



**Denbighshire County Council and Conwy County Borough Council**

# Mona Offshore Wind Farm Development Consent Order

## Local Impact Report

Reference EN010137

Issue | 7 August 2024

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

**Ove Arup & Partners International Limited**  
4 Pierhead Street  
Cardiff  
CF10 4QP

[arup.com](http://arup.com)

## Contents

---

|           |  |           |
|-----------|--|-----------|
| <b>1.</b> | <b>Background and context</b>                          | <b>1</b>  |
| 1.1       | Purpose of this document                               | 1         |
| 1.2       | Description of the Proposed Development                | 1         |
| 1.3       | Site location and surroundings                         | 3         |
| 1.4       | Relevant planning history                              | 3         |
| <b>2.</b> | <b>Relevant Planning Policies and Guidance</b>         | <b>6</b>  |
| 2.1       | Introduction   | 6         |
| 2.2       | UK Government legislation and planning policy          | 6         |
| 2.3       | Welsh Government legislation and planning policy       | 7         |
| 2.4       | Local planning policy                                  | 10        |
| 2.5       | Other relevant and important matters                   | 11        |
| 2.6       | Summary  | 14        |
| <b>3.</b> | <b>Assessment of Local Impacts</b>                     | <b>15</b> |
| 3.1       | Introduction   | 15        |
| 3.2       | Principle of development                               | 15        |
| 3.3       | Landscape/seascape and visual impact                   | 16        |
| 3.4       | Ecology and biodiversity                               | 26        |
| 3.5       | Highways, traffic and transport                        | 34        |
| 3.6       | Water environment                                      | 37        |
| 3.7       | Noise and vibration                                    | 40        |
| 3.8       | Trees and arboriculture                                | 44        |
| 3.9       | Heritage   | 51        |
| 3.10      | Cumulative impacts                                     | 53        |
| <b>4.</b> | <b>Comments on the draft Development Consent Order</b> | <b>57</b> |
| 4.1       | Introduction   | 57        |
| 4.2       | Comments on draft Development Consent Order            | 57        |
| <b>5.</b> | <b>Summary and conclusions</b>                         | <b>66</b> |

### Tables

|           |                                |    |
|-----------|--------------------------------|----|
| Table 1-1 | Relevant planning history      | 3  |
| Table 4-1 | Councils comments on draft DCO | 57 |
| Table 5-1 | Summary of key actions         | 66 |

### Figures

|            |                                     |   |
|------------|-------------------------------------|---|
| Figure 2:1 | The Well-being Act well-being goals | 8 |
| Figure 2:2 | The Well-being Act ways of working  | 8 |

## Appendices

Appendix A – Heneb Written Representation

70

# 1. Background and context

## 1.1 Purpose of this document

The Mona Offshore Wind Farm Development Consent Order (DCO) application was accepted for Examination on 21 March 2024. It was submitted by Mona Offshore Wind Limited (the Applicant), a joint venture between bp Alternative Energy investments (bp) and Energie Baden-Württemberg AG (EnBW).

The project includes offshore and onshore elements, delivering an offshore array area of up to 96 wind turbines in Welsh waters, with a connection to the national grid. The Mona Onshore Development Area, including onshore export cables and onshore substation, are located within the administrative boundaries of Conwy County Borough Council (CCBC) and Denbighshire County Council (DCC) ('the Councils'). The Councils are therefore jointly the 'host' local authorities for the project, under Section 43(b) of the Planning Act 2008 (the Act).

On 7 June 2024, the Examining Authority (ExA) issued a Rule 6 Letter [PD-005] which, amongst other points, requested that the host authorities submit a Local Impact Report (LIR) by Deadline 1 (7 August 2024) of the Examination. A Local Impact Report (LIR) is a report in writing giving details of the likely impact of a proposed development on a local authority's area (or any part of that area).

This document comprises the LIR, which has been prepared and is submitted jointly by the Councils. This LIR is focused on the impacts relating to onshore works only. This LIR has been prepared with reference to the comments previously provided to the Applicant during the statutory consultation process, as reported in the Consultation Report [APP-037] and during the Relevant Representation period [RR-009, CCBC only]. Where a matter is discussed that considers an impact or interest pertinent to one of the Councils only, this is made clear within the LIR. Where a matter has been specifically raised by Elected Members of each or both Councils, this is also reflected in the LIR.

This LIR has been prepared in accordance with PINS Advice Note One<sup>1</sup>. It seeks to advise the ExA on the likely impacts of the Mona Offshore Wind Farm on the CCBC and DCC authority areas, in relation to specific topics of relevance. It also provides comments on the draft Development Consent Order [AS-010]. This LIR also comments on the ecological baseline, and therefore addresses Action Point 46 arising from ISH2, and as listed in document EV3-006a.

## 1.2 Description of the Proposed Development

### 1.2.1 Overview

The Mona Offshore Wind Project is a proposed offshore wind farm located in the east Irish Sea. The project includes offshore elements to generate electricity and both offshore and onshore elements to enable transmission of the electricity generated to the UK National Grid.

The offshore export cables will make landfall near Llanddulas, Conwy on the North Wales coastline and a connection to the Bodelwyddan National Grid substation in Denbighshire. The Mona Array Area will have up to 96 offshore wind turbines in total in an area of approximately 300 km<sup>2</sup> in Welsh offshore waters (beyond 12 nautical miles (nm) from the Welsh coast).

