



Awel y Môr Offshore Wind Farm

Comments on Submissions Received at Deadline 6

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1 Introduction

- 1 Awel y Môr Offshore Wind Farm Limited (the Applicant) notes that a number of documents were submitted by interested parties at Deadline 6 alongside 2 additional submissions accepted into the Examination at the discretion of the Examining Authority (ExA).
- 2 This document provides the Applicant's comment where appropriate and necessary.

2 Submissions Received at Deadline 6

2.1 Amy Evans and Martin Griffiths

- 3 Amy Evans and Martin Griffiths submitted a Deadline 6 submission (REP6-051) which the Applicant has tabulated and responded to in Table 1 below.

Table 1: The Applicant's comments on Amy Evans and Martin Griffiths' Deadline 6 submission.

AMY EVANS AND MARTIN GRIFFITHS' COMMENT	APPLICANT'S RESPONSE
<p>In reference to deadline 5 (D5) submissions by Denbighshire County Council it seems of note that the Local Authority is no longer in a position to represent residents in an effective manner.</p> <ul style="list-style-type: none"> ▲ submission was late ▲ makes reference to lack of available resources ▲ comments lack substance ▲ reference is made to the 'hope' of having an Officer attend future scheduled meetings 	<p>The Applicant and DCC recently agreed a SoCG and updated wording to a number of Requirements. DCC were represented at the hearing on 01 March 2023 and continue to work with the Applicant to progress matters raised through Examination.</p>
<p>None of the content in Denbighshire Councils recent submission offers any confidence to ourselves that we are being fairly and properly represented, also we do not feel that the Authority will have the necessary staffing levels or expertise to effectively monitor and enforce the conditions of any future DCO.</p>	<p>The Applicant would be willing to enter into a Planning Performance Agreement (PPA) with DCC to help finance resource to manage any future workload were AyM granted consent for its scheme.</p>
<p>The county of Denbighshire has never seen an infrastructure project for renewable energy of this scale (footprint of the proposed OnSS) yet there now seems to be no significant or effective local representation on behalf of affected residents.</p>	<p>This could help fund a dedicated resource at DCC to manage any discharge of requirements, amendments, monitoring and enforcement of AyM, as well as interaction with consultees and the general public.</p>
<p>Is it the case that a consultancy firm or other specialist advisors (such as legal) should be appointed by the Local Authority in order to ensure a fair and transparent process rather than having to review late submissions with one sentence comments and hope that the conditions of any future DCO are abided by? We find Denbighshire's lacklustre response unacceptable as the LA is partly responsible for reviewing a nationally significant development which cuts directly through the centre of the northern end of Denbighshire.</p>	<p>It is the intention of the Applicant to further progress discussions with DCC on this matter after the examination period has concluded.</p>
<p>It seems that RWE and Dalcour MacLaren may now have 'free reign' to run roughshod over any potential objections from residents affected by the construction of the OnSS, also that negotiations on screening and construction hours will be left to local householders and the applicant to resolve.</p>	<p>The Applicant has committed to a consultation on the final design elements of the OnSS in the Design Principles Document (Document 7.16 of the Applicant's Deadline 7 submission), which includes engagement with DCC, consultees and local residents. The final sign-off of any design for the OnSS, along with the method statements for the construction of it will be done by DCC, and this will allow for public engagement at that time as well.</p> <p>The final scheme for landscape screening will be agreed with DCC through a final Landscape and Ecology Management Plan (LEMP) that must be in accordance with the outline LEMP (Document 7.15 of the Applicant's Deadline 7 submission).</p>

