



Awel y Môr Offshore Wind Farm

Applicant's Comments on Responses to the Examining Authority's Third Written Questions

Deadline 8

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1 Introduction

- 1 At Deadline 7 of the Examination of Awel y Môr Offshore Wind Farm (AyM), Interested Parties (IPs) submitted responses to the Third Written Questions by the Examining Authority (ExA) where the ExA had requested answers from those IPs.
- 2 Awel y Môr Offshore Wind Farm Ltd ('the Applicant') has taken the opportunity to review each of these responses to questions received from IPs. Comments from the Applicant on each of these responses to questions received, where appropriate, are set out in the subsequent sections of this document.

2 The Applicant's comments on responses to Examining Authority's Third Written Questions

2.1 General and Cross-Topic Questions

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
0.1	NRW	<p>Marine Licence</p> <p>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>	<p>The Applicant: It is acknowledged that this question is not directed at the Applicant, but the Applicant can confirm that no responses to the public consultation were received. The Applicant will, however, provide the ExA with its responses to the 14 technical consultation responses at Deadline 8.</p> <p>NRW Permitting Service (PS): Following receipt of further information provided to the Marine Licensing Team on the 25th of November a consultation ran for 42 days commencing in December and closing in January with expert organisations as well as the public. We received responses from the following organisations:</p> <ul style="list-style-type: none"> ▲ Department for Business, Energy and Industrial Strategy (BEIS) ▲ Royal Commission on the Ancient and Historic Monument of Wales ▲ National Air Traffic Services ▲ Crown Estate ▲ Welsh Archaeological Trust ▲ Port of Mostyn ▲ Cefas ▲ NRW Advisory 	<p>N/A</p> <p>This is noted by the Applicant.</p> <p>A copy of the Applicant's responses to the consultation comments made by these stakeholders has been provided to the Examination at Document 8.21 of the Applicant's Deadline 8 submission.</p> <p>This has also been noted in the Applicant's update on the Marine Licence submission and progress in Document 8.13 of the Applicant's Deadline 8 submission.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<ul style="list-style-type: none"> ▲ Trinity House ▲ Maritime and Coastguard Agency (MCA) ▲ Ministry of Defence ▲ Natural England ▲ Joint Nature Conservation Committee (JNCC) ▲ Cadw <p>No responses were received from the public. These responses can be shared with the ExA upon request.</p>	
0.3	Applicant, NRW	<p>Pre-commencement works – Offshore</p> <p>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>	<p>The Applicant: The Offshore Project Description in the Environmental Statement provided for the DCO and marine licences (ML) applications (APP-047) includes a definition of pre-construction works at section 1.6. This includes pre-construction surveys (such as geophysical and geotechnical site investigation surveys, and pre-construction monitoring surveys) and seabed preparation works (such as sandwave clearance, boulder clearance and pre-lay grapnel runs, if required). All of these are typical offshore pre-construction works that can be excluded from the definition of commencement in a ML.</p> <p>NRW is responsible for the drafting of the AyM ML and the Applicant anticipates further discussion regarding the undertaking of these pre-construction activities and how they relate to the commencement of the licensed activities as defined in the ML.</p>	N/A
			<p>NRW(A): The standard definition for “commencement” generally used in Marine</p>	The Applicant is in agreement with NRW. The Applicant anticipates that there will be further

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			<p>Licences issued by NRW is 'the first undertaking of any Licensed Activities'. 'Licensed Activities' are defined within the Marine Licence. Pre-commencement conditions can be secured in the marine licence and can relate to either all licensed activities or can be specified so as to only relate to certain Licensed Activities.</p>	<p>discussions with NRW regarding pre-construction activities and how they relate to the commencement of licenced activities as defined in the Marine Licences.</p>
0.5	North Hoyle Wind Farm Ltd (NHWF), Applicant	<p>North Hoyle Wind Farm</p> <p>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>	<p>The Applicant: North Hoyle was the second offshore wind farm to be commissioned in the UK, and the first in Wales. As an existing, operational offshore wind farm, North Hoyle has been considered within the cumulative effects assessment in terms of its potential operational phase effects (see the Offshore Renewable Energy table within ES Volume 1, Annex 3.1: Cumulative Effects Assessment Methodology (APP-042)), where relevant.</p> <p>In terms of decommissioning, whilst overall it is considered that there is insufficient certainty over the nature and timing of works associated with North Hoyle to enable a detailed cumulative assessment there is the potential for these works to take place between 2029 and 2030 and they could therefore overlap with construction at AyM. This is based on an estimated operational life of 25 years (North Hoyle was commissioned in 2004), however it should be noted that no information is available about the programme for decommissioning North Hoyle. To date, the only offshore wind farm to have been decommissioned in the UK is Blyth, which is a small-scale pilot project consisting of just two</p>	N/A

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			<p>turbines, and the first offshore wind project in the UK.</p> <p>Although there is uncertainty regarding the programme for the North Hoyle decommissioning and the precise nature of those works, a high-level cumulative assessment has been possible as the location and scale of the project is known. This has allowed certain assumptions to be made to identify a reasonable worst case for assessment. This can be distinguished from the Morgan and Mona offshore wind proposals where the location and scale of the majority of the proposals are unknown.</p> <p>The assessment has identified that the greatest potential for cumulative effects arise from the interaction between decommissioning at North Hoyle and construction at AyM, which have the potential to cause additive disturbance effects through the generation of underwater noise. Other potential effects would be more localised with limited potential for an additive effect compared to the effects of the projects alone, and therefore the cumulative effects assessment of North Hoyle decommissioning has focused on noise disturbance effects on marine mammals (see Section 7.13 of ES Volume 2, Chapter 7: Marine Mammals (AS-026)) and fish (see Section 6.13 of ES Volume 2, Chapter 6: Fish and Shellfish Ecology (APP-052)). Whilst there is uncertainty around the timings and nature of decommissioning, a high-level cumulative assessment of North Hoyle decommissioning has been feasible as it is an</p>	

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			<p>existing project, and therefore details about the scheme design and its precise location are known.</p> <p>Whilst a worst-case of decommissioning activities has assumed they will involve similar types of impacts to those generated during construction, this is highly precautionary. In practice, most decommissioning work would involve cutting, which is not a significantly noise-generating activity compared to piling during construction. Furthermore, the assumption that decommissioning at North Hoyle will overlap with construction at AyM is precautionary because of the order in which the infrastructure is logically built. In practice, underwater noise-generating activities during construction (foundation piling) typically take place at the beginning of offshore construction, and towards the end of decommissioning (foundation removal), further limiting the potential overlap of these activities.</p> <p>NHWFL: NH is expected to operate for at least 30 years, which would bring the start of decommissioning to summer 2034 at the earliest. It should be noted, however, that the Crown Estate lease is for a period of for 50 years, so 2034 is just an indication of the earliest expected date. There is potential for the lifespan of NH to continue beyond the current 2034 decommissioning date. The decommissioning of the wind farm is expected to last for at least 42 days</p>	<p>This is noted by the Applicant.</p> <p>As noted in the Applicant's response to this question, a precautionary assumption was made that there could be a temporal overlap between construction of AyM, and decommissioning of North Hoyle. NHWFL's response confirms that there is no potential for cumulative effects arising from decommissioning of North Hoyle concurrently with construction at AyM.</p>
0.8	NGET	Bodelwyddan Substation	NGET: Further design work has been undertaken on the Bodelwyddan substation	The Applicant welcomes the submission from NGET.

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		<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>	<p>project (the Bodelwyddan Upgrade) since NGET's Deadline 1 response. The Bodelwyddan Upgrade is required to facilitate the connection of multiple projects at this location (including Awel Y Mor) and now comprises works to the existing substation, a physical extension to the substation and associated works and infrastructure (including new overhead line gantries and the related diversion of an existing gas pipeline to facilitate the extension). NGET intends to rely on its permitted development rights to carry out the required works to the existing substation but will need to apply for planning permission for the proposed extension to Bodelwyddan substation. Presently NGET anticipates that the relevant planning application will be submitted to Denbighshire County Council later this year (specifically by the summer). At the current time, based on the relative timings of the different projects, NGET anticipates that it should be possible to provide the Promoter's connection via the existing substation. As such, this connection is not expected to be dependent upon the planning consent required for the extension and associated infrastructure works. The proposed substation extension and associated infrastructure works are, however, required for the other projects requiring a future connection to the Bodelwyddan substation. NGET remains confident that all requisite consents will be in place for the necessary works to be completed in time for the various future projects to</p>	<p>The Applicant and NGET are continuing active discussions on the protective provisions and have reached agreement on all material points. The Applicant is hopeful that an agreed position can be reached before the close of the Examination. If an agreed position is reached before the close of the Examination, the Applicant will submit a revised draft DCO which includes the agreed protective provisions. In the absence of agreement with NGET, the Applicant has submitted its preferred set of protective provisions in the version of the draft DCO submitted at Deadline 8 (Document 8.9 of the Applicant's Deadline 8 submission). As mentioned in the Deadline 7 update, if no agreement is reached before the close of the Examination, the Applicant and NGET will continue to negotiate the protective provisions and will submit any agreed set of protective provisions to the Secretary of State to take into consideration when making the final decision.</p>

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			connect as per their respective connection agreements with NGET.	

2.2 Biodiversity, Ecology and Natural Environment

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
2.1	NRW, JNCC, RSPB, NWWT	<p>General</p> <p>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>	<p>NRW(A): Broadly, we are satisfied with the Applicant's response to R17Qu1.1 [REP4-008] and with the template plans. This approach is typically industry standard and the content of which can be completed post-DCO-consent. NRW (A) will work closely with the Applicant to develop the plans post-consent. NRW PS may require further detail to be produced in respect of the plans prior to any grant of marine licence.</p> <p>However, we provide the following advice with respect to the template plans which are relevant to marine ornithology. These comments are based on seeking to improve the template plans, as currently drafted, in order to ensure that the final plans are adequate and reliable. Note that NRW(A) expect to be consulted by NRW PS in respect of these plans during the Marine Licence determination and the advice below may be reviewed in light of further evidence.</p> <p><i>Vessel Traffic Management Plan (VTMP):</i> Rather than present information for a single port, NRW (A)'s preference is for the Applicant to highlight all available options for the different ports that could be used for construction, operation and maintenance, so that we can fully consider the ornithological impact of each port option. The list of port options should be agreed with the NRW (A). At this stage, it may be more appropriate for the Applicant to rename section 2.7.3 of the template VTMP to "Proposed options for base port" or something</p>	<p>This is noted and welcomed by the Applicant, who will continue to liaise with NRW Marine Licensing Team (MLT) as the Marine Licensing process continues, as outlined in the Applicant's update on the Marine Licence submission and progress at Document 8.13 of the Applicant's Deadline 8 submission.</p> <p>With regard to the comments on the template for the Vessel Traffic Management Plan (VTMP), the Applicant re-iterates that the template plan is not intended to be a project-specific outline plan, rather it is an indicative outline of the typical structure of such a plan. The Applicant is not able to offer further detail on the likely ports used for the construction, operation and maintenance of AyM at this stage, but will provide this detail to NRW through the development of the final VTMP post-consent in line with the conditions of any Marine Licence granted.</p> <p>In relation to the Project Environmental Management Plan (PEMP), the Applicant again re-iterates that the template plan is not intended to be a project-specific outline plan, rather it is an indicative outline of the typical structure of such a plan. The Applicant will develop the final, project-specific PEMP in agreement with NRW post-consent. The PEMP is proposed to include an Ornithological Monitoring Plan (OMP) as described by Condition 34 of the Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission) which would outline the validation</p>