---

<sup>1</sup> PINS Advice Note One: Local Impact Reports (2012) [Nationally Significant Infrastructure Projects - Advice Note One: local impact reports - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214442/Nationally_Significant_Infrastructure_Projects_-_Advice_Note_One_-_local_impact_reports_-_GOV.UK_(www.gov.uk).pdf)

The offshore infrastructure will also include up to up to 360 km of offshore export cables, 50 km of interconnector cables and 325 km of inter-array cables.

The key components of the Mona Offshore Wind Project include:

- a) Up to 96 Offshore wind turbines
- b) Foundations (for wind turbines and Offshore Substation Platforms (OSPs))
- c) Scour protection
- d) Inter-array cables linking the individual wind turbines to the OSPs
- e) Connection works to the Bodelwyddan National Grid Substation
- f) Temporary construction compounds, including storage areas
- g) Permanent and temporary access roads
- h) High Voltage Alternating Current (AC) transmission system, to include both offshore and onshore infrastructure;
  - OSPs
  - Offshore interconnector cable(s)
  - Offshore interconnector cable(s)
  - Onshore export cable(s)
  - Onshore Substation
  - Onshore Mona 400kV Grid Connection Cable to the National Grid

The key components as described above will be provided in a total of 7 development areas: Mona Array Area; Mona Offshore Cable Corridor and Access Areas; Intertidal Access Areas; Landfall and Transition Joint Bay (TJB) Area; Mona Onshore Development Area; Mona Onshore Substation; and Mona 400kV Grid Connection Cable Corridor.

### 1.2.2 The onshore substation infrastructure

The proposed Mona Onshore Substation would contain a number of elements including but not limited to switchgear, busbars, transformers, capacitors, reactors, reactive power compensation equipment, filters, cooling equipment, control and welfare buildings, lightning protection masts and internal road access. It is suggested by the Applicant that a security fence would also be required around the onshore substation compound.

It is recognised that the largest building structure for the onshore substation will have a maximum height of 15 m above the finished ground level. All other equipment (e.g. transformers, harmonic filters) would not exceed 15 m above finished ground level with the exception of slender lightning masts which could be up to 30 m in height.

The total permanent land requirement for the Mona Onshore Substation to the perimeter fence is 65,000 m<sup>2</sup>. Overall, 250,000 m<sup>2</sup> will be required to accommodate both on onshore substation footprint and the associated temporary construction areas.

A detailed description of development can be found in the Applicant's ES Chapter 3 Project Description [APP-050].

## 1.3 Site location and surroundings

### 1.3.1 Site location

The Mona Array Area is 300 km<sup>2</sup> in area and is located 28.8 km (15.6 nautical miles (nm)) from the north coast of Wales, 46.5 km (25.3 nm) from the northwest coast of England and 46.6km (25.2 nm) from the Isle of Man, when measured from Mean High Water Springs (MHWS). The Mona Array Area is located in Welsh offshore waters (beyond 12 nm from the Welsh coast).

The offshore export cables and related works located within and between the Mona Array Area and the landfall would be routed through the Mona Offshore Cable Corridor, which overlaps with both Welsh offshore and Welsh inshore waters. Landfall would be made at Llanddulas, and the Mona Onshore Cable Corridor would head south, before turning east at Moelfre. The Onshore Substation would be sited to the south of the St Asaph Business Park in order to facilitate connection to the Bodelwyddan National Grid Substation via the Mona 400kV Grid Connection Cable Corridor.

### 1.3.2 Designated and non-designated assets

The Applicant recognises, in its ES Volume 3 [APP-064 – APP-074], the large number of designated and non-designated assets within the study area for the various onshore components, including but not limited to; approximately 7 Sites of Special Scientific Interest (SSSI), 10 Special Areas of Conservation (SACs) and 49 sites of historic relevance (such as Listed Buildings, Registered Parks and Gardens, scheduled monuments).

Upon review of the topic specific chapters, the Councils largely agree with the baseline description of such features presented within the Applicant's ES Volume 3 [APP-064 – APP-074] (onshore) and consider that it is an appropriate representation of the existing environment and landscape for which the onshore elements of the project are proposed. Specific areas of baseline information that it is considered require further information, in relation to technical assessment, are highlighted in Chapter 3 of the LIR.

The Councils reiterate the environmental, cultural, historic and landscape significance of the area in which the onshore elements of this project are proposed.

## 1.4 Relevant planning history

Table 1-1 below provides a summary of the relevant planning history for land within or bordering the Order Limits, for each local authority. This is focused on major planning applications, with any minor applications included only where they are of relevance to the Mona Offshore Wind Farm.

