

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

15 Mawrth / March 2023

Er sylw / For the attention of: Jake Stephens

Annwyl / Dear Jake,

**FFERM WYNT ALLTRAETH AWEL Y MÔR ARFAETHEDIG / PROPOSED AWEL Y MOR
OFFSHORE WINDFARM**

**CYFEIRNOD YR AROLYGIAETH GYNLLUNIO / PLANNING INSPECTORATE REFERENCE:
EN010112**

EIN CYFEIRNOD / OUR REFERENCE: 20031687

RE: NATURAL RESOURCES WALES' WRITTEN SUBMISSION FOR DEADLINE 8

Thank you for your Rule 8 letter, dated 27th September 2022, requesting Cyfoeth Naturiol Cymru / Natural Resources Wales' (NRW) comments regarding the above.

This letter comprises NRW's Deadline 8 submission (see [Annex A](#) of this letter) which provides our responses to the Examining Authority on the Report on Implications for European Sites (RIES) and the draft Development Consent Order (DCO). Unless otherwise stated all comments are made on behalf of NRW in its advisory capacity as statutory consultee for the DCO application.

Please do not hesitate to contact Nia Phillips (██████████@cyfoethnaturiolcymru.gov.uk) and Bryn Griffiths (██████████@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,



**Andrea Winterton
Marine Services Manager
Natural Resources Wales**

ANNEX A

1. REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (RIES)

- 1.1. Page 21 of the RIES states that “*NRW consider it unlikely that there would be AEol on marine mammal SAC features alone or in combination with other plans or projects but noted discrepancies in the Applicant’s cumulative effects assessment. The Applicant submitted a Cumulative Effects Assessment clarification note [REP2-028] which NRW is reviewing [REP3-026].*” Please note that the chronology of the decisions / advice stated in this part of the RIES does not completely align with the advice submitted into the examination or the latest Statements of Common Ground. Paragraph 1.5.3 of NRW Advisory’s (NRW (A)) Deadline 3 submission [REP3-026] confirmed that whilst the Cumulative Effects Assessment clarification note [REP2-028], produced by the Applicant and submitted at Deadline 2, failed to explain some of the reasons for the differences in projects included in the in-combination assessment, that we did not consider that this had a material effect on the CEA conclusions. As such, and as noted in REP3-026, we agree that there will be no significant cumulative effects and no Adverse Effect on Site Integrity (AEol) from the project in-combination with others on sites designated for marine mammals. Whilst the chronology of the decisions / advice in the RIES does not completely align with the advice submitted into the examination or the latest SoCG, this does not affect the overarching messaging of the RIES.
- 1.2. Aside from the minor comment above, NRW (A) have no further comments to make on the RIES. We consider that the document, read in conjunction with the examination documents, is an accurate account of matters relating to the Habitats Regulations.

2. DRAFT DEVELOPMENT CONSENT ORDER (DCO)

- 2.1. NRW (A) has reviewed the draft DCO as submitted into the examination by the Applicant at Deadline 7 [REP7-006]. We are pleased to note that Article 7(c), in relation to the disapplication of the Flood Risk Activity Permit (FRAP), has been removed in accordance with our position on the matter. We are also pleased to note that the associated DCO requirement (Requirement 25) for the main river crossings has been removed.
- 2.2. We welcome the inclusion of NRW as a consultee in the relevant Requirements as requested in previous examination deadlines.
- 2.3. NRW (A) have no further comments to make on the draft DCO.

3. LANDSCAPE ENHANCEMENT

- 3.1. In paragraph 3.1.28 of our Deadline 1 submission [REP1-080] we advised that a landscape enhancement scheme should be proposed. Whilst enhancements, by nature, would not directly mitigate the visual impacts of the development or alleviate our concerns regarding their significance, enhancement measures should support the purpose of conservation and enhancement of natural beauty of designated

landscapes and contribute to the conservation and enhancement of the Special Qualities, as set out in the relevant management plan.

- 3.2. NRW (A) has held discussions with the Applicant with respect to the development of an appropriate landscape enhancement scheme. The Applicant has shared a draft document titled *Landscape Enhancement Scheme Principles (Rev A)* with NRW (A) on 15/3/2023. This document sets out the key principles that will be secured through the landscape enhancement scheme. The Applicant has also shared the following draft Requirement with NRW (A), which we understand the Applicant will be including in an updated draft DCO to be submitted at Deadline 8:

Work No. 1 must not be commenced until a scheme for the provision of landscape enhancement in accordance with the landscape enhancement scheme principles document has been submitted 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.]

The landscape enhancement scheme shall set out appropriate measures to compensate for the impact of the authorised development on the protected landscapes of Eryri National Park, the Isle of Anglesey Area of Outstanding natural Beauty and Great Orme Heritage Coast.

The landscape enhancement scheme shall be implemented as approved.

In this requirement "landscape enhancement scheme principles document" means the document certified as such by the Secretary of State under article 40.

- 3.2 NRW (A) considers that the appropriate mechanism for delivery of the compensatory measures would be a section 106 (s106) planning obligation. NRW (A) would expect a final agreed and executed s106 obligation to be submitted into the examination in order to be satisfied that the compensatory measures proposed will be adequately secured and delivered. In the absence of a final s106, NRW (A) would expect an advanced draft of the s106 obligation to be provided. We understand that the Applicant's position is that this will not be possible given the lack of time available.

- 3.3. However, NRW (A) takes some comfort with the inclusion of a DCO Requirement requiring the submission of a 'landscape enhancement scheme' prior to the commencement of development and is broadly satisfied with the key principles set out in the '*Landscape Enhancement Scheme Principles*' document that is proposed to be certified under the Requirement. In respect of the fund timings, NRW (A)'s view is that it might be preferable for the initial payments to be made upon commencement of the works (construction), rather than the commissioning of the development (operation). This is because the impacts of the development would begin to arise during the construction phase.

3.4.NRW (A) consider that it is ultimately a matter for the ExA to consider the appropriateness of this approach and the weight to be given to it in the planning balance.

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