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			<p>similar. It will also be necessary to consider route optioneering, the number and timings (spatial and temporal timings) of vessel transits - all of which should be discussed and agreed in consultation with NRW. Section 2.7.6 could be renamed to "Proposed options for transit route corridors and timings" or something similar.</p> <p><i>Project Environmental Management Plan (PEMP):</i> NRW (A) request clarity if the PEMP will be used to outline the validation monitoring for Red Throated Diver, which the Applicant has agreed to further consider, in further consultation with NRW [for example, see condition number 34 of REP6-013]. If so, then we advise the outline PEMP should clearly capture this commitment. NRW (A) have advised throughout the examination that comprehensive validation monitoring before, during, and after construction is needed to validate the conclusions of the Applicants assessment with respect to RTD [REP1-080]. We have further advised that this should use aerial surveys to analyse RTD distribution pre-, during- and post-construction. We recommend that the Applicant produces a monitoring plan for this validation work. The monitoring plan should be agreed in writing with NRW.</p>	<p>monitoring described by NRW. The content of this final plan would be discussed and agreed with NRW in line with the conditions of any Marine Licence granted.</p> <p>The Applicant is happy to continue to work closely with NRW to discuss the specifics of the conditions of any Marine Licence granted, including the required content of final plans, with NRW via the ongoing Marine Licensing process.</p>
			<p>JNCC: Our response is in relation to Question 2.1 and we have reviewed the document provided by the applicant (REP4-008). The following comments relate to the outline provided for a UXO specific marine mammal mitigation protocol; we defer to NRW for all other plans discussed in this document. The</p>	<p>This is noted and welcomed by the Applicant.</p> <p>Should it be determined post-consent that UXO clearance is required (following detailed pre-construction site investigation surveys), the Applicant will submit a separate Marine Licence application at that time. The contents of that application, including the specific</p>

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			<p>applicant has not sought to license UXO clearance in their application although it was considered in the ES. As previously advised, we agree with this approach as too little information is available at this stage to effectively consider potential impacts from UXO clearance. Should clearance be required, it will be subject to a marine licence application, at which stage we anticipate a full impact assessment will be undertaken and a mitigation plan agreed with regulators and SNCBs. We are content with the outlined mitigation plan provided for UXO clearance. For the benefit of the applicant, we highlight that we would expect detailed information regarding the clearance methods proposed to be included in the marine licence application and at least a summary of this in the mitigation plan so any mitigation personnel employed on the campaign are clear on what works are planned. We also highlight the importance of communication between mitigation personnel and vessel crew to ensure any actions required are undertaken in a timely manner.</p>	<p>methodological details and relevant mitigation methods required, would be subject to agreement with NRW and consultation with any of their advisors and the SNCBs.</p>
			<p>RSPB: The RSPB have no issue with the template plans. However we note that these are only templates and the Applicant acknowledges that the structure and content of the final plans may differ significantly for a variety of reasons. As such the RSPB reserve the right to comment on and/or object to the final plans.</p>	<p>This is noted by the Applicant.</p>
2.3	RSPB, NWWT	<p>General - Mitigation Please advise if you have any issues with Schedule of Mitigation and Monitoring [REP4-</p>	<p>RSPB: The RSPB re-iterate our request for larger air gap between the lower turbine tip height and the water surface, as this will reduce the</p>	<p>The Applicant re-iterates its comments to RSPB's response to ExQ2.2.2 (REP6-003) that, because no significant effects have been identified in</p>

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		021], and if issues exist, please reference with explanation and evidence to justify.	number of avian collisions. While we agree with the Applicant that currently the predicted number of collisions is relatively low, there is no reason not to seek to reduce the number further in order to secure protection for vulnerable seabird populations.	terms of bird collisions, further mitigation (such as an increased lower blade tip height) has not been deemed necessary. It is also noted that the increase in overall turbine height that would be necessitated by this, would potentially result in greater effects on seascape, landscape and visual receptors (which in some cases have been identified as significant), and therefore a larger air gap would be counter to the aim of minimising those significant adverse effects.
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.	NRW(A): We note this question has been directed to both DCC and NRW. NRW (A) have no issues to raise and no comments to make.	This is noted and welcomed by the Applicant.
			DCC: No issues raised/no objection with regards to this approach	This is noted and welcomed by the Applicant.
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.	RSPB: a) The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.	In relation to part a), the Applicant does not have anything further to add to previous submissions on this matter and again notes that NRW is in agreement with the conclusion of no AEol. The responses to parts b), c), d) and e) are noted and welcomed by the Applicant.

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			<p>b) & c) While the RSPB continue to have concerns about the methodologies used to assess impacts on Manx Shearwater, particularly regarding collision risk, we agree with the Applicant that the low numbers of birds recorded on site are indicative that collision impacts on Manx shearwater are not likely to be a significant effect.</p> <p>d) & e) While the RSPB continue to have concerns about the use of Avoidance Rates for gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low.</p>	
2.10	RSPB	<p>Offshore – Ornithology</p> <p>Please could you comment on Applicant response to ExQ2.2.23 [REP6-003] and advise on any disagreement with evidence to justify.</p>	<p>RSPB: While the RSPB continue to have concerns about the use of Avoidance Rates for gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low. The RSPB would also like to highlight an error in our previous response. We responded that our preferred Avoidance Rate for gannet during the non-breeding season was 99.2% when our preferred rate is 98.9%, in line with current SNCB advice.</p>	This is noted and welcomed by the Applicant.
2.11	NRW	<p>Offshore – Ornithology</p> <p>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.</p>	<p>NRW(A): Yes, NRW (A) are satisfied with this approach.</p>	This is noted and welcomed by the Applicant.
2.12	RSPB	<p>Offshore – Ornithology</p>	<p>RSPB: While the RSPB continue to have concerns about the use of Avoidance Rates for</p>	This is noted and welcomed by the Applicant.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
		Please could you comment on Applicant response to ExQ2.2.17 [REP6-003] and advise on any disagreement with evidence to justify.	gannet during the breeding season, we agree with the Applicant that because numbers recorded on site were low that the impact significance will also remain low. We also note that these conclusions are based on predictions without the application of the Macro-Avoidance correction factor.	
2.13	RSPB	<p>Offshore – Ornithology</p> <p>Please could you comment on Applicant response to ExQ2.2.12 [REP6-003] and advise on any disagreement with evidence to justify</p>	<p>RSPB: The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.</p>	The Applicant does not have anything further to add to previous submissions on this matter and again notes that NRW is in agreement with the conclusion of no AEoI.
2.14	Applicant, RSPB, NRW	<p>HRA</p> <p>RSPB</p> <p>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].</p> <p><i>To the Applicant and NRW</i></p> <p>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</p>	<p>The Applicant: The Applicant has undertaken a review of the newly published Conservation Objectives for the Liverpool Bay Special Protected Area (SPA) and confirms that there are no implications for the RIAA or its associated annexes.</p> <p>As set out in the Applicant's comments on NRW's response ExQ2.2.12 in REP6-003, NRW concur with this in REP5-047, in which NRW confirm that "[...] <i>As such, even in light of the new COs, it remains NRW (A)'s view that the assessment that the Applicant has undertaken for this feature still stands, and that there will be no adverse effect upon it or the site, either alone or in-combination.</i>"</p>	N/A

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		the Report to Inform Appropriate Assessment [APP-027] and associated annexes?	<p>NRW(A): NRW (A) advise that there are no implications arising from the newly published conservation objectives for the Report to Inform Appropriate Assessment and associated annexes. Paragraph 14 of NRW (A)'s addendum to the D5 submission [REP-047] states that <i>"As such, even in light of the new COs, it remains NRW (A)'s view that the assessment that the Applicant has undertaken for this feature still stands, and that there will be no adverse effect upon it or the site, either alone or in-combination"</i>.</p> <p>RSPB: The RSPB do not agree that all the conservation objectives of the Liverpool Bay SPA relating to the listed feature red throated diver can be met. As detailed in our Written Representations this is specifically the objective to maintain the distribution of red throated divers within the SPA. Displacement impacts of red throated diver have been described in numerous studies, so it is unlikely that that the SPA distribution can be maintained as a result of displacement from the project alone or in-combination.</p>	<p>This is noted and welcomed by the Applicant.</p> <hr/> <p>The Applicant does not have anything further to add to previous submissions on this matter and again notes that NRW is in agreement with the conclusion of no AEol.</p>

2.3 Compulsory Acquisition (CA) and Temporary Possession (TP)

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
3.15	Applicant	<p>Plots</p> <p>Having regard to submission [REP5-034], please address concerns around:</p> <p>a) Time periods for rights sought;</p> <p>b) The necessity for certain plots (or parts of them) to be included within the Order land (i.e. Plots 142 and 145); and</p> <p>c) Implications for future development / diversification of land.</p>	<p>The Applicant: a) There is no ability for the Applicant to acquire rights that are not temporary or permanent through the DCO. Where the period for which rights are needed is uncertain, such as rights in relation to ecological mitigation or enhancement, the Applicant can only include the compulsory acquisition of permanent rights in the DCO. There will be greater flexibility with regards to the duration of those rights in the event that a voluntary agreement is reached.</p> <p>b) The operational access route shown in plots 142 and 145 was designed from a desktop review of existing accesses used by agricultural machinery to navigate the fields. The access routes were designed to avoid environmental constraints and the requirement to remove any trees, hedgerows or permanent features that would restrict the Applicant exercising the rights to maintain the cables. These suggested access routes were incorporated into the PEIR boundary and presented at Section 42 consultation. An overview of the consultation material and proposed plans specific to the Kerfoot's land were reviewed and discussed at a meeting between Dalcour Maclaren and Mr Fearnall on 20 September 2021. Following this meeting, a formal response was submitted by Mr Fearnall to the Applicant as part of the Section 42 consultation period which only briefly alluded to the operational access route and did not suggest that it should be relocated or not</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>included in the Order Limits submitted as part of the DCO application.</p> <p>As part of the ongoing negotiations in respect of the required land rights, Mr Fearnall submitted a proposed amendment to the operational access route on 30 June 2022. It is the Applicant's view that the proposed alternative access route is not suitable because it would involve the traversing of an important hedgerow at point 21a as shown on the Hedgerow and Protected Tree Plan (REP6-036), as well as more extensive interaction with the Applicant's proposed Great Crested Newt mitigation area in plot 144 than would be experienced by utilising plot 145 for access purposes. The hedgerow is identified as a priority habitat in Figure 13 of ES Volume 3, Chapter 5: Onshore Biodiversity and Nature Conservation (APP-066). Notwithstanding this, the HoTs which are currently being negotiated with Mr Fearnall have been drafted in such a way as to provide the necessary flexibility to be able agree an alternative route of access over the Affected Party's wider land holding for operational maintenance along a route which shall be agreed between the parties acting reasonably.</p> <p>Plot 145 is required to secure access to the southern section of plot 140 which lies to the eastern extent of the Order Limits and has been deliberately divided from plots 146 and 144 to ensure only the permanent operational access rights endure once the ecological mitigation areas (if required) are restored to agricultural use and returned to the landowner.</p>	