**Table 1-1 Relevant planning history**

| Reference                           | Description   | Status                   |
|-------------------------------------|---|--------------------------|
| <b>Conwy County Borough Council</b> |   |                          |
| 0/41307                             | Coastal Engineering Works to repair and reinforce the damaged coastal defence revetment covering the historic landfill. The proposed works do not involve the removal of any tip material off site but will provide a permanent cap to the existing exposed tip head and avoid any further environmental damage (The extent of this permission forms part of the historic landfill site identified as LF01A on Figure 1.6 of Volume 7, Annex 1.1 of the ES) | Approved 26th March 2015 |

| Reference                          | Description   | Status                      |
|------------------------------------|---|-----------------------------|
| 0/39532                            | Variation of condition no 3 of planning permission 1/13727 and condition no. 4 of planning permission 0/30161 to allow for touring caravans to stay on site for longer than 21 days   | Approved 15th March 2013    |
| 0/30161                            | Excavation work to form caravan bases, water and electricity and drainage service (This permission relates to land to the east of Penyrefail crossroads shown on Land Plan – Onshore Sheet Number 6)  | Approved 9th January 2006   |
| 1/15231                            | Details of site access as required by condition 2 of planning permission granted under code ref: 1/14043;   | Approved 8th July 1993      |
| 1/14043                            | Use of land for the tipping of contractors excavated materials. (This permission relates to the historic landfill site identified as LF01A on Figure 1.6 of Volume 7, Annex 1.1 of the ES)  | Approved 19th December 1991 |
| 1/13727                            | Use of land for touring caravan and camping site. (This permission relates to land to the east of Penyrefail crossroads shown on Land Plan – Onshore Sheet Number 6)  | Approved 25th April 1991    |
| <b>Denbighshire County Council</b> |   |                             |
| 40/2024/1079                       | Erection of 49 no. affordable dwellings and associated infrastructure works including roads and footpaths, public open space, landscaping and drainage including a new pumping station  | Pending determination       |
| 40/2023/0627                       | Demolition of dwelling and erection of 31 new affordable dwellings including new vehicular access, internal access road and associated works  | Pending determination       |
| 46/2024/0155                       | Erection of apartment building comprising 51 apartments for occupancy by persons aged 55 and over, 5 dwellings for general occupancy, formation of parking, landscaping and associated works  | Pending determination       |
| 46/2024/1084/MD                    | Change of use of land from agricultural to form a nature reserve, erection of associated wildlife barn, reconfiguration of access off Cwttir Lane and associated works  | Pending determination       |
| 46/2021/0159                       | Hybrid planning application (full details and outline) for the redevelopment of 6.9ha of land incorporating the following elements:<br>Full Details: Erection of a commercial vehicles sales unit (sui generis); Formation of associated parking area, landscaping and associated works.<br>Outline: Erection of 5 No. business buildings (Use Class B1 and B2) with all other matters reserved for further approval. | Granted, 29 March 2024      |

| Reference    | Description  | Status                     |
|--------------|--|----------------------------|
| 46/2023/0480 | Erection of 28 dwellings internal estate road, landscaping and associated works  | Granted, 20 March 2024     |
| 40/2021/0825 | Erection of 108 dwellings, construction of a new vehicular access and associated works   | Granted, 8 February 2023   |
| 40/2023/0473 | Erection of new hospital unit (Use Class C2) including associated landscaping, car parking and site vehicular access and the erection of a multi-storey car park and associated works  | Granted, 10 November 2023  |
| 46/2021/1161 | Erection of 113 dwellings, construction of a new vehicular access, landscaping and associated works  | Granted, 15 September 2022 |
| 46/2019/0806 | Development of 0.75 ha of land for residential purposes (outline application including access)   | Granted, 17 February 2022  |
| 40/2021/0730 | Demolition of dwelling and erection of 28 new dwellings including new vehicular access, internal access road and associated works  | Refused, 20 January 2022   |
| 40/2020/0813 | Development of 2.8ha of land by the erection of a Use Class C2 hospital building (mental health unit to replace the existing Ablett Unit) with associated landscaping, car parking and site vehicular access; and the erection of a multi-storey car park with associated works (outline application - all matters reserved) | Refused, 13 January 2021   |
| 40/2021/0309 | Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission)   | Granted, 10 November 2021  |



## 2. Relevant Planning Policies and Guidance

### 2.1 Introduction

The Planning Act 2008 (the Act) is the primary legislation that establishes the legal framework for the preparation, examination and determination of applications for DCOs for Nationally Significant Infrastructure Projects (NSIPs). It sets out the consenting system for all NSIPs, including those in the energy sector.

The Act sets out that for offshore generating station and transmission developments in waters in or adjacent to Wales, the NSIP threshold is a generating capacity of over 350 MW. The Mona Offshore Wind Farm project is over this threshold and therefore qualifies as a DCO.

The SoS is directed by Section 104 of the Act to determine a DCO application in accordance with the relevant National Policy Statement (NPS), the appropriate marine policy documents, the local impact report, prescribed matters, and any other important and relevant matters.

This chapter of the LIR seeks to identify the relevant planning policy and legislation considered by the Councils to be relevant to the Mona Offshore Wind Farm DCO. It provides an appraisal of the policies and legislation that the Applicant has had regard to within their DCO Application and seeks to identify any additional considerations expected to be taken into account by the Applicant and ExA in the determination of the application for development consent. This chapter does not consider marine policy, given that this LIR is focused on onshore works.

### 2.2 UK Government legislation and planning policy

#### 2.2.1 Marine and Coastal Access Act 2009<sup>2</sup>

The Marine and Coastal Access Act (MCAA) 2009 introduced a new marine planning system for overseeing the marine environment, as well as a requirement to obtain a marine licence for certain activities and works at sea. A marine licence is required before carrying out any licensable marine activities under the Marine and Coastal Access Act 2009.

