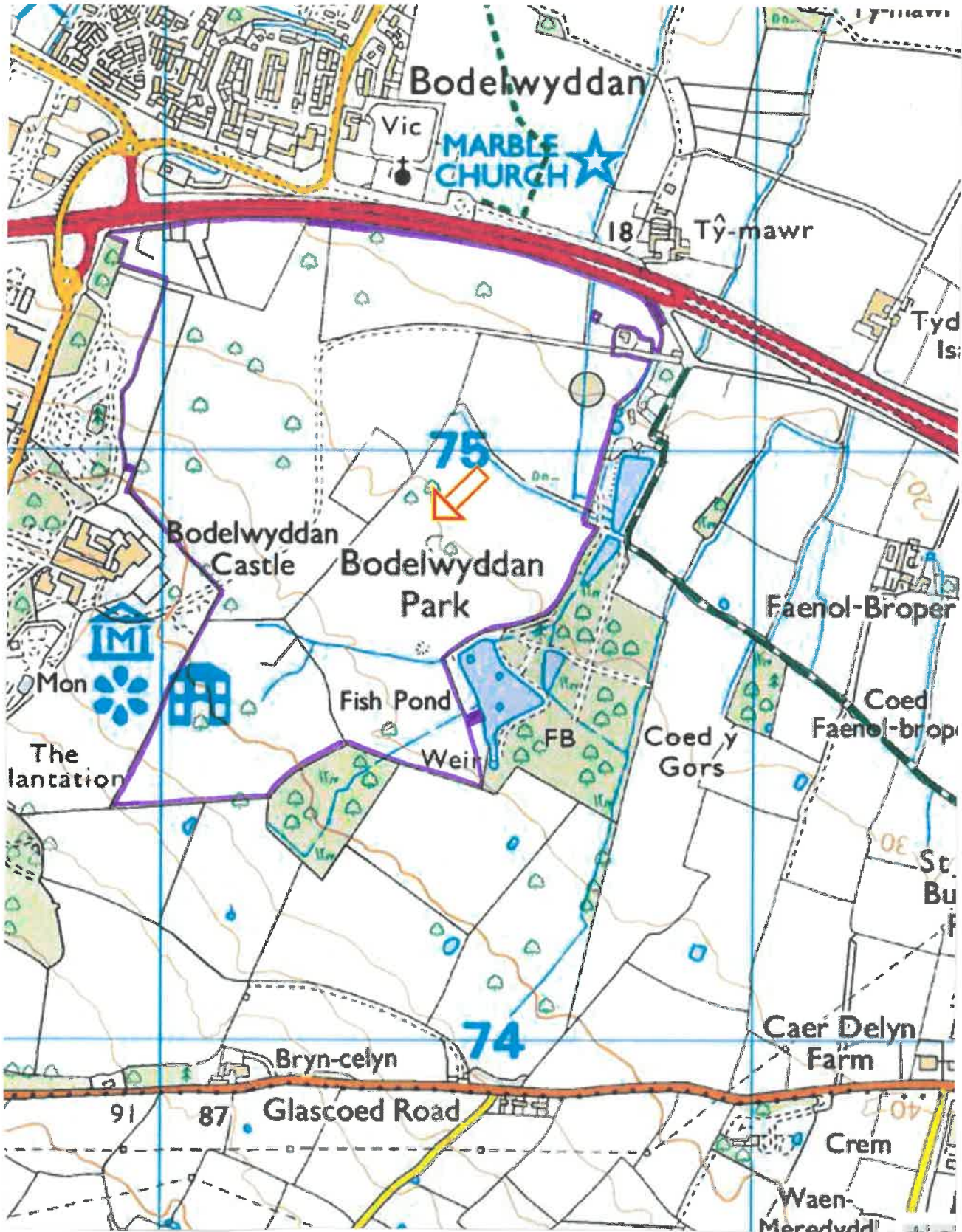
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