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			<p>c) See the Applicant's comments on Wilson Fearnall Ltd.'s response to ExQ2.3.4 for further information. The introduction of underground cables and associated land rights is not considered to materially reduce the quantum of development achievable across a site. For example, if a small part of a development site were required for the AyM cable connection, this area could be used to provide public open space provision, as required under DCC Policy BSC11 – Recreation and Open Space.</p>	
			<p>Wilson Fearnall Ltd on behalf of GBL and IB Discretionary Trust:</p> <p>a) The compulsory acquisition powers sought by the Applicant to take permanent rights and restrictions will have significant impacts on private and public interests. The Applicant suggests that taking of rights only will have a reduced impact when compared to the permanent freehold acquisition of land. However, the extensive nature of rights sought within the DCO will be extremely significant on the future use and enjoyment of interests held by any Affected Parties and this impact should not be underestimated. As drafted in the current version of the DCO these rights will persist as a blight in perpetuity long after the operational requirements and potential needs for the windfarm have expired. The Trustees suggest that legal wording could be introduced into the draft DCO generally and/or added to the definitions of the specific rights and restrictions sought to tie in or limit their implementation of rights solely in connection with and a necessary for the</p>	<p>The Applicant would firstly note that matters raised under points 'a)' and 'b)' of this response were discussed in detail at the Compulsory Acquisition Hearing on 28 February 2023. The Trustee's appointed agent was in attendance at the hearing, and it is therefore disappointing that no oral representations were made during the hearing which would have allowed further detailed conversation between the parties to take place at a more appropriate point in the Examination.</p> <p>a) A detailed response on this matter was provided to comments made in respect of ExQ2.3.4 (REP6-003). The Applicant therefore reiterates the comments made in Applicant's Comments on Responses to the Examining Authority's Second Written Questions (ExQ2.3.4 in Section 2.3 of REP6-003) and subsequently in the Compulsory Acquisition Hearing. While not referring to this AP's land holding specifically, the Applicant's summary of oral case from the Compulsory Acquisition Hearing on 28 February 2023 (Document 8.6 of the Applicant's</p>

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			<p>Construction, Operation, Maintenance and Decommissioning of the Awel Y mor Wind Farm. Whilst a record of such specified rights would similarly persist against private registered titles beyond the life of the project they could only be implemented when required and necessary, but would practically fall away on the decommissioning of the Project. The Applicant has partially attempted to do this with rights and restrictions sought in association with the Temporary Mitigation Areas, but this should go further and include the general rights sought for the ECC, Operational Access and other specific elements of the project. The Trustees remain open to engagement on such wording for incorporation into the draft DCO.</p> <p>b) From initial engagement with the Applicants appointed Agent in September 2021 the Trustees have clearly articulated requests for a sequential review of alternative design options that would seek to mitigate the impacts of the proposed development on both private and public interests. These requests have been maintained and reiterated at subsequent engagement meetings, formal s42 consultation feedback and throughout the Examination process. The Trustees do not consider the Applicant has sufficiently considered alternative design proposals nor properly engaged and consulted with them throughout the development of the Project. In order to reduce the impacts on land interests the Trustees have suggested that design amendments should be reviewed through the following sequential process to mitigate impacts and reduce the areas where the acquisition of</p>	<p>Deadline 8 submission) explains why it is necessary for the DCO to include the ability for the Applicant to acquire permanent rights over the relevant parcels of the Order Land if such rights cannot be secured by agreement. It is notable that no submissions have been made to suggest an alternative way for the dDCO to be drafted that would comply with the legal framework for CA.</p> <p>b) In the interests of clarity, initial engagement between the Applicant's appointed agent and the Trustee's agent occurred on 07 July 2021. Correspondence has been and continues to be ongoing since this date both on a formal and informal basis. The Applicant does not agree that it has not sufficiently considered alternative design proposals nor properly engaged and consulted with the Trustees during the development of the Project. The Trustees have received all statutory notifications and their appointed agent has been engaged in meetings and email and telephone correspondence with the Applicant's appointed agent since the initial contact on 07 July 2021.</p> <p>As noted in REP6-003 (ExQ2.3.4), a detailed synopsis of the Applicant's design considerations was provided to the Trustee's appointed agent on 26 January 2023. This synopsis is set out verbatim in this same response (REP6-003; ExQ2.3.4). The detail set out in this synopsis explains in detail why the Applicant has been unable to accommodate 'step 1' which is later qualified as a request to</p>

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			<p>unnecessary rights and restrictions may be required.</p> <p>Step 1 – Movement of the ECC route slightly East (Plot 140);</p> <p>Step 2 – Dependent on the outcome of Step 1 - review and rationalisation of the areas required for Temporary Mitigation Areas (Plot 141, Plot 143, Plot 144, Plot 146);</p> <p>Step 3 – Dependent on the outcome of Step 2 – review of Operational Access routes (Pt Plot 142, Plot 145).</p> <p>The Trustees maintain that:</p> <ol style="list-style-type: none"> 1. Plot 140 could be partially moved to the East by 30-40m. No substantive investigation or justified response has been provided by the Applicant as to why this could not be accommodated. It is considered that such design alternative would not adversely impact Heritage, Environmental or Archaeological Assets; could be accommodated by design refinements to adjoining Plots to the North and South of Plot 140; would allow for pragmatic re-configuration and provisions of Temporary Mitigation Areas; reduce the footprint within in, and severance to fields currently used for intensive agriculture. 2. Plot 141, Plot 143, Plot 144 and Plot 146 can be reconfigured to accommodate possible amendment to Plot 140 (as above) or reconfigured alongside the existing Plot 140 to provide the required area as envisaged by the OLEMP; reduce the impact of severance on intensively utilised agricultural field parcels; 	<p>move the ECC 30m - 40m to the east of its current position. The Applicant would additionally note that a shift of the ECC by 30m - 40m to the east would bring the ECC into direct interaction with a pond within which presence of Great Crested Newts has been confirmed (ES Volume 5, Annex 5.6: Great Crested Newt Survey Report (APP-129), see pond 8).</p> <p>The Applicant notes the proposed reconfiguration of plots 141, 143, 144 and 146 and would reaffirm the principles for the location of mitigation for GCN that are set out in the oLEMP. Noting the specific reference to Plot 141, this area of mitigation must remain on the western side of the onshore ECC as it is intended to provide mitigation for newts on the western side of the onshore ECC. Further and in the interests of clarity, plot 138 forms part of Work No.10 and as such is not designated as an area for GCN mitigation.</p> <p>The Applicant does not agree that the gateway falls within plot 144 and would therefore reaffirm the representations made orally at the Compulsory Acquisition Hearing on 28 February 2023 and subsequently in response to ExQ3.3.15 (REP7-004). There is no duplication of rights between those sought within plots 142 and 145 and those which are sought within plots 143, 145, and 146. The latter plots do not fall within Work No.41 and as such do not form part of a designated operational access and nor are they subject to the same rights as those plots within Work 41 (as plots 142 and 145 are).</p>

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			<p>incorporate further areas of severed land to provide enhanced environmental mitigation. The Trustees specifically point to the example of Plot 141. This Plot could be removed from the DCO and amalgamated into Plot 143, Plot 144 or Plot 146, or the excluded area between Plot 141 and Plot 138 could be incorporated into Plot 141 and a corresponding area removed from either Plot 143, Plot 144 or Plot 146. Such poor design must not be used to justify or support the 'necessary' acquisition of rights, especially when based on a draft OLEMP and in conflict with the conditions of s122 Planning Act 2008 and current DCLG Guidance.</p> <p>3. The Operational Access required through the southern part of Plot 142 and Plot 145 should be removed from the DCO as they may not be required if incorporated within steps 1 and 2 above, or they that are unnecessary, and a duplication of rights contained within Plots 140, Plot 143, Pot 144 and Plot 146 for the provision of access. In response to the ExA's Questions at Agenda Item 3 during the CAH with regard to Plot specific matters (particularly Pt Plot 142 and Plot 145) the Applicants Agent suggested that it would not be possible to take operational access via rights contained in adjacent plots due to the presence of an important hedge and tree at point 21a on the Hedgerow and Protected Tree Plan submitted at REP 6-036. The Trustees wish to point out that there is already an existing field gateway adjacent to point 21a (within Plot 144) that would facilitate operational access via rights already contained within the Nothern Pt of Plot 142, Plot 140 and Plot 144</p>	<p>The Applicant is happy to continue to engage with the Trustees and their appointed agent in respect of the matter of access and would again reaffirm that the terms of the voluntary agreement currently under negotiation offer a much greater degree of flexibility in relation to the routing of an operational access.</p> <p>The Applicant made detailed submissions at the CA hearing as to the basis on which the acquisition and rights sought over the Order Land accord with s122 (2) of the Planning Act 2008 which were not challenged by the Trustee's agent. The Applicant has demonstrated that the Order Land is required for the AyM scheme or is required to facilitate or is incidental to the proposed development, noting with reference to case law and the DCGL Guidance that this means no more than is reasonably required for the AyM scheme as proposed.</p> <p>c) The Applicant would again take this opportunity to confirm that rights sought are only in in relation to the authorised development.</p> <p>The short term effects of the scheme such as temporary severance of land and crop loss are all compensatable with the principle of equivalence applying to the calculation of any such compensation. As noted in the oCoCP (REP7-018) the Applicant will engage with Affected Parties in respect of the provision of access to severed land through the installation of crossing points. The Applicant has not been made aware of any risks to the viability of the</p>

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			<p>without the need to take separate and duplicated rights through the Southern pt of Plot 142 and Plot 145. There are no records of an important tree at or near point 21a or any indications or constraints that would prevent widening or minor relocation of the existing gateway if required by the Applicant. The Trustees maintain their request for the removal from the DCO of the unnecessary rights sought over the southern Part of Plot 142 and Plot 145. The Trustees request the removal Plot 141 as unnecessary, or the incorporation into Plot 141 of the isolated area (currently outside the DCO) immediately north.</p> <p>It is also maintained that, given the lack of design interrogation or satisfactory justification for the chosen options, the Applicant fails to satisfy conditions (a) (b) and (c) of s122 Planning Act 2008, where the definition of 'required' should be defined by the ruling in Sharkey and Another v Secretary of State for the Environment and South Buckinghamshire District Council (1992).</p> <p>c) The Trustees have challenged the chosen design with a view to limiting or reducing the impact of the rights being sought through the DCO. As set out above, the rights sought by the Applicant will have a severe impact on the use and enjoyment of land which is subjected to them. There will be practical impacts during the Construction, Operation, Maintenance and Decommissioning of the Wind Farm, but there will be legacy legal restrictions on land use thereafter should rights not be directly</p>	<p>holding as a result of the authorised development being carried out and would emphasise that once reinstated, the ECC and any GCN mitigation areas would return to agricultural use.</p> <p>With regards to the longer term impacts of the rights and restrictions sought over the land on future development potential, the Applicant would reaffirm comments made in Applicant's Comments on Responses to the Examining Authority's Second Written Questions (REP6-003 (ExQ2.3.4)) and Applicant's Response to the Examining Authority's Third Written Questions (REP7-004 (ExQ3.3.15)).</p>