Section 149A of the Planning Act 2008 allows an Applicant for a DCO to apply for a deemed marine licence as part of the DCO process. The Wales Act 2017 amended section 149A of the Planning Act 2008 to allow a DCO to include a deemed marine licence where activities are wholly within Welsh offshore waters. Natural Resources Wales (NRW) is the responsible authority for deemed marine licences in Welsh offshore waters and is a statutory consultee in the DCO process. NRW remains the monitoring and enforcement body in respect of the conditions and restrictions contained within a deemed marine licence. Licensable marine activities within Welsh inshore waters require a separate marine licence from NRW.

The deemed marine licence will cover works related to the offshore wind farm generation infrastructure (wind turbines, OSPs, inter-array cables and interconnector cables). A separate, standalone marine licence will be required for activities that are not wholly outside 12 nautical miles (nm) of the Welsh coast. The standalone marine licence will cover works associated to the offshore export cables, interconnector cables, OSPs, Mona Offshore Cable Corridor and Access Areas.

---

<sup>2</sup> [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## 2.2.2 Overarching National Policy Statement for Energy (EN-1)<sup>3</sup>

The Overarching NPS for Energy (EN-1) sets out the overall national energy policy for nationally significant energy infrastructure. It is intended be combined with relevant technology specific NPSs to form the primary basis for decisions made by the relevant Secretary of State (SoS).

The amended EN-1, designated in January 2024, introduces the critical national priority (CNP) for low carbon infrastructure. Section 4.2 of NPS EN-1 explicitly identifies the need for nationally significant low carbon infrastructure, or CNP infrastructure, in order to meet UK Government decarbonisation targets and achieve net zero ambitions. Paragraph 4.2.5 of EN-1 confirms that all onshore and offshore generation which does not involve fossil fuel combustion fall within the definition of CNP.

## 2.2.3 National Policy Statement for Renewable Energy Infrastructure (EN-3)<sup>4</sup>

NPS EN-3 is the NPS for renewable energy infrastructure and sets out assessment principles in relation to for the consideration of renewable projects. NPS EN-3 supports the assertion within NPS EN-1 that offshore wind development, and associated required infrastructure, are viewed as CNP by the UK Government.

NPS EN-3 provides specific policy relating to offshore wind infrastructure which must be considered alongside the provisions of EN-1 and any other relevant NPS.

## 2.2.4 National Policy Statement for Electricity Networks Infrastructure (EN-5)<sup>5</sup>

NPS EN-5 is the NPS which provides detail of electricity networks (including grid connections for wind farms) and sets out assessment principles in relation to the consideration of applications relating to electricity networks and, in terms of offshore wind, this relates to substations, convertor stations and other kinds of electricity infrastructure such as underground and sub-sea cables.

NPS EN-5 specifically identifies the need for there to be appropriate consideration of a holistic and strategic approach to network design, emphasising the need for developers and Applicants to coordinate their efforts.

## 2.3 Welsh Government legislation and planning policy

### 2.3.1 Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act) (the Well-being Act) aims to improve the social, economic, environmental and cultural well-being of Wales.

The Well-being Act gives a legally binding common purpose – the seven well-being goals and five ways of working – for national and local government, local health boards and other specified public bodies. It details the ways in which specified public bodies must work to improve the overall well-being of Wales. The Well-being Goals and ways of working are illustrated in Figure 2:1 and Figure 2:2 respectively.

---

<sup>3</sup> [EN-1 Overarching National Policy Statement for Energy \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>4</sup> [National Policy Statement for renewable energy infrastructure \(EN-3\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>5</sup> [Electricity Networks National Policy Statement - EN-5 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

**Figure 2:1 The Well-being Act well-being goals**



**Figure 2:2 The Well-being Act ways of working**



### 2.3.2 The Environment (Wales) Act 2016

The Environment (Wales) Act 2016 (the Environment Wales Act) puts in place the legislation needed to manage Wales' natural resources in a more proactive, sustainable and joined-up way. The Environment Act focuses on climate change with the aim to reduce emissions by 100% by 2050 and sets a clear path for decarbonisation.

The Environment Wales Act is supported by the Natural Resources Policy (NRP) which focuses on the sustainable management of Wales' natural resources to maximise their contribution to achieving goals within the Well-being Act. The NRP sets out three National Priorities namely:

- Delivering nature-based solutions
- Increasing renewable energy and resource efficiency
- Taking a place-based approach. Planning Policy and Guidance.

### 2.3.3 Future Wales – The National Plan 2040

Published in February 2021, Future Wales – the National Plan 2040<sup>6</sup> (Future Wales) is the Welsh national development framework, setting the direction for development in Wales up to 2040. It forms part of the development plan and seeks to address key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being within Welsh communities. Section 1 of Future Wales notes that Wales faces a climate emergency which is actively changing the Welsh environment and directly affecting communities, and further recognises that Wales can become a world leader in renewable energy technologies.

The Councils agree with the Applicant's summary in that the following four policies are of specific relevance to the proposed project:

- Policy 9 - Resilient Ecological Networks and Green Infrastructure
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 18 - Renewable and Low Carbon Energy Developments of National Significance
- Policy 24 – North West Wales and Energy

### 2.3.4 Planning Policy Wales 12 (PPW12)

Adopted in February 2024, PPW12<sup>7</sup> sets out the land use planning policies of the Welsh Government, with a primary objective of ensuring the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

Importantly, and as recognised by the Applicant in its Planning Statement [APP-186], PPW Chapter 2 (paragraph 2.8) highlights that *“all planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales”*.