AMY EVANS AND MARTIN GRIFFITHS' COMMENT	APPLICANT'S RESPONSE
	<p>Construction working hours must be in accordance with the hours agreed with DCC and included in the outline Code of Construction Practice (CoCP) (Document 7.11 of the Applicant's Deadline 7 submission). These, along with other construction working practices, will be agreed by DCC via review and approval of a final CoCP.</p>
<p>We have discussed this at length within our household and have concluded that we had no other option but to place our property for sale on the open market (currently live) as the area in and around our home will be affected and disturbed in such a way it will no longer be acceptable by ourselves to reside there.</p>	<p>The Applicant notes these comments and has sought through the design of AyM, to reduce impacts on local residents from construction and operation wherever possible, and has committed to a wide range of measures secured within the DCO requirements. This will involve the development of a detailed Code of Construction Practice (currently in outline form at Document 7.11 of the Applicant's Deadline 7 submission) and finalisation of a Landscape and Ecology Management Plan (currently in outline form at Document 7.15 of the Applicant's Deadline 7 submission) to provide effective screening of the OnSS that will be based upon the final substation design. The Applicant has assessed the visual effects of the substation using a number of worst-case assumptions and predicted there would be no significant long terms effects for receptors on Glascoed Road once landscape planting has established (i.e. following a 15-year period).</p> <p>The Applicant is committed to working with local residents and has stated in the Design Principles Document (Document 7.16 of the Applicant's Deadline 7 submission) that consultation with local residents on the final Landscape and Ecology Management Plan as well as other design elements of the OnSS such as building colour will form part of the detailed design process.</p>
<p>The applicant has noted that we may be eligible to make a claim pursuant to S10 Compulsory Purchase Act 1965, Part 1 Land Compensation Act 1973 or S152 (3) of the Planning Act 2008 (DR5.17) Therefore we propose that RWE or it's representatives commence discussions with ourselves in order to resolve the matter without the need for extensive and costly legal representation for both sides.</p>	<p>The Applicant can confirm that Ms Evans and Mr Griffiths are listed in Part 2 of the Book of Reference (Document 7.8 of the Applicant's Deadline 7 submission) and as such may be eligible to make a claim under S10 Compulsory Purchase Act 1965, Part 1 Land Compensation Act 1973 or S152 (3) of the Planning Act 2008.</p> <p>The nature of these types of claims are such that they can only be made either during the construction period or whilst the Project is operational as the claimant will be required to provide evidence that the Project has created a statutory nuisance as a result of either construction or operation of the Project. The Applicant has sought through the design of the Project, to minimise impacts from construction and operation wherever possible, and has committed to a wide range of measures secured through the DCO requirements. Any Category 3 claimant will required to provide evidence of nuisance to support any claim and therefore at this stage it is not possible to enter into negotiations on the basis that no such evidence or justification could be provided.</p>

AMY EVANS AND MARTIN GRIFFITHS' COMMENT	APPLICANT'S RESPONSE
<p>Perhaps the applicant or an acquiring authority could propose to purchase our land and property then compensate accordingly for costs associated with home loss / disturbance or potential blight. Ten years plus of significant construction works (including in rapid succession the BP Mona project) was certainly not something that we envisaged when purchasing our semi-rural property nor was anything of its nature confirmed in our conveyancing survey. We feel it is unacceptable that we will be required to suffer injuriously should we not relocate and therefore believe we are left with no other option.</p>	<p>The Applicant notes that in this instance, the tests for statutory blight have not been met and as such there is no requirement or intention for the Applicant to purchase the respondent's property.</p>

2.2 National Grid Electricity Transmission PLC (NGET)

- 4 National Grid Electricity Transmission PLC (NGET) submitted a Deadline 6 submission (REP6-47) reads as follows:

"As you will be aware we act for National Grid Electricity Transmission PLC (NGET). We write in response to Deadline 6.

As per NGET's response to the Examining Authority's Second Written Questions (see e-mail below for ease of reference), we are still in negotiations with the promoter regarding the protective provisions for the benefit of NGET. Accordingly, NGET would like to reserve a slot to appear at the Examination in order to discuss the key outstanding issue detailed below but will vacate this slot if it reaches agreement with the promoter in the meantime.

Of the two hearings scheduled for next week, we presume that the Issue Specific Hearing on 1 March will be the appropriate one but please will you confirm. NGET's preference is to attend the hearing virtually."

- 5 The Applicant and NGET are working towards an agreed set of Protective Provisions for submission prior to the close of Examination. Further information on the progress of those negotiations is set out in Document 7.9 of the Applicant's Deadline 7 submission. NGET also made a further submission following Deadline 6 which was accepted at the discretion of the ExA at AS-049. The Applicant's comments on this further submission can be found in Section 3.1 of this document.

2.3 Natural Resources Wales (NRW)

- 6 NRW submitted a Deadline 6 submission (REP6-048) which the Applicant has tabulated and responded to in Table 2 below.

Table 2: The Applicant's comments on NRW's Deadline 6 submission.