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			<p>associated with the Awel Y Mor Project. In the short term these impacts will be on the practical agricultural use of the land, both directly and indirectly by severing fields, to the point where the Trustees agricultural unit may no longer be economically viable to farm. Furthermore, the geographical layout of the rights and restrictions proposed would make it very difficult to physically construct any sort of useful agricultural building or to locate any sort of diversified enterprise within the unit further limiting the earning capacity of the holding. In the medium to long term the rights proposed would prevent the physical development of the land for residential or other commercial uses, thus limiting the strategic growth of Rhyl in this otherwise unconstrained area. As drafted within the DCO these restrictions would continue past the life of the project and endure indefinitely. Significant weight in the public interest should be given maintaining flexibility for any urban extension to Rhyl in this South-easterly direction during the upcoming revision of the LDP or in through future revisions of the LDP.</p>	
3.19	Applicant, Rhyl Flats Wind Farm Limited (RWF)	<p>Wake effects</p> <p>The ExA notes all representations put forward by the Applicant and RFWF in respect of wake effects.</p> <p><i>To the Applicant:</i></p> <p>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-</p>	<p>The Applicant: a) There is no express mention of wake loss effects in any of the National Policy Statements (NPS) including NPS EN-3. It has also not been included in any of the draft NPSs.</p> <p>As noted in the Applicant's comments on the response to ExQ2.3.8 (REP6-003), other offshore wind farm (OWF) operators are referred to in the NPS tracker in relation to paragraphs 2.6.180 and 2.6.181 of EN-3 because the Applicant undertook consultation with other OWF operators in the pre-</p>	N/A

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		<p>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);</p> <p>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;</p> <p>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);</p> <p>d) Do you consider there could be potential for wake effects on the operation of RFWF? If not, why not?; and</p> <p>e) If so, would you be willing to undertake an assessment of this?</p> <p>To RFWF:</p> <p>f) What is the remaining operation period of RFWF / when is RFWF due to be decommissioned?</p> <p>g) [REP4-048] states that the construction of Awel y Môr would result in a tangible wake</p>	<p>application stage. However, this reference in the NPS Tracker does not imply that the Applicant considers paragraphs 2.6.176 – 2.6.188 of EN-3 to apply to other OWFs. It merely confirms that consultation took place which is considered to be best practice.</p> <p>The Applicant does not consider that paragraphs 2.6.176 – 2.6.188 of EN-3 apply to other OWFs for the following reasons:</p> <ul style="list-style-type: none"> ▲ The title of the section (Oil, gas and other offshore infrastructure and activities) denotes that the intention is for the policy to cover other offshore sectors such as oil and gas. If it was intended to apply to other OWFs, then the title of this section could be left as being 'Other offshore infrastructure and activities' or would expressly include reference to other OWFs. ▲ The wording of paragraph 2.6.176 which suggests that 'other offshore infrastructure' includes telecommunications cables, oil and gas pipelines or exploration/ drilling or marine aggregate dredging, further indicates that another OWF would not fall within this category. The drafting of the NPS could have easily kept this to be more open or expressly included other OWFs or electricity generators had this been intended. ▲ Paragraph 2.6.184 of EN-3 is a key policy test cited by RFWFL which relates to avoiding or minimising disruption or economic loss to 'other offshore industries'. The Applicant considers that reference to 'other offshore industries' rather than other offshore infrastructure or activities is further evidence that this section is aimed at other sectors, not offshore electricity generation, which is all part of the same 'industry'. 	

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		<p>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?; and</p> <p>h) 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?</p> <p><i>To the Applicant and RFWF:</i></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>	<p>▲ Had it been the government's intention for these paragraphs to apply to other OWFs this would have been expressly stated given the resulting implications for new development. Had the intention been for consideration of wake loss or the requirement for compensation to be covered by these paragraphs quite simply there would have been direct reference to this – which as the Applicant has previously stated there is not.</p> <p>b) Regulation 5(2)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relates to impacts on population and human health. These matters have been assessed in the Public Health chapter of the ES (APP-073). Regulation 5(2)(a) is not considered to be relevant to socio-economic matters which are considered in Volume 3 Chapter 3 of the Environmental Statement. The Applicant does not consider that any factors listed in Regulation 5(2) require a wake loss assessment to be undertaken and no representations were made regarding this in the Scoping Opinion in response to the Applicant's EIA scoping request (APP-295).</p> <p>Impacts to other offshore infrastructure (including other offshore wind farms) are considered in the Other Marine Users and Activities chapter of the ES (APP-058), considering the potential impacts of physical overlap of infrastructure (such as cables), and increased vessel traffic which could interact with operations at other wind farms. These impacts are assessed on the basis that they could impact operations at other offshore wind farms, rather than their commercial output. The Scoping Opinion (APP-295) advised (and</p>	

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			<p>APP-058 has assessed) that the EIA should consider construction phase effects because of the potential interaction between construction activities and other offshore wind farms (Scoping ID: 4.12.2); and operation phase effects in the context of the potential for maintenance activities to impact operations at other offshore wind farms (Scoping ID: 4.12.9). The Applicant has undertaken a review of other applications for offshore wind farms and has not found precedent of the consideration of the commercial implications of wake loss effects in EIA terms, and this was not requested to be assessed in the Scoping Opinion (APP-295).</p> <p>c) The Applicant has set out its approach to paragraph 5.12.2 of NPS EN-1 in the National Policy Tracker (REP3-003). The Applicant does not consider that potential wake loss effects on other OWFs are matters that are protected by policy or socio-economic impacts that should be considered as part of an EIA.</p> <p>d) The Applicant has never asserted that the presence of AyM would have no impact whatsoever on RFWF. It is a feature of offshore wind development that all new OWFs will have a potential wake effect on existing OWF's, including those that may be tens or even hundreds of kilometers apart.</p> <p>It is the Applicant's case that this matter is appropriately regulated through the TCE leasing process by adherence to TCE's siting criteria for new OWF development (which AyM complies with).</p>	

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			<p>Without prejudice to the Applicant's position that wake loss is not a matter that is required by NPS paragraph 2.6.184 to be addressed by applicants for new OWF development, in any event AyM has been designed to minimise its impact on all offshore infrastructure, including other OWFs, as set out in response to ExQ1.3.27 (REP1-007) and comments on RFWFL's submissions (REP3- 002 and REP5-003).</p> <p>e) The Applicant does not consider that it is necessary for a wake loss assessment to be undertaken on the basis that it is not required by policy and that TCE's siting criteria for OWFs dictates the location of the AyM wind turbine generators (WTGs). In any event, to undertake an assessment based on the maximum design scenario would be overly precautionary as the number, layout and height of the WTGs have not been determined, and would therefore not be a sound basis on which to reach any conclusions regarding wake loss effects.</p> <p>f) N/A - Addressed to RFWF.</p> <p>g) N/A - Addressed to RFWF.</p> <p>h) N/A - Addressed to RFWF.</p> <p>i) The Applicant does not consider that it would be appropriate for arbitration to be used in relation to the wake loss dispute between the Applicant and RFWFL. The key issue in dispute relates to the interpretation of the NPS and whether wake loss effects are a relevant consideration in determining the AyM application. The Applicant considers that the correct interpretation of the NPS is a matter for</p>	

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			<p>the Examining Authority and Secretary of State and one that is not appropriate to be determined by an arbitrator. Therefore, paragraph 2.6.188 of NPS EN-3 does not offer an appropriate solution to resolving the wake loss dispute given the Applicant's clear position in response to sub-question (a) that the relevant NPS policies do not apply in these circumstances and that, without prejudice to that position, even if the Examining Authority and Secretary of State conclude that the policies are engaged, the Applicant has complied with the policies by minimising the impact on RFWF and there would therefore be no need, and thus no justification for a requirement providing for the matter to be addressed by arbitration.</p> <p>j) For the reasons set out below, any wake impacts on RFWF will be minimal – on RFWF's own assessment a maximum of 2% - and will have no appreciable impact on the very substantial benefits that AyM will provide in terms of renewable generation capacity.</p> <p>As set out in the Applicant's Planning Statement (APP-298), AyM will produce sufficient electricity to power approximately 500,000 UK homes. The wake impact that RFWF has upon AyM has already been considered in the calculation of the Proposed Development's predicted electrical output and hence RFWF does not affect the renewable energy benefits of AyM that have been assessed in the Environmental Statement.</p>	

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			<p>The Applicant understands RFWF produces sufficient electricity to power approximately 61,000 households.</p> <p>In (REP4-048) DNV states that it expects the wake loss at RFWF to be "in the region of up to 2%" and acknowledges that further assessment is required to establish a more accurate figure. As the Applicant has previously explained, an assessment based on the maximum design scenario would not be accurate and would be overly precautionary as the final array design and choice of wind turbine generators has not been determined.</p> <p>As confirmed in its responses to RFWFL, the Applicant does not contest RFWF's 2% maximum figure but considers that the actual wake impact may well be appreciably less than this figure and that it remains within the current level of operating variability (i.e. the natural variability of wind speed that the wind farm already experiences each year).</p> <p>The potential wake impact of AyM on RFWF must also be considered in the light of the very limited operational overlap between the two projects, which further underlines that AyM will have no appreciable impact on RFWF and in turn that any wake impacts will not detract from the very substantial benefits of the Proposed Development. According to a company report from RFWFL, RFWF has a "project life" of 23 years and this is also the "estimated useful economic life". RFWF was officially opened in 2009 and hence may be decommissioned by 2032. As set</p>	

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			<p>out in paragraph 38 of the Onshore Project Description Chapter of the ES (APP-062) the Applicant's objective is for AyM to be fully operational and commissioned by 2030, which would mean a maximum two-year overlap with RFWF's anticipated operational and useful economic life. Whilst it is acknowledged that some wind farms have extended their lifetimes, it is evident that the potential impact of the Proposed Development on RFWF is both minor and relatively brief, whilst the very substantial benefits of the Proposed Development will continue to be delivered for many years after RFWF has decommissioned.</p> <p>As the Applicant set out in comments on the response to ExQ2.3.8 (REP6-003) there is nothing in the Energy NPSs (either extant or revised draft) or other policy to prevent an OWF from being developed in the vicinity of another OWF. The only control that currently exists is through The Crown Estate's leasing process where buffers are built in to ensure appropriate separation between OWFs, which as explained above AyM complies with. There is also nothing in policy that says that the performance of an existing wind farm (either onshore or offshore) is a protected factor. In fact, there is no policy that says anything about minimum or acceptable performance levels for existing generation assets, including wind farms, as it is recognized that the performance of an offshore wind farm is inherently variable. It is also the case that all wind farms that are in proximity to each other will have a degree of wake effect.</p>	

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			<p>RFWFL:</p> <p>f) Rhyl flats commenced production in February 2011. The current site life is for 20 years with contractual provisions in place for up to 25 years. However, the structural elements are capable of remaining in place for longer than the original design life. It is considered that there is a very high likelihood of the development being in place for in the region of 30 years with the possibility of further extension depending on asset condition.</p> <p>g) The estimate of up to 2% would be a percentage loss of energy production from Rhyl Flats. The figure is a professional opinion of potential impact based on DNV's experience of similar wind farms (in terms of size and distance between the wind farms.) DNV have recently undertaken additional validation work on cluster to cluster wakes, and adjusted their models based on the validations to better represent wake propagation offshore. RFWFL have not commissioned a wake loss assessment. As per previous submissions, this is a matter which requires to be addressed by the applicant and not RFWFL. The purpose of the DNV letter is to demonstrate that wake loss is a real issue here which requires to be addressed by the applicant. It is not a substitute for an actual wake loss assessment.</p> <p>h) A revenue loss towards the upper end of the 2% range would have a significant impact on the economics of the Rhyl Flats project. This would particularly be the case towards the later years</p>	<p>f) The Applicant wishes to clarify the statement by RFWFL that '<i>Rhyl flats commenced production in February 2011.</i>' The Applicant's understanding is that RFWF was fully commissioned in 2009, as per the Applicant's previous response at Deadline 7. This would therefore reduce (by reference to RFWFL's position) the period of time during which both projects would be co-operational.</p> <p>The Applicant notes RFWFL's response and has acknowledged in its previous response REP7-004 (response to ExAQ 3.19 pages 26-30) that there is a possibility that RFWF may continue to operate beyond its original planned operational life. This would be subject to RFWF ensuring that it had secured the necessary consents and approvals to do so.</p> <p>g) The Applicant notes that RFWFL has acknowledged that it has not commissioned a full wake loss assessment, despite it being open to RFWFL to do so, and that the maximum 2% wake loss figure relied upon is simply the professional opinion of RFWFL's advisers based on experience of similar wind farms in terms of scale and proximity (but is not based on any formal assessment/ calculations <i>per se</i>).</p> <p>In any event, the Applicant maintains its position as set out in REP7-004 (response to question ExAQ 3.19 pages 26-30) that:</p> <ul style="list-style-type: none"> ▲ a) the 2% figure relied upon by RFWFL is the maximum potential impact and that the actual wake impact may well be appreciably less than this figure; and