Key to PPW12 is the identification of the key factors which, coupled with other relevant national and local policy requirements, should form part of the assessment process when considering whether or not a proposed project is considered sustainable. These are summarised as follows:

---

<sup>6</sup> [gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf](https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf)

<sup>7</sup> [gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf](https://gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf)

- Social considerations – who are the people affected, how does it change a person’s way of life, what are the short- and long-term consequences, and how does it support development of more equal and cohesive communities;
- Economic considerations – numbers and types of long-term jobs created, whether it’ll address economic disadvantage, how it would support the achievement of a more prosperous, low carbon, innovative and resource efficient Wales;
- Cultural considerations – supports the use of the Welsh language, protects areas and assets of cultural and historic significance, relationships with the tourism industry, enhances vibrant cultural experiences; and
- Environmental considerations – protection and enhancement of natural and built environment, are the impacts on health and amenity limited to acceptable levels and appropriate resilience is provided, will high standards of remediation, decommissioning and beneficial after uses be achieved, will waste be minimised and re-use and recycling promoted, does it fully take into account the causes and impacts of climate change, and does it support decarbonisation?

PPW12’s interaction with the Well-being Act, Future Wales and other material considerations highlighted in section 2.5 of this LIR should be considered fully in determining whether or not the DCO should be made.

## 2.4 Local planning policy

### 2.4.1 Denbighshire County Council Local Development Plan (2006 to 2021)

The Denbighshire County Council Local Development Plan<sup>8</sup> (LDP) was adopted in June 2013 and contains policies which are designed to take forward the LDP objectives. Importantly, the LDP is not designed to duplicate national policy, legislation or guidance, but is to supplement those statutory instruments and be considered material in nature when determining development proposals. The policies considered of relevance to the proposed project are as follows:

- Policy RD1 Sustainable Development and Good Standard Design
- Policy RD5 The Welsh Language and the Social and Cultural Fabric of Communities
- Policy BSC3 Securing Infrastructure Contributions from Development
- Policy VOE1 Key Areas of importance
- Policy VOE2 Area of Outstanding Natural Beauty (AONB) and Area of Outstanding Beauty
- Policy VOE5 Conservation of Natural Resources
- Policy VOE 10 Renewable Energy Technologies
- Policy PSE 1 North Wales Coast Strategic Regeneration Area
- Policy PSE 13 Coastal Tourism Protection Zones
- Policy PSE 15 Safeguarding Minerals
- Policy BSC 11 Recreation and Open Space
- Policy STR/3 Mitigating Travel Impact

### 2.4.2 Denbighshire County Council Replacement Local Development Plan

DCC is currently preparing a Replacement LDP<sup>9</sup>, following publication of their draft Preferred Strategy in 2019. The Deposit Plan is currently being developed in line with the latest national policies.

---

<sup>8</sup> [Adopted Local Development Plan 2006-2021 \(denbighshire.gov.uk\)](https://www.denbighshire.gov.uk)

<sup>9</sup> [Replacement Local Development Plan 2018-2033 | Denbighshire County Council](#)

### 2.4.3 Conwy County Borough Council Local Development Plan (2007 to 2022)

The Conwy LDP (2006 to 2021)<sup>10</sup> was adopted in October 2013, and specifically covers the area of Conwy which is located outside of Snowdonia National Park. The LDP sets out the key challenges facing Conwy, identifies the Vision, Objectives and the Spatial Strategy for development in the area over the period 2007 to 2022. The LDP will be used by the Council to guide and control development providing the basis by which planning applications will be determined. The policies considered of relevance to the proposed project are as follows:

- Policy DP/1 Sustainable Development Principles
- Policy DP/3 Promoting Design Quality and Reducing Crime
- Policy DP/4 Development Criteria
- Policy DP/6 National Planning Policy and Guidance
- Policy NTE/1 The Natural Environment
- Policy NTE/3 Biodiversity
- Policy NTE/4 The Landscape and Protecting Special Landscape Areas
- Policy NTE/5 The Coastal Zone
- Policy NTE/6 Energy Efficiency and Renewable Technologies in New Development
- Policy NTE/8 Sustainable Drainage Systems
- Policy CTH/1 Cultural Heritage
- Policy CTH/2 Development Affecting Heritage Assets
- Policy CTH/5 The Welsh Language
- Policy MWS/1 Minerals and Waste
- Policy CFS/12 – Safeguarding existing open space

### 2.4.4 Conwy County Borough Council Emerging Local Development Plan

CCBC is currently preparing a Replacement LDP<sup>11</sup>, following publication of their draft Preferred Strategy in 2019. The Deposit Plan is currently being developed in line with the latest national policies.