REFERENCE	NRW'S COMMENT	APPLICANT'S RESPONSE
1.1.1	<p>1. Flood Risk</p> <p>1.1 Flood Risk Activity Permit (FRAP)</p> <p>As explained in paragraph 2.2.3 of our Deadline 4 submission [REP4-045], we were approached by the Applicant on 25/1/2023 as to whether an additional DCO Requirement would address our concerns regarding the disapplication of the requirement for a FRAP. The proposed requirement was included in the Applicant's response to question 7.2 of the Examining Authority's second round of questions [REP5-004]. We have carefully considered the Applicant's proposal.</p>	<p>The Applicant notes NRW's comments regarding the FRAP and has accordingly updated the dDCO (Document 7.6 of the Applicant's Deadline 7 submission) as requested.</p> <p>An amended SoCG reflecting this change in position and subsequent agreement is in preparation and will be submitted as final at Deadline 8.</p>
1.1.2	<p>We do not provide consent to the inclusion of Article 7(c) of the draft DCO. NRW considers it necessary to retain its regulatory functions under the Environmental Permitting Regulations in respect of the works given its established expertise in this area. We do not consider that any further amendments to the DCO would address this concern.</p>	
1.1.3	<p>Accordingly, NRW does not agree to the inclusion of Article 7(c) in the DCO. We advise the draft DCO is updated accordingly.</p>	
2.1.1	<p>2. Designated landscapes</p> <p>2.1 NRW's review of the Applicant's Designated Landscapes and Relevant Tests document [REP5-007]</p> <p>We have reviewed the above submission [REP5-007] submitted by the Applicant at Deadline 5.</p>	<p>This is noted by the Applicant.</p>
2.1.2	<p>The issues raised by the Applicant have been addressed by NRW in its previous submissions (including REP1-080, REP3a-021 and REP4-045). We can confirm that our advice remains unchanged.</p>	

2.4 North Hoyle Wind Farm Limited (NHWFL)

- 7 North Hoyle Wind Farm Limited (NHWFL) submitted a Deadline 6 document (REP6-049) which reads as follows:

“NHWFL has considered the comments made by the Applicant in Table 2 of their Deadline 5 submission [REP5-003]. There are no new substantive points in this table beyond the Applicant stating that they consider that the interests of NHWFL will be adequately protected through the proposed cable crossing agreement and that they are awaiting comments on the latest draft from NHWFL.

In principle, NHWFL agrees that the interests of NHWFL are capable of being catered for through a cable crossing agreement. However, that depends on acceptable terms being reached between the parties. NHWFL will be responding on the draft very shortly. In the event that the parties are not able to reach agreement then, as requested by the ExA, NHWFL submitted draft protective provisions at Deadline 5 [REP5-040]. The extent to which these provisions will be required will depend on the degree of agreement which the parties are able to reach on the terms of the cable crossing agreement.”

- 8 The Applicant notes this submission from NHWFL and has provided an update on the status of agreements in Document 7.29 of the Applicant's Deadline 7 submission.

2.5 Rhyl Flats Wind Farm Limited (RFWFL)

- 9 Rhyl Flats Wind Farm Limited (RFWFL) submitted a document at Deadline 6 (REP6-050) addressing a number of topics. The Applicant notes this submission and has provided an update on the status of agreements in Document 7.29 of the Applicant's Deadline 7 submission. The Applicant has also addressed the points made by RFWFL in the Applicant's comments on the response to ExQ2.3.8 (REP6-003) and in response to ExQ3.3.19 (Document 7.4 of the Applicant's Deadline 7 submission).

3 Additional Submissions

3.1 National Grid Electricity Transmission PLC (NGET)

- 10 On 27 February 2023, the examining authority accepted an additional submission from National Grid Electricity Transmission PLC (NGET) into the examination (AS-049).
- 11 The Applicant has noted the submission made by NGET. The Applicant and NGET are continuing active discussions on the protective provisions for NGET. The main outstanding issue between the parties relates to the interaction between AyM and the future extension of the Bodelwyddan substation. The Applicant recognises that NGET are delivering important infrastructure on behalf of a number of parties. However, the Applicant must ensure that it is able to deliver the AyM project within its order limits which the Applicant considers is a reasonable position. The current uncertainty around the Bodelwyddan substation extension works means that the Applicant requires reassurance that the connection works can be delivered without the risk of an additional consent or land rights needing to be obtained. The Applicant also considers that having a connection agreement in place with NGET is not sufficient comfort as it only obliges NGET to deliver the infrastructure for AyM to connect into.
- 12 A meeting between engineers for the Applicant and NGET took place on 02 March 2023 which identified a possible compromise that would work for both parties. The Applicant received a revised set of protective provisions from NGET's solicitors on 07 March 2023 and is in the process of reviewing these.