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			<p>of operation when the project will have lost its subsidy revenue and when operating costs will have increased significantly. There is therefore the potential for wake loss impact to affect the viability of Rhyl Flats during the later years of the project.</p> <p>i) Paragraph 2.6.188 raises the potential use of arbitration to resolve adverse impacts on commercial activities. The difficulty with the current dispute is that the applicant denies that they have any responsibility to address the impact of their development on Rhyl Flats, including wake loss impact. They also deny that paragraphs 2.6.176 – 2.6.188 are relevant to assessment of impacts on existing offshore wind farms. It is not clear how arbitration would assist in resolving this point as, fundamentally, it requires the Secretary of State to determine whether the terms of paragraphs 2.6.176 – 2.6.188 apply in relation to assessment of impacts on existing wind farms. However, on the assumption that the Secretary of State agrees that wake loss impact does require to be addressed then where arbitration might be relevant is in relation to the assessment of that impact and determination of appropriate mitigation or compensation. In the absence of any proposals from the applicant, RFWFL has drafted an additional requirement to deal with wake loss. This would require a methodology for assessment of wake loss to be agreed with RFWFL. The assessment would then be carried out in terms of the agreed methodology and compensation paid for loss of revenue. Any dispute arising would be addressed in terms of</p>	<p>▲ b) in any event, for the reasons previously given, there is no requirement on the Applicant, either under NPS policy or legislation, to carry out a wake loss assessment in these circumstances.</p> <p>h) The Applicant notes that this is the first occasion during the examination process in which RFWFL has asserted that the potential wake loss impact of the Proposed Development on RFWF would have the 'potential' to affect its viability. The Applicant strongly refutes RFWFL's contention.</p> <p>In its prior submission at Deadline 6 (REP6-050), RFWFL commented, in response to the Applicant's position that no question has been, or could be raised that the Proposed Development would affect the future viability of RFWF, that:</p> <p>"The relevance of paragraph 2.6.168 is that is that [sic] 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 [sic] are to be given "substantial weight" in decision making. <u>This does not mean that an impact which does not threaten viability can be ignored. It just means that an impact which threatens viability carries even greater weight.</u>"</p> <p>[...]</p> <p><u>"There is no requirement that the impact has to threaten viability before the obligation to minimise negative impacts applies."</u></p>

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			<p>the arbitration provisions of the DCO. The proposed wake loss requirement is attached as Appendix 1 and has previously been supplied to the Applicant.</p> <p>j) RFWFL has undertaken an initial calculation of the estimated loss of energy production at RF whilst both RF and the Proposed Development are in operation. This is based on the existing lifespan of RF and the timeline proposed by the Applicant for the Proposed Development. On that basis, they would both be in operation together for a period of 5 years. A wake loss of up to 2% would be estimated to result in a loss of up to 26,000 MWh in that period. As explained in 3.19, however, there is the potential for RF to continue operating beyond its current planned lifespan and, if this is the case, wake loss impact would continue into future years. This is only an estimate of loss based on the limited information available to RFWFL which would require to feed into an appraisal of the net benefit from the Proposed Development. As recommended by DNV, in order to provide a more accurate calculation, an actual assessment of wake loss would be required which, to date, the Applicant has refused to undertake.</p>	<p>(emphasis added)</p> <p>It was therefore implicit in RFWFL's case at Deadline 6 that the Proposed Development would <i>not</i> affect the future viability of RFWF. Instead, it was RFWFL's view that the Applicant was in any event required under NPS EN-3 paragraph 2.6.183 to '<i>minimise negative impacts and reduce risks to as low as reasonably practicable</i>'.</p> <p>The Applicant refers to its previous submissions (REP1-007 (response to question ExQ1.3.27(c)), REP3-002 (Table 5), REP5-003 (section 2.3 and Table 3), REP6-003 (ExQ2.3.8, pages 48-54) and REP7-004 (response to ExQ3.3.19 pages 26-30) on the correct interpretation and application of the NPS EN-3 policies in these circumstances and to its position that, without prejudice to the application or otherwise of the NPS EN-3 policies, AyM has been designed to minimise negative impacts on RFWF.</p> <p>Responding to RFWFL's case as it has now been articulated at Deadline 7 (REP7-058), the Applicant notes that RFWFL has asserted that a '<i>revenue loss towards the upper end of the 2% range would have a significant impact on the economics of the Rhyl Flats project</i>' and that '<i>There is therefore the potential for wake loss impact to affect the viability of Rhyl Flats during the later years of the project</i>' (emphasis added).</p> <p>As set out in the Applicant's previous response (REP7-004), the 2% figure relied upon by RFWFL represents the upper level of potential wake loss and the actual wake impact may well be</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
				<p>appreciably less than this figure, which is in any event within the current level of operating variability (i.e. the natural variability of wind speed that the wind farm already experiences each year).</p> <p>RFWFL's assertion that there is the 'potential' for wake loss impacts to affect the viability of RFWF falls well short of establishing that AyM would be likely to affect the future viability of RFWF. There is therefore no credible basis to support RFWFL's contention that the wake impacts of AyM would affect the viability of RFWF and the Examining Authority should give no weight to RFWFL's very belated submission in this regard.</p> <p>i) The Applicant notes that there is common ground with RFWFL that the application of NPS EN-3 paragraphs 2.6.176-2.6.188 in these circumstances is a matter for the Examining Authority and, ultimately, the Secretary of State. It would therefore not be appropriate for a decision on the interpretation and application of the NPS policy to be deferred to the post-consent stage for determination by an arbitrator.</p> <p>The Applicant notes that RFWFL has proposed a draft requirement to deal with the question of wake loss and provide compensation for wake impacts.</p> <p>Guidance on the use of requirements in DCOs is set out in Planning Inspectorate Advice Note 15 (Drafting Development Consent Orders) (Version 2 – July 2018), including the following :</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
				<p>15.2 <u>The law and policy relating to planning conditions</u> (in particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance), imposed on planning permissions under the TCPA1990, <u>will generally apply when considering Requirements to be imposed in a DCO</u> in relation to the terrestrial elements of a proposed NSIP. <u>Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.</u> (emphasis added)</p> <p>The Applicant also notes government guidance on the use of planning conditions (Paragraph: 005 Reference ID: 21a-005-20190723) that <u>'Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness'</u>. (emphasis added)</p> <p>In view of its position on the non-application of the EN-3 policies in these circumstances, and that in any event the impacts of the proposed development on RFWFL have been minimised, the Applicant's position is that a requirement for it to undertake a wake loss assessment prior to the commencement of the Proposed Development, and thereafter to indemnify RFWFL for any loss of any electrical generation capacity resulting from any wake impact, does not meet the relevant policy test as it is not necessary and would be unreasonable.</p> <p>For the reasons set out in the Applicant's previous submissions on this matter, the</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
				<p>Examining Authority can be satisfied that the Proposed Development will not affect the future viability of RFWF and a requirement in the terms proposed by RFWFL is not necessary for AyM to be acceptable in planning terms. A requirement in those terms would therefore not comply with the tests for DCO requirements as set out in the Planning Inspectorate Advice Note.</p> <p>In this regard, the Applicant also notes the response from The Crown Estate Commissioners (TCE) at Deadline 7 [REP7-060] that, in relation to the siting criteria for new offshore wind farm development:</p> <p><i>"The 5km buffer/"stand-off" between wind farms (unless developers consent to closer proximity) is a <u>commercial arrangement to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation and safety.</u>" (emphasis added).</i></p> <p>This supports the Applicant's position that wake impacts are a matter dealt with through the TCE's seabed leasing criteria and that AyM has been developed in compliance with such criteria. This further supports the Applicant's position that there is no justification for imposing a requirement containing an indemnity for wake impacts.</p> <p>j) As set out in its comments in question 3.19 h) above, the Applicant wishes to clarify that RFWF was fully commissioned in 2009 and therefore that the initial operational period (i.e. before any potential life extension of RFWF)</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
				<p>during which both wind farms will be co-operational would be less than the period asserted by RFWFL.</p> <p>RFWFL has not provided a breakdown of how it has calculated the alleged loss of 26,000 MWh of electrical generating capacity on account of wake impacts and the Applicant is therefore not in a position to comment further. In any event as set out in REP7-004 (response to ExQ3.3.19 pages 26-30), any potential wake impacts will have no appreciable impact on the very substantial benefits that AyM will provide.</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>	<p>The Applicant: a) The Applicant and RFWFL are continuing active discussions in relation to the protective provisions and hope that an agreed position on the majority of points in the protective provisions can be reached before the end of the Examination.</p> <p>b) Other than the wake loss provision, the Applicant and RFWFL have agreed the majority of points relating to the protective provisions. The main outstanding point of disagreement relates to the indemnity provision and whether the indemnity provided to RFWFL under the protective provisions should be capped.</p> <p>c and d) 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 RFWFL will also submit its preferred set of protective provisions to the ExA. It will then be open for the</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>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 RFWFL 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.</p> <p>RFWFL:</p> <p>a) Other than in relation to wake loss, it is expected that there will be agreement on the protective provisions other than in relation to some detailed points on the wording of the proposed indemnity as set out in the response to Q3.20 b).</p> <p>b) The areas of disagreement currently relate to the wording of the proposed indemnity in paragraph 10 of the draft protective provisions. There are 2 points which are currently unresolved. The parties are continuing to discuss matters. RFWFL are hopeful that agreement can be reached on the first point but it is unlikely that agreement can be reached in the second point. The outstanding issues are:- 1) In paragraph 10(1), RFWFL are now generally content with the wording. However, the last revisions made by the applicant adjusted the circumstances in which the indemnity would cover loss as a result of any interruption or reduction in any electricity produced by RFWFL. The effect of the revision is that the indemnity is limited to where the interruption or reduction to electricity production</p>	<p style="background-color: #cccccc; height: 100px; margin-bottom: 10px;"></p> <p>a) Other than the wake loss provision, the Applicant and RFWFL have agreed all points relating to the protective provisions</p> <p>b) The Applicant has continued to engage proactively with RFWFL on the protective provisions. Of the two previously unresolved points on the wording of the proposed indemnity:</p> <ul style="list-style-type: none"> ▲ 1) The Applicant agrees with the proposals made by RFWFL, subject to a minor drafting clarification to clarify this applies as a consequence of the "specified works", to align with the rest of the protective provisions. ▲ 2) The Applicant has agreed to withdraw the proposal that the indemnity should be subject to a cap on liability and so this point is no longer an issue. <p>Other than the wake loss provision, the Applicant and RFWFL have agreed all points relating to the protective provisions.</p> <p>c) The wording of the protective provisions are agreed other than in respect of wake loss.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>is as a result of damage caused to any apparatus or property of RFWFL. Given that the cable installation works would involve a safety zone around the works, there is the potential for the applicant's works to restrict the ability of RFWFL to access their turbines whilst the applicant's works are ongoing with the consequent potential for loss of electricity production. Whilst the parties will seek to cooperate with each other to try and ensure the coordination of works, it is not acceptable that RFWFL should require to bear the cost of reduced energy production if this is as a result of the Applicant's works. Consequently, paragraph 10(1) requires to be adjusted so that the applicant is required to indemnify RFWFL where there is any interruption or reduction in any electricity produced by RFWFL as a consequence of the applicant's works (and not just where such interruption or reduction is a result of damage to apparatus). 2) The applicant has revised the indemnity provisions of paragraph 10(b) to (first) provide that RFWFL is under an obligation to take reasonable steps to mitigate its loss; (second) to limit the applicant's liability to £8million per claim or series of claims. The first revisal to paragraph 10(b) is acceptable to RFWFL but the second revisal is not. The effect of the proposed cap on the indemnity would be that RFWFL would require to pick up the cost of impacts greater than £8m. It is not reasonable to expect a statutory undertaker to pick up such costs where they are a result of the applicant's works. It is noted that none of the other protective provisions which the applicant has</p>	<p>In respect of wake loss, the Applicant repeats its previous submissions that there is no justification for imposing a requirement containing an indemnity for wake impacts and the draft protective provisions that will be submitted by the Applicant will reflect this position. Should RFWFL continue to maintain that the protective provisions should include an indemnity for wake loss, it will then be a matter for the Secretary of State, following a recommendation from the ExA to determine whether the form of protective provisions that should be included in the DCO for the protection of RFWFL should include an indemnity for wake loss. As above, the Applicant and RFWFL have agreed all other points on the protective provisions.</p> <p>d) The Applicant notes that there is common ground with RFWFL that, other than in relation to wake loss, the wording of the protective provisions are agreed.</p> <p>The only issue that will be left for the Secretary of State, following a recommendation from the ExA, will therefore be whether the form of protective provisions that should be included in the DCO for the protection of RFWFL should include an indemnity for wake loss.</p> <p>For the reasons previously submitted by the Applicant, the Applicant's position remains that there is no justification for imposing a requirement containing an indemnity for wake impacts and rejects RFWFL's Proposed Wake Loss Requirement in its entirety (and the draft</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>proposed for electricity undertakers provide a similar cap for liability. There is no reasonable basis on which such a cap should be required for RFWFL and the cap should therefore be removed.</p> <p>c) Other than on the issue of wake loss, the issues between the parties on the protective provisions are narrow and clearly defined. Both parties will make submissions on their respective positions and it will be for the ExA to make recommendations to the Secretary of State on what form of protective provisions should be included in the DCO for the protection of RFWFL.</p> <p>d) Other than on the issue of wake loss, the issues between the parties on the protective provisions are narrow and clearly defined. Both parties will make submissions on their respective positions and it will be for the ExA to make recommendations to the Secretary of State on what form of protective provisions should be included in the DCO for the protection of RFWFL.</p> <p>(RFWFL provided a Proposed Wake Loss Requirement with their response)</p>	<p>protective provisions that will be submitted by the Applicant will reflect this position).</p>
3.21	The Crown Estate	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?	TCE: The 5km buffer/"stand-off" between wind farms (unless developers consent to closer proximity) is a commercial arrangement to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation and safety. The location of a wind farm within an area of seabed leased from The Crown Estate is for developers to decide and	This confirmation from TCE is welcomed and confirms the position the Applicant has maintained throughout the examination that the 5 km separation between OWFs built into TCE's leasing takes account of wake loss matters and that it is then for developers to design their projects within the leased area as AyM has done.