## 2.5 Other relevant and important matters

It is considered the following matters are also relevant and important in the determination of the application for development consent:

### 2.5.1 UK legislation and strategy

- Climate Change Act 2008 and Climate Change Act 2008 (2050 Target Amendment) Order 2019
- Energy White Paper: powering our net-zero future (2020)<sup>12</sup>
- Net Zero Strategy: Build Back Greener (2021)<sup>13</sup>
- Powering up Britain: the net-zero growth plan (2023)<sup>14</sup>
- British Energy Security Strategy (2022)<sup>15</sup>

---

<sup>10</sup> [Conwy Local Development Plan 2007-2022](#)

<sup>11</sup> <https://www.conwy.gov.uk/en/Resident/Planning-Building-Control-and-Conservation/Replacement-LDP/Replacement-Local-Development-Plan.aspx>

<sup>12</sup> [assets.publishing.service.gov.uk/media/5fde61e2d3bf7f3a3bde8cbf/201216\\_BEIS\\_EWP\\_Command\\_Paper\\_Accessible.pdf](https://assets.publishing.service.gov.uk/media/5fde61e2d3bf7f3a3bde8cbf/201216_BEIS_EWP_Command_Paper_Accessible.pdf)

<sup>13</sup> [assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf](https://assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf)

<sup>14</sup> [Powering Up Britain: Net Zero Growth Plan - GOV.UK \(www.gov.uk\)](#)

<sup>15</sup> [British energy security strategy - GOV.UK \(www.gov.uk\)](#)

## 2.5.2 Welsh planning advice and net zero strategy

Those marked with an asterix (\*) are those which are considered by the Councils to be of relevance to Mona Offshore Wind Farm but were **not** explicitly referenced in the Applicant's Planning Statement [APP-186]:

- Technical Advice Notes (TANs)\*
  - TAN 5: nature conservation and planning<sup>16</sup>
  - TAN 6: planning for sustainable rural communities<sup>17</sup>
  - TAN 10: tree preservation orders<sup>18</sup>
  - TAN 11: noise<sup>19</sup>
  - TAN 12: design<sup>20</sup>
  - TAN 13: tourism<sup>21</sup>
  - TAN 14: coastal planning<sup>22</sup>
  - TAN 15: development and flood risk<sup>23</sup>
  - TAN 18: transport<sup>24</sup>
  - TAN 20: planning and the Welsh language<sup>25</sup>
  - TAN 21: waste<sup>26</sup>
  - TAN 23: economic development<sup>27</sup>
  - TAN 24: the historic environment<sup>28</sup>
- Net Zero Wales Plan (Welsh Government, 2021a)<sup>29</sup>

---

<sup>16</sup> [Technical advice note \(TAN\) 5: nature conservation and planning | GOV.WALES](#)

<sup>17</sup> [Technical advice note \(TAN\) 6: planning for sustainable rural communities | GOV.WALES](#)

<sup>18</sup> [Technical advice note \(TAN\) 10: tree preservation orders | GOV.WALES](#)

<sup>19</sup> [Technical advice note \(TAN\) 11: noise | GOV.WALES](#)

<sup>20</sup> [Technical advice note \(TAN\) 12: design | GOV.WALES](#)

<sup>21</sup> [Technical advice note \(TAN\) 13: tourism | GOV.WALES](#)

<sup>22</sup> [Technical advice note \(TAN\) 14: coastal planning | GOV.WALES](#)

<sup>23</sup> [Technical advice note \(TAN\) 15: development and flood risk \(2004\) | GOV.WALES](#)

<sup>24</sup> [Technical advice note \(TAN\) 18: transport | GOV.WALES](#)

<sup>25</sup> [Technical advice note \(TAN\) 20: planning and the Welsh language | GOV.WALES](#)

<sup>26</sup> [Technical advice note \(TAN\) 21: waste | GOV.WALES](#)

<sup>27</sup> [Technical advice note \(TAN\) 23: economic development | GOV.WALES](#)

<sup>28</sup> [Technical advice note \(TAN\) 24: the historic environment | GOV.WALES](#)

<sup>29</sup> [Net Zero Wales | GOV.WALES](#)

### 2.5.3 Denbighshire County Council – Adopted Supplementary Planning Guidance (SPG)

Those marked with an asterisk (\*) are those which are considered by the Councils to be of relevance to Mona Offshore Wind Farm but were **not** explicitly referenced in the Applicant’s Planning Statement [APP-186]:

- Planning and the Welsh Language Supplementary Planning Guidance<sup>30</sup>
- \*Archaeology<sup>31</sup>
- \*Conservation and Enhancement of Biodiversity<sup>32</sup>
- \*Conservation Areas<sup>33</sup>
- \*Renewable Energy<sup>34</sup>

### 2.5.4 Conwy County Borough Council

Those marked with an asterisk (\*) are those which are considered of relevance to the Councils but were **not** explicitly referenced in the Applicant’s Planning Statement [APP-186]:

- The Welsh Language Supplementary Planning Guidance<sup>35</sup>
- \*Biodiversity<sup>36</sup>
- \*Landscape Sensitivity and Capacity Assessment<sup>37</sup>
- \*Renewable Energy<sup>38</sup>
- \*Coastal Flood Risk Protocol<sup>39</sup>
- \*Trees and Development<sup>40</sup>

### 2.5.5 Climate and nature emergency declarations

On 9 May 2019, CBCC unanimously declared a climate emergency, followed by DCC in July 2019. These declarations followed that of Welsh Government in April 2019, and they reflect a national concern regarding the urgent need to address climate change. The Councils note that these declarations are not explicitly referenced in the Applicant’s Planning Statement [APP-186].

On 30 June 2021, Welsh Government declared a nature emergency in recognition of the human induced decline in biodiversity. The Welsh Government called for statutory targets to be set to halt and reverse the decline in biodiversity. This adds weight to the Nature Emergency already recognised by Natural Resources Wales, the Ecological Emergency declared by Denbighshire County Council, and the biodiversity action in Conwy County Borough Council’s corporate plans<sup>41</sup>.