- 13 Should protective provisions not be agreed by the close of the Examination, the Applicant intends to submit its preferred set of protective provisions in the final version of the dDCO at Deadline 8. It is anticipated that NGET will also submit its preferred set of protective provisions to the ExA. It will then be open for the ExA to recommend that either set of protective provisions (or another form of protective provisions) is included in the DCO should it be granted by the Secretary of State. The Applicant and NGET will continue to negotiate the protective provisions after the close of the Examination and will submit any agreed set of protective provisions to the Secretary of State to take into consideration when making the final decision.

3.2 Charlotte Bowers

- 14 On 07 March 2023, the examining authority accepted another additional submission from Charlotte Bowers into examination (AS-50). The submission reads as follows:

"I am writing to raise concerns over the proposed Awel Y Mor Offshore Wind Farm substation that is planned for land off Glascoed Road, Abergele. I am a resident of [REDACTED].

Although I appreciate the need for renewable energy, it concerns me that yet again more of our green belt land is being eaten up by a potential concrete block in the middle of our countryside. In this area there is a multitude of wildlife such as newts, voles, bats and owls so much so that we have a nature reserve that is also adjacent to the potential site to encourage and promote a natural habitat.

The area is rich in farmland for both animals and crops, building on the farmland will have a negative impact on the productive capacity of the land to produce food. I bought this property to raise my children in a peaceful countryside setting, the building and operation of the substation will diminish the enjoyment of our dwelling and will have a detrimental effect on the resale and value of local property, waiting up to 15 years for a row of trees to grow to "cover it up" is wholly unacceptable! Below is a quote on the visual impact on the local houses.

"Potential visual effects of the onshore ECC would occur on the section of road that lies between the Crematorium and the group of properties found opposite the southeast corner of Bodelwyddan Park. Within this section of road potential effects would be focused on the construction activities associated with section G of the onshore ECC which would be seen in the foreground of the OnSS construction activities. Of particular note would be where the construction

activities are in close proximity to the road itself. The OnSS access road would be located on this road, to the east of the Glascoed road properties. Visual effects would be intensified close to this access due to the removal of existing hedgerows and movement of construction vehicles entering and exiting the OnSS construction compound. Taking these factors into account, the construction magnitude of change is considered to be high."

When I applied for my own planning permission, the Local Authority and CADW where particularly concerned about height and view to the local area, can I assume that these rules do not apply to big corporations?

I have concerns about the unknown health impact for local residents being in such close proximity to the extremely large substation ie electromagnetic radiation. Combine this with the incessant buzzing noise that comes from the electrical transformers and I think you will agree that our enjoyment of our home will be diminished significantly."

- 15 The Applicant notes the matters raised by Ms Bowers. The land in question is not designated as green belt and is instead used for agricultural purposes. As set out in the Outline Landscape and Ecology Management Plan (oLEMP) (Document 7.15 of the Applicant's Deadline 7 submission) AyM will deliver appropriate mitigation, compensation and enhancement for the impacts identified in the Environmental Statement. This will include landscape planting to provide visual screening for sensitive areas around the site, including the residential properties on Glascoed Road. The planting will also provide ecological compensation and enhancement that will achieve an overall net benefit for biodiversity.
- 16 A final LEMP will be developed following detailed design of the substation (post-consent), in line with the principles set out in the oLEMP. The final LEMP would set out the details of the landscape proposals including the locations of any planting proposed, species mixes, planting densities, the associated implementation programme and the provisions for maintenance and management. The document will be approved by DCC, as host authority, in consultation with Natural Resources Wales (NRW).
- 17 The visual impacts Ms Bowers refers to relate to construction activities and therefore although significant effects have been identified they are temporary in nature for the duration of the construction and therefore short-term and reversible.

- 18 With regard to the visual impacts from AyM these have been assessed in the Landscape and Visual Impact Assessment chapter of the ES (AS-029) following a robust site selection process that both Denbighshire County Council and Cadw were actively involved in and as set out in the Site Selection and Alternatives chapter of the ES (APP-044).
- 19 Impacts on human health and noise have been assessed and can be found in the Public Health chapter, and Noise and Vibration chapters of the ES (APP-073 and APP-071, respectively) which conclude that no significant impacts on public health are anticipated from AyM. Because the onshore export cables will be buried, potential impacts from electric fields are not considered to be significant as burial is recognised as mitigating the potential effects. Potential impacts from electric fields beyond the perimeter fence of the substation compound are also not considered to be significant given there is reduction in magnetic fields with increased distance from sources. Further to this, all infrastructure built will comply with the government guidelines on electromagnetic radiation emission.



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