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			design for, subject to obtaining the necessary consents and The Crown Estate's approval.	

2.4 Construction

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
4.2	Applicant, NRW, DCC	<p>Onshore</p> <p><i>To the Applicant</i></p> <p>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><i>To NRW, DCC</i></p> <p>Please could you list any permits required for crushing/processing material on site.</p>	<p>The Applicant: The Applicant confirms that crushers have been included within the noise assessment provided in ES Volume 3, Chapter 10: Airborne Noise and Vibration (APP-071). Table 21 within Volume 5, Appendix 10.3 of the ES (APP-153), includes two crushers within the plant list for substation ground works.</p> <p>Potential air quality impacts may arise during the event that rock or granular and cohesive material are encountered and crushing / sorting is undertaken. However, given that crushing / sorting operations are not proposed to be continuous, and only required in the event rock or granular and cohesive material are encountered, potential impacts are likely to negligible and temporary – not leading to any long-term deterioration of conditions. Furthermore, a series of construction phase control measures were included within the Outline Code of Construction Practice (oCoCP) - Appendix 3 - Outline Air Quality Management Plan (oAQMP) (REP2-031) which will help minimise temporary impacts associated with crushing / sorting. These include:</p> <p><i>“Plan site layout (layout of the works taking place on site) so that machinery and dust causing activities are located away from receptors, as far as is possible.</i></p> <p><i>Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period, where appropriate.”</i></p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>Notwithstanding this, it is recognised that screening / crushing is defined a demolition activity as per the Institute of Air Quality Management (IAQM) guidance. However, given the nature of these operations, it is considered that screening / crushing is affiliated with earthwork activity (which has been assessed in the ES).</p> <p>The dust emission magnitude associated with potential earthwork activity was assumed to be Large. This dust emission magnitude (and associated mitigation) is believed to be suitable in understanding impacts associated with screening / crushing activity. Despite this, in acknowledgement of the potential screening / crushing activity that may occur in event that rock or granular and cohesive material are encountered, the construction dust assessment has been reviewed to account for these demolition activities.</p> <p>This review has confirmed that the potential worst-case onshore construction works are found to be:</p> <ul style="list-style-type: none"> ▲ High risk in relation to dust soiling impacts on people and property (this remains unchanged from the ES conclusions); ▲ Low risk in relation to human health impacts (this remains unchanged from the ES conclusions); and ▲ Medium risk in relation to ecological impacts (this remains unchanged from the ES conclusions). <p>The maximum risk of impacts associated with construction dust remains unchanged relative to</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			the ES assessment outcomes (ES Volume 3, Chapter 11: Air Quality (APP-072)).	
			<p>NRW(A): Should the Applicant need to crush the material produced on site and use it on the same site then a permit or exemption from NRW PS would not be required for this activity. Material that would arise from this activity would not be classified as waste and would not fall under current waste legislation.</p> <p>Should the Applicant need to bring waste material on site to use or treat then the Applicant should contact NRW PS for further advice. In this instance, NRW PS would require a detailed description of the activities proposed and what material is to be brought on site. There are waste exemptions that may apply, depending on what specific activities would be carried out, what waste material would be used, and in what quantities. Should the activities not meet the exemptions criteria a waste permit from NRW PS may be needed.</p>	This is noted by the Applicant.
			DCC: The applicant would be required to apply to the Local Authority for a Part B permit for the use of mobile plant for crushing/processing material on site.	This is noted by the Applicant and 'Part B' permit for approval by DCC has been added to the Consents and Licences Required Under Other Legislation document provided at Document 8.18 of the Applicant's Deadline 8 submission.

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
4.3	Applicant, NRW	<p>Onshore</p> <p><i>To the Applicant:</i></p> <p>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><i>To the Applicant and NRW:</i></p> <p>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>	<p>The Applicant: The Applicant has updated the Construction Method Statement (CMS) submitted at Deadline 7 (Document 7.12 of the Applicant's Deadline 7 submission) to include confirmation that material excavated as part of the cut and fill works will be reused on site under the 'Definition of Waste Code of Practice' (DoWCoP) produced by Contaminated Land: Applications in Real Environments (CL:AIRE). As part of the DoWCoP a Materials Management Plan (MMP) will be produced which will detail how the site construction materials would be managed by the appointed contractor demonstrating that the material meets the requirements of the DoWCoP.</p> <p>NRW(A): We note this question is directed to both the Applicant and NRW. We consider the Applicant best placed to answer this question with respect to their proposals, however we can advise that material produced on site, including excavated rock or granular soil that is then re-used at the same site, is not classified as waste and therefore doesn't fall under current waste legislation.</p> <p>However, if the excavated material would be transported to a different site to be used there, then, as highlighted in Q4.2 above, a waste permit or an exemption may be required and the Applicant (or its appointed contractor(s)) would need to provide more information to NRW PS about the amount of material, place of origin, place of use, and type of use, for NRW PS to advise on any permitting requirement as part of its regulatory role. Whilst an outline materials</p>	<p>N/A</p> <p>The Applicant has provided the following commitment within the outline Site Waste Management Plan that was updated and submitted at Deadline 2 (REP2-035):</p> <p><i>"If during construction/excavation works contaminated material is revealed, then the movement of such material either on or off site must be done in consultation with NRW. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous Waste consignment notes."</i></p> <p>The Applicant has updated the outline Construction Method Statement (CMS) submitted at Deadline 7 (REP7-020) to confirm that a Materials Management Plan (MMP)</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			management plan is not required for the DCO process, it may be useful for the Applicant to produce one to inform any future permit application (if required).	would be produced to detail how the site construction materials would be managed by the appointed contractor. The update to REP7-020 includes a list of information that will be included within the MMP.

2.5 Historic Environment

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
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>	<p>The Applicant: The Applicant confirms that it is the barn to the North West of Faenol Broper that is the listed building and has provided an updated version of the Visual Effects from Faenol-Broper document (Document 7.21 of the Applicant's Deadline 7 submission) and will also include the revision within the Errata list which will be submitted at Deadline 8, as relevant to the LVIA chapter (AS-027).</p> <p>DMPC on behalf of Mr JB and Mrs E Evans: The Examining Authority are correct in their interpretation that Faenol Broper house is not subject to a specific listed designation (and it is the Barn to the North West of Faenol Broper Farmhouse that is listed as Grade II).</p>	<p>N/A</p> <p>This is noted by the Applicant, who provided an updated version of the Visual Effects from Faenol Broper document at REP7-037 and has corrected the LVIA chapter of the ES (AS-027) in the Errata List (Document 8.39 of the Applicant's Deadline 8 submission) and specific errata for the LVIA chapter of the ES at Document 8.72 of the Applicant's Deadline 8 submission.</p>