---

<sup>30</sup> [Supplementary Planning Guidance Note: Planning and the Welsh language \(denbighshire.gov.uk\)](#)

<sup>31</sup> [Supplementary Planning Guidance Note: Archaeology \(denbighshire.gov.uk\)](#)

<sup>32</sup> [Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity \(denbighshire.gov.uk\)](#)

<sup>33</sup> [Supplementary Planning Guidance Note: Conservation Areas \(denbighshire.gov.uk\)](#)

<sup>34</sup> [Supplementary Planning Guidance Note: Renewable Energy \(denbighshire.gov.uk\)](#)

<sup>35</sup> [LDP6 Welsh Language Adopted Nov 14 \(conwy.gov.uk\)](#)

<sup>36</sup> [LDP5 Biodiversity Adopted Nov 2014 \(conwy.gov.uk\)](#)

<sup>37</sup> [LDP11 Landscape Sensitivity and Capacity Assessment \(conwy.gov.uk\)](#)

<sup>38</sup> [LDP24 Renewable Energy \(conwy.gov.uk\)](#)

<sup>39</sup> [LDP27 Coastal Flood Risk Protocol \(conwy.gov.uk\)](#)

<sup>40</sup> [LDP40 Trees and Development \(conwy.gov.uk\)](#)

<sup>41</sup> [Key asset – The natural environment & biodiversity \(conwyanddenbighshirelsb.org.uk\)](#)



## **2.6 Summary**

The Councils are broadly content with the identification of relevant policy and legislation in the Applicant's DCO documentation. However, the Councils have identified a number of additional matters considered to be important and relevant in the determination of the application for development consent, namely national and local planning guidance, and the declaration of a climate emergency by both Councils and the Welsh Government.

## 3. Assessment of Local Impacts

### 3.1 Introduction

This chapter of the LIR provides a commentary on specific topic areas identified by the Councils as having the potential to impact on their local areas. For each topic, an assessment of those likely impacts has been undertaken and is reported on. This includes consideration of the Applicant's assessment and evidence as provided in the DCO application, consideration of potential effects, and a review of any proposed mitigation or management measures.

This LIR considers the following topics:

- Landscape/seascape and visual impact
- Ecology and biodiversity
- Highways, traffic and transport
- Water environment
- Noise and vibration
- Trees and arboriculture
- Heritage (provided by HENEB<sup>42</sup>)
- Cumulative impacts
- Draft DCO

Whilst the above topics are considered by the Councils to be the key areas of focus at time of preparing this LIR, the Councils reserve the right to comment on other topics as relevant and/or necessary during the DCO examination.

### 3.2 Principle of development

The suite of NPSs for Energy designated in January 2024 establish the need for new renewable energy generation. In particular, the overarching NPS for Energy (NPS EN-1) identifies a strengthened presumption in favour of nationally significant low carbon infrastructure, or 'Critical National Priority' (CNP) infrastructure.

In their representations in response to pre-application statutory consultation in June 2023, the Councils confirmed that they hold no objection to the principle of development. The Councils retain this position and recognise the status of the Mona Offshore Wind Farm as CNP infrastructure under NPS policy. Whilst the Councils are not in objection to the proposals in principle, they retain concerns over some of the potential impacts of the development as outlined in the remainder of this report. Where appropriate, the Council has suggested mitigation or specific actions that may aid in addressing the outstanding concerns.

Whilst not specifically considered within this LIR, the Councils additionally acknowledge and share concerns raised by the National Farmers Union (NFU) [PDA-048] regarding cable depths and the potential impact on agricultural land, and affected landowners, in undertaking agricultural operations. This chapter of the LIR also makes several references to the submission by NRW [RR-011] where relevant; the Councils are broadly supportive of the matters raised by NRW.

---

<sup>42</sup> [Heneb – Archaeology for Wales – Home of the four Welsh Archaeological Trusts](#)

### 3.3 Landscape/seascape and visual impact

#### 3.3.1 Information reviewed

In undertaking this review the following documents are referenced and have been reviewed:

- F3.6 ES Landscape and Visual Resources [APP-069]
- F7.6.1 ES Landscape and Visual Resources Planning Policy Context [APP-152]
- F7.6.2 ES Landscape Character Baseline Technical Report [APP-153/4]
- F7.6.3 ES Visual baseline technical report - onshore development [APP-155]
- F7.6.4 ES Landscape, Seascape and Visual Resources Impact Assessment Methodology [APP-156]
- F7.6.5 ES Landscape Visualisations [APP-157-159]
- F7.6.6 Tree survey and arboriculture impact assessment [APP-160-167]
- F6.8.5 ES International and nationally designated landscape study [APP-105]
- J22 Outline Landscape and Ecology Management Plan [APP-208]
- J26.18 Outline arboriculture method statement [APP-230]
- J3 Design Principles [APP-189]
- J26.10 Outline Artificial Light Emissions Plan [APP-222]
- Relevant statutory consultation responses and Relevant Representations

This section presents observations in respect of the seascape, landscape and visual impact assessment (SLVIA) for the Mona Offshore Wind Farm and where relevant supporting information is included with the application. In approaching this review, steps have been taken to consider best practice for SLVIA, the reasonable expectations of the project and the assessment (including recommendations included within PINs Advice Note 7<sup>43</sup>) and the context within which the Councils are being requested to comment on the DCO application.