2.6 Land Use

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
9.1	DMPC on behalf of Mr JB and Mrs E Evans	<p>Faenol Broper</p> <p>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.</p>	<p>DMPC on behalf of Mr JB and Mrs E Evans: 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) -: '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</p>	<p>The Applicant notes the additional information provided by DMPC in relation to the land tenanted by their clients.</p> <p>With regards to the comment relating to the 2023 Agricultural Land Classification (ALC) survey, the Applicant notes that the survey was undertaken in accordance with MAFF, (1988), Agricultural Land Classification for England and Wales: Guidelines and Criteria for Grading the Quality of Agricultural Land. The survey has been provided to Welsh Government who confirmed within its response to the ExA's second round of written questions [REP5-044] that:</p> <p><i>The ALC Survey Report (Ref: 2094/1, Soils and Agricultural Quality of Land at Faenol-Bropor, St Asaph – 13th January 2023) can be accepted by the Examining Authority as an accurate reflection of the agricultural land quality on the OnSS site.</i></p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>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</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>to further downgrade the majority of Plot 417 (in addition to Plot 416) to Grade 3b.</p> <p>(DMPC provided two maps alongside its response)</p>	
9.3	Applicant	<p>Agricultural Holdings Table</p> <p>Please update the table within Appendix D in relation to ExQ2.9.6 [REP5-004] to include the following detail:</p> <p>a) Total size of each holding;</p> <p>b) Loss of holding to Proposed Development by hectare;</p> <p>c) Loss of holding to Proposed Development, split by temporary and permanent development by hectare;</p> <p>d) Percentage loss of holding to Proposed Development, split by temporary and permanent development; and</p> <p>e) Significance of loss in EIA terms for each holding.</p>	<p>The Applicant: a) Although the Applicant does have information on the holding size at Faenol Bropor (holding is 61.29 ha), where permanent loss of agricultural land would occur, the Applicant does not hold information on holding size for other onshore elements of the scheme where any effects on land use will be temporary. The Applicant does not consider there will be significant effects for holdings along the cable corridor for the reasons set out under point (e) of this response.</p> <p>b) The only area where there will be a loss of holding from the development of permanent infrastructure will be at Faenol Bropor. The area of land that would be lost as a result of the onshore substation and surrounding access, mitigation, compensation and enhancement area (represented by plots 416 and 417), are shown in Appendix D in relation to ExQ2.9.6 (REP5-004) and repeated in this document as Appendix A.</p> <p>c) The table previously provided in Appendix D in relation to ExQ2.9.6 (REP5-004) has been updated to show the area of temporary or permanent land take (operational access land is included in the temporary land calculations given this is a relatively small area and will not preclude current agricultural use of this land).</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>d) The percentage loss of land ownership at Faenol Bropor is 54% (as noted by the landowner's agent). This calculation does not account for approximately 30 Ha of land understood to be farmed by the landowner under the terms of a tenancy agreement and is located towards Bodelwyddan Castle that is not affected by AyM or any other land that the landowner farms. If the 30 ha of tenanted land was included the percentage loss would reduce to 37%. As noted above, the Applicant does not have information on holding size for other holdings that are temporarily affected by the scheme that is required to calculate percentage loss.</p> <p>e) The Applicant has not undertaken an assessment of the impacts of the proposed development on individual land holdings within the EIA. It's approach, as confirmed through the EIA scoping and s42 PEIR consultation, was to consider the total worst-case footprint of the onshore development area and ascertained the total loss (ha) of agricultural land for each ALC. This assessment concludes that the effects from temporary and permanent works will not be significant.</p> <p>With the exception of the Transition Joint Bays (TJBs) and operational accesses, the effects of the cable corridor and landfall works will be temporary in nature and dispersed along the 12 km linear cable route such that effects are not concentrated in any one farm holding area avoiding causing large scale disruption to farming practices and cultivation to any single</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>landholding. The reinstatement of land above the buried cable will allow agricultural cultivation to re-commence once the cable has been installed. Any disturbed field drainage will be reinstated and the cable will be buried to a depth that will allow cultivation of the land. As such any effects on land use are therefore temporary and reversible.</p> <p>Measures have been proposed to reduce the impact of construction works upon agricultural operations (such as agreeing crossing points will be used in suitable places in order that livestock and vehicles can cross the cable corridor working width) are included in the Outline Code of Construction Practice (Document 7.11 of the Applicant's Deadline 7 submission). There are also measures within the accompanying management plans (such as biosecurity measures in the outline Invasive Non-Native Species Management Plan (REP2- 047). Financial compensation will be paid by the Applicant to holdings that are impacted as a result of the temporary works.</p> <p>The TJB is limited in size (20m x 5m) and would not significantly affect the holding it is located within (it is noted that the TJB for the Burbo Bank Extension is located within the same land parcel and agricultural operations have continued). As noted above, the operational access land represents only a relatively small area that will be used infrequently for site inspections of the onshore transmission infrastructure. The operational accesses make use of existing field</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>access arrangements and will not preclude current agricultural use of the land affected.</p> <p>Given the considerations above, the Applicant considers there will not be any significant effects upon holdings along the cable corridor and landfall.</p> <p>The Applicant does, however, acknowledge that there will be a large proportion of the Faenol Bropor land holding removed from agricultural operation by the OnSS and the associated access, mitigation, compensation and enhancement areas.</p> <p>The Applicant considers that only in the absence of appropriate compensation being paid by the Applicant in respect of the acquisition of the freehold interest in the land (noting this is not a situation that would occur as payment will be made either through the agreement of voluntary terms or (as a worse case) through the exercise of compulsory acquisition powers), this could constitute a significant effect in EIA terms.</p> <p>However, Faenol Bropor is a livestock and arable farm where the locational requirements for land to be in close proximity to agricultural infrastructure are not considered to be as great as for other farming practices such as dairy farming. The proceeds from the voluntary sale of land or compensation arising as a result of the acquisition of land through compulsion can be used, at the discretion of the holding, to continue agricultural operations such as through intensification or the acquisition or lease of a</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>corresponding area of land to that which would be lost.</p> <p>These same payments could also contribute towards other activities that could support the holding such as through farm diversification.</p>	
			<p>Wilson Fearnall Ltd on Behalf of GBL and IB Kerfoot Discretionary Trust: The Trustees support further assessment on the impact of the project on agricultural holdings. It is suggested that further assessment is undertaken by the Applicant to illustrate:</p> <p>I. Area affected by permanent rights by hectare; II. Area of land temporarily lost during construction period by hectare and % of holding; III. Area of land severed during construction by hectare and % of holding; IV. Assumed period for construction (pre-entry to operational and hand back);</p> <p>I am sorry for having to bring such detail to the attention of the Examining Authority at this stage of proceedings, but the Applicant has been reluctant to engage in meaningful design amendment conversations or to provide the necessary justification for the chosen design options other than through their staggered responses at examination (as late as Deadline 6).</p>	<p>The Applicant refers the Trust to the response provided to this question at Deadline 7 (REP7-004).</p>

2.7 Landscape and Visual

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
10.1	Applicant DCC	<p>Outline Landscape and Ecology Management Plan (oLEMP)</p> <p>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?</p>	<p>The Applicant: The Applicant has updated the oLEMP, CoCP and oCMS (Documents 7.15, 7.11 and 7.12 of the Applicant's Deadline 7 submission) to include provision of details for the protection of retained hedgerows that are adjacent to, and within, the working area within the final LEMP.</p> <p>DCC: Yes, it is considered that hedgerow protection should also be included alongside the protection of trees within the oLEMP (paras 90, 92 and 93) [REP4-011], oCoCP (para 40) [REP4-019] and oCMS (para 99) [REP4-017]</p>	<p>N/A</p> <p>The Applicant confirms these amendments have been made with updated documents submitted at Deadline 7 (REP7-026, REP7-018 and REP7-020).</p>
10.2	DCC	<p>Outline Landscape and Ecology Management Plan (oLEMP)</p> <p>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.</p>	<p>DCC: There is general agreement with this approach. However, the current wording of the draft DCO and the oLEMP does not reference how long 'long term' maintenance would be for the OnSS. More comfort would be provided if reference could be made in the documentation referring to long term maintenance of landscaping being 'for the lifetime of the development.'</p>	<p>The Applicant welcomes the general agreement by DCC to the confirmation of long term landscaping maintenance arrangements at the OnSS site via the review and approval of the final LEMP. The Applicant notes that paragraph 36 of the oLEMP submitted at Deadline 7 (REP7-026) includes the following commitment to provide details on maintenance for the operational lifetime of the project within the final LEMP:</p> <p><i>"The final LEMP will include proposals for the long term maintenance of the OnSS site that will include details on the type and timescales of maintenance of landscape mitigation that would be undertaken during the operational lifetime of AyM."</i></p> <p>Given this commitment is already within the oLEMP, the Applicant does not consider further additions are required.</p>

2.8 Seascape, Landscape and Visual

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
17.1	Applicant, NRW	<p>Plans</p> <p>The third row of [REP4-003] provides links to a number of requested documents. Please provide pdf copies of these.</p>	<p>The Applicant: The Applicant has provided pdf copies of the following documents:</p> <ul style="list-style-type: none"> ➤ The Anglesey AONB Management Plan (Document 7.23 of the Applicant's Deadline 7 submission); ➤ The Clwydian Range and Dee Valley AONB Management Plan (Document 7.24 of the Applicant's Deadline 7 submission) (noting a new management plan has been adopted in December 2022 – see Applicant's response to ExQ3.17.2 below); and ➤ The Eryri (Snowdonia) National Park Partnership Plan (Document 7.26 of the Applicant's Deadline 7 submission). <p>The Applicant has liaised with NRW in relation to this question and understand that NRW will provide a pdf copy of the White Consultants Report within their Deadline 7 submission.</p>	N/A
			<p>NRW(A): We note that this question is directed to both the Applicant and NRW. We have liaised with the Applicant and confirm that NRW (A) have provided pdf copies of the White Consultants Reports at Deadline 7. We understand the Applicant is submitting pdfs for the other links provided in the third row of [REP4-003].</p>	<p>This is noted and confirmed by the Applicant. The Applicant provided PDF copies of the other requested plans (listed in the Applicant's response to this question) in REP7-040, REP7-041 and REP7-043.</p>
17.2	Applicant, NRW	<p>Clwydian Range and Dee Valley AONB Management Plan</p> <p>[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</p>	<p>The Applicant: a) The Applicant provided a pdf copy of the Clwydian Range and Dee Valley AONB Management Plan (2022), hereafter described as CRDVAONB Management Plan (2022) as Document 7.25 of the Applicant's Deadline 7 submission.</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
		copy of this; and b) identify any implications for the SLVIA (and LVIA).	<p>b) At section 3.2.13 of the CRDVAONB Management Plan (2022) it is noted that the Welsh Government announced in 2021 its intention to make a new National Park in north-east Wales.</p> <p>The Applicant responded to ExQ1.10.16 in relation to this matter (REP1-007). No further information on a revised boundary is included in the CRDVAONB Management Plan (2022).</p> <p>There would be no change to the findings of the LVIA or SLVIA as a result of this intention.</p> <p>The Applicant has compared Section 5 of the CRDVAONB Management Plan (2022) and notes that the Special Qualities are unchanged from what was assessed in the SLVIA.</p> <p>Of relevance to the consideration of AyM and its contribution to the mitigation of climate change is that within the CRDVAONB Management Plan (2022) there is considerable reference to climate change and the need to consider it when making decisions and adapt to it:</p> <p>'3.1.1 Nature, Landscape and Heritage</p> <p><i>The first Statutory purpose of AONB management is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.</i></p> <p><i>The State of Natural Resources Report 2016 (SoNaRR2016) provides strong evidence for the scale and extent of the Nature Emergency, declared by Welsh Government on 30 June 2021. It highlights sustained decline and continued vulnerability to biodiversity, both at present and in terms of climate change</i></p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p><i>resilience. 17% of species in Wales are at risk of extinction.</i></p> <p><i>This condition assessment is reinforced by the State of the AONB Report, aligned to this management plan and highlights the imperative of this plan to put nature into recovery and enable greater resilience and adaptability to climate change.'</i></p> <p><i>There is an entirely new section within the CRDVAONB Management Plan (2022) - Section 9: The Changing Climate.</i></p> <p><i>This section recognises the impact of climate change, noting that 'These trends are already being observed within the AONB with high impact extreme weather events such as the Llantysilio Mountain wildfire in summer 2018, and flood damage caused by Storm Christoph in January 2021.'</i></p> <p><i>The CRDVAONB Management Plan (2022) sets out a call for action noting that 'The future sustainability of the special qualities and features of the AONB depend on a decisive and multi-level response to climate change, both with regards to responding to imminent change and reducing emissions that will further exacerbate climate change in the future.'</i></p> <p>Policies for the 2020-2025 Management Plan are built on an understanding that education and collaboration will be key to successfully mitigating against, and building in resilience for, climate change impacts on the Clwydian Range and Dee Valley AONB:</p> <p>Of relevance to AyM are:</p>	

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p><i>'Pol-ACC4 – Ensure that the impact on, and of, climate change within the AONB is integral to decision making at all levels.</i></p> <p><i>Pol-ACC5 – Recognise that climate change impacts transcend land and administrative boundaries. Harness the power of collaborative action for enhancing mitigation and resilience to climate change.'</i></p> <p>This suggests that the climate change mitigation that would be achieved through the AyM OWF by reducing carbon emissions would have a recognised beneficial role in conserving numerous aspects of the CRDVAONB including its Special Qualities.</p>	
			<p>NRW(A): We note that this question is directed to both the Applicant and NRW. We have liaised with the Applicant and understand that they are providing a pdf of the adopted Management Plan at Deadline 7.</p> <p>With respect to part b) of this question, NRW (A) confirms that the revised and adopted Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) does not alter our advice with respect to this designated landscape (we refer you to our advice at Deadline 1 [REP1-080])</p>	<p>This is noted and confirmed by the Applicant, who provided a PDF copy of the management plan at REP7-042.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
17.3	Applicant, IoACC, GC, CBCC, DCC, Eryri National Park Authority (ENPA)	<p>Landscape Enhancement</p> <p>Please:</p> <p>a) provide an update on discussions / negotiations around the potential landscape enhancements to designated areas; and</p> <p>b) confirm whether the intention is to submit a completed legal agreement in respect of this into the Examination and, if so, when?</p>	<p>The Applicant: The Applicant has issued three different funding options to the NW LPAs with regards to the S106 fund. It is for the Steering Group of the S106 to choose how they wish the fund to be financed.</p> <p>A draft Requirement has been issued to the group for review as set out in REP6-022 and replicated here:</p> <p><i>(1) Work No. 1 must not be commenced until a scheme for the provision of landscape compensation has been submitted to and approved by the relevant planning authority [following consultation with NRW, the Isle of Anglesey County Council, Eryri National Park Authority and Conwy County Borough Council].</i></p> <p><i>(2) The landscape compensation scheme shall set out appropriate measures to compensate for the impact of the development on the protected landscapes of Eryri National Park, the Isle of Anglesey Area of Outstanding Natural Beauty and Great Orme Heritage Coast.</i></p> <p><i>(3) The landscape compensation shall be provided in accordance with the approved scheme and the timescales set out within it.</i></p> <p>The Applicant intends to meet with the group on Friday 10 March to discuss the S106 with the hope of reaching an agreed position to submit into the examination at Deadline 8.</p>	N/A

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>CCBC:</p> <p>a) CCBC is in discussion with other local authorities on the potential landscape enhancements to designated areas (including the Great Orme Heritage Coast) and on how those contributions are to be secured. CCBC reiterates that these discussions do not prejudice its objection to the proposal on the basis of seascape, landscape and visual impacts.</p> <p>b) CCBC has received a draft Section 106 agreement from the applicant and is in discussions with neighbouring local authorities on the matter</p>	<p>This is noted by the Applicant. An update has been provided in Document 8.22 of the Applicant's Deadline 8 submission.</p> <p>It is noted that CCBC has signed a joint statement (Document 8.74 of the Applicant's Deadline 8 submission).</p>
17.4	NRW, ENPA, IoACC	<p>Climate Change</p> <p>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?</p>	<p>NRW(A): The proposed development would play a part in the general mitigation of climate change impacts more widely. However, we consider that it is an overstatement to state that the development would specifically help to conserve aspects of the Eryri National Park and the Isle of Anglesey AONB directly as all different types of renewable energy across Wales, and other methods of combating climate change, would all play their part nationally and make some contribution to combating climate change.</p> <p>It is not possible, in our view, to measure whether a particular renewable energy scheme benefits</p>	<p>This is noted by the Applicant. An update has been provided in Document 8.22 of the Applicant's Deadline 8 submission.</p> <p>The Applicant does not have further comment to make on this response, and maintains its position set out in REP5-007 that AyM's contribution to mitigating the effects of climate change do play a part in conserving these designated landscapes.</p> <p>The effects of a changing climate are recognised as having the potential to impact the ability of these designated landscapes to sustain some of their special qualities (REP7-040, REP7-042 and REP7-043). AyM has the potential to make a significant contribution to Welsh (and broader UK) renewable energy generation targets (as set out in the Statement</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>a specific landscape in reducing the impacts of climate change, the theories and predictions relate to the wider issue and cannot be correlated in this way.</p>	<p>of Reasons (Document 8.14 of the Applicant's Deadline 8 submission)). Therefore, through its meaningful contribution to mitigating climate change, AyM can be said to play a part in conserving those special qualities.</p>

2.9 Socio Economics

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
18.6	Welsh Government	<p>Community Linguistic Statement</p> <p>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.</p>	<p>Welsh Government: We are unable to see the update to document Community Linguistic Statement and therefore our comments remain the same to the following applicant's comment to a previous examination question: The AyM project interacts with none of the highest density Welsh speaking language areas, in which context it is important to note that the DCC SPG (para 5.5) highlights: "The planning system cannot be viewed as a panacea to arrest the decline of the Welsh language; neither will it attempt to discriminate between individuals on the basis of their linguistic ability nor control housing occupancy on linguistic grounds. It's not about nationality, it's about protecting the social and cultural use of language within community". As such, the project cannot reasonably be expected to arrest the already low and decreasing numbers of Welsh speakers within Denbighshire. Any impact the AyM project may have on the Welsh language, either positive or negative, must be proportionate to the scale of impact which, as captured in the socio-economics chapter of the ES in (application ref: 6.3.3, Table 3.34), is considered to be minor with regards the impact of construction and/ or operational phase staff, and therefore the potential for dilution of Welsh speakers within the region.</p> <p>WG response (February 2023): Within the document tracker deadline 4, dated 30 January 2023 there seems to be no response to the points raised by the Welsh Government on how the</p>	<p>Whilst this question is not directed to the Applicant, the Applicant has contacted the Welsh Government to signpost it directly to the documents referred to in the question to assist its response.</p> <p>The Applicant understands that Welsh Government will be submitting a response to the Rule 17 request R17Q3.1.</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
			<p>Community Linguistic Statement could be strengthened. The Community Linguistic Statement has therefore not been revised in response to these issues. It is a concern that the Community Linguistic Statements (CLS) does not fully understand the aims of the DCC SPG especially in regard to the context of the (paragraph 5.5 of the DCC SPG – Planning and the Welsh language). The statement at paragraph 43 of the CLS states ‘‘that such a project cannot reasonably be expected to arrest the already low and decreasing numbers of Welsh speakers’’. To the contrary the SPG highlights the need to protect the social and cultural use of the language within communities. The Welsh language strategy Cymraeg 2050: a million Welsh speakers as well as ‘Future Wales: the national plan 2040’ highlights the importance of safeguarding and putting the right conditions to enable the language to grow - across the whole of Wales. It is therefore expected that all developments consider the effects on the Welsh language as well as how it can help the language to grow.</p>	

2.10 Tourism and Recreation

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
19.2	CCBC	<p>Statement of Common Ground (SoCG) and EIA Baseline Characterisation</p> <p>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.</p>	<p>CCBC: No further evidence has become available. The STEAM data from 2019 is the most recent set of data we have to identify a tourism baseline pre Covid-19. As the sector is still recovering from the pandemic, it's difficult to determine an up to date baseline. The 2022 STEAM data may provide a better indication but this will not be available until Autumn 2023. Data from 2021 is available but this will still be skewed by the effects of the pandemic on tourism. This reiterates how much the tourism sector was affected by the Covid19 Pandemic.</p>	<p>As CCBC notes, there is currently limited post-Covid-19 data available covering the performance of the tourism economies in Wales or North Wales. The latest data from the Office of National Statistics suggests the number of tourism enterprises in Wales increased in 2021 compared to 2019 (11.3% and 10.9% of registered enterprises in Wales respectively; see Wales Visitor Economy Profile: 2021, Welsh Government, 2022). This suggests the tourism sector in Wales may have weathered the challenges presented by Covid-19, with the assistance from Welsh Government.</p> <p>There are anecdotal reasons to believe the tourism economies of Wales and North Wales have recovered well since the lifting of Covid-19 lockdowns. More specifically, Llandudno has fared well post Covid, attracting visitors who might have previously travelled aboard; there is a very good chance this trend will continue in the future (and will benefit from the new August 2022 regeneration plan, provided by CCBC within its response to the ExA's second written questions (REP5-045) for the town which notes that the current performance of the tourism sector in Llandudno is positive).</p>
19.3	CCBC	<p>Llandudno and the Great Orme – Visitor Economy</p> <p>Noting the comments made in your SoCG [REP4-013] regarding Llandudno and the Great Orme visitor economy, please confirm</p>	<p>CCBC: It's not necessarily the level of assessment we are querying so much as the timescale given for each assessment level. Is there any evidence to suggest that the impact for to the Great Orme would be low for only two years? Would it not be longer? Two years is quite a specific timeframe</p>	<p>The review of evidence examining the impact of offshore wind farms on coastal tourism economies in the UK (APP-124) points to there being no evidence of negative economic impacts arising. However, the Applicant's tourism assessment (APP-065) concluded that</p>

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
		the level significance CCBC consider to be correct.	and we feel that if negative impacts occurred they would impact tourism for much longer than two years.	<p>the nature of the Llandudno tourism economy presented a modest risk of a negative impact on the tourism economy of Llandudno, albeit low and short term.</p> <p>Whilst there is some uncertainty about the persistence of these impacts (e.g. up to two years during the construction period), the reasoning is that any initial discouragement of visitors is expected to fall away fairly quickly as visitors realise their enjoyment is not affected by the proposed development. As covered in the tourism assessment, there is also the potential for any discouraged visitors to be offset by additional visits and new visitors (i.e. a replacement effect).</p> <p>It is also relevant to note that there have been no section 42 responses or relevant and written representations from concerned hoteliers. Also, a large degree of confidence is demonstrated in the local tourism sector and its long-term prospects by the Everbright Hotel Group's recent purchase and investment in the Queens, Llandudno Bay and Belmont Hotels (as reported in local press articles).</p>

2.11 Traffic and Transport

QUESTION NUMBER	QUESTION ADDRESSED TO	QUESTION	RESPONSES	APPLICANT'S COMMENT
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>	<p>DCC: DCC's response provided previously is unchanged: As an Authority, we do not agree with giving away secondary streetworks/ highways powers through the Order. We would also no agree to any consents being granted after 28 days. As an Authority, we would respond within this time frame.</p>	<p>The Applicant notes that the response from DCC refers back to concerns raised within the LIR (REP1-056) relating to Street Works Powers (rather than the routing of AILs).</p> <p>The Applicant refers DCC to the response provided to the LIR (REP2-004) noting that the inclusion of such powers within the DCO is aligned with the ethos of the DCO process as it avoids the need to obtain additional consents which could lead to delays to the project. As such the Applicant's position is that this power should be kept in the DCO.</p>



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