#### 3.3.2 Assessment methodology

In reviewing the above documentation, the Councils have identified some fundamental concerns with the methodology and approach underpinning the SLVIA:

##### *a) Ambiguity over the methodology used*

Generally, the SLVIA is considered to be well structured and the scope of the assessment is proportionate.

- This review has considered the various methodologies presented with the Scoping Report and in the Preliminary Environmental Impact Report (PEIR). The overall Environmental Impact Assessment (EIA) method and assessment criteria was presented in the Scoping Report, at PEIR and in the submitted Environmental Statement (ES). The SLVIA method was not included in the Scoping report, but it was presented at PEIR and is within the submitted ES.

The level of detail provided in the SLVIA method presented in ES Chapter 3.6 is appropriate.

However, the Assessor presents two SLVIA methodologies;

- one at Section 6.6 in the main chapter; and
- another more detailed one at Volume 7, Annex 6.4: Landscape, seascape and visual impact assessment methodology

---

<sup>43</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-seven-environmental-impact-assessment-process-preliminary-environmental-information-and-environmental-statements/>

This approach has caused confusion as it is not clear which methodology has been used in the assessment. Furthermore, the SLVIA methodologies also differ considerably from the EIA method detailed in F1.5 Mona ES Environmental Impact Assessment Methodology [APP-052], in which the following two paragraphs assert that:

5.3.6.16 *Professional judgement is used to define the magnitude of impact and receptor sensitivity. The matrix is then used, together with professional judgement, to evaluate the significance of effect. The significance may be one, or a range of, no change, negligible, minor, moderate or major. In general, a significance of effect of moderate or greater is considered 'significant' in EIA terms. For each topic chapter, what is considered 'significant' will be clearly defined. Where further mitigation is not possible a residual significant effect may remain.*

5.3.6.17 *In cases where a range is suggested for the significance of effect, there remains the possibility that this may span the significance threshold (i.e. the range is given as minor to moderate). In such cases the final significance is based upon the expert's professional judgement as to which outcome delineates the most likely effect, with an explanation as to why this is the case.*

It is not clear why the SLVIA method should differ considerably from the overall ES methodology. This requires justification by the Assessor.

It is considered that there are two important methodological aspects that have caused the assessment to be unclear and which call into question the validity of the judgements made on the significance of effects throughout the assessment:

1. how the threshold of significance, and its reporting, differs from the main EIA Methodology used by other disciplines and from a best practice perspective in LVIA; and
2. how the use of split significance categories has led to lack of clarity in the reporting of effects.

The Isle of Anglesey Council's S42 response at Table 6.7 under 'Consultation in the SLVIA Chapter' states that:

*"...The threshold for measuring significant effects needs amending and supports the argument that any effect classified Moderate or greater is considered 'significant' as this is considered to align with common practice. However, the LVIA mentions that only effects with a significance level of Substantial or Major are deemed to be significant.*

*Split categories have been used in the assessment of sensitivity and magnitude. The council advocates that this is not aligned with best practice and rectifying this would help to improve clarity. The Council suggests, that where effects fall into matrices of dual categories, for example a receptor or group of receptors that receives a range of effects, that might vary geographically or with the seasons; the LVIA should confirm which level applies in each case and provide an explanation to justify each decision."*

The Councils agree with the Isle of Anglesey Council's feedback on these methodological issues.

The simple and clear use of categories to describe and explain the significance of effects is particularly important in relation to effects which lie on near to the cusp of the significance threshold. Many of the predicted landscape, visual effects and cumulative effects on receptors sit on or around the significance threshold. The SLVIA methodology and the way it has been applied to the assessment makes it difficult for the reader to clearly understand the overall significance of the effects.

### ***b) Significance threshold***

The SLVIA states at 6.6.2.8 “*For the purposes of this assessment, any effects with a significance level of substantial or major have been deemed significant in terms of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. In general, any effects with a significance level of moderate or less have been judged as not significant.*” This is contrary to the overarching EIA methodology paragraph 5.3.6.16, cited above.

In previous consultation, the Applicant cites a 19-year-old piece of DTI 2005– ‘*Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report*’ to justify the assertion that moderate effects are generally not significant, but feasibly could be. It is not considered appropriate to use this out-of-date guidance which bears no specific relevance to the assessment of onshore landscape and visual effects. This approach has contributed to the confusion in the assessment methodology and in the reporting of the significance of effects.

A medium, or moderate level of effect is usually used as the threshold for effects being considered significant. As per the assessment methodology, moderate landscape and visual effects are those which are ‘**demonstrably out of scale or at variance with**’ the baseline. The councils consider that such effects should be considered significant.

### ***c) Split assessment categories***

In previous consultation responses the Applicant has cited the DTI 2005 guidance to justify the use of split significance categories when an effect on a receptor can be for example ‘moderate to major’ rather than ‘moderate’ or ‘major’.

Table 6 on page 80, the DTI Guidance uses a forward slash ‘/’ rather than the word ‘to’ in their split categories in (e.g. ‘Moderate/Minor’). However the Applicant’s SLVIA significance matrix at table 6.17 in Doc. F3.6 instead uses ‘Moderate to Minor’. In terms of definition, the symbol ‘/’ is used between words to replace the word ‘or’ where arguably either word but only one should be chosen instead of the other, so the reader expects the Assessor to choose the most appropriate (where use of a forward slash in this context is taken to mean ‘or’ rather than ‘to’). This is consistent with the overarching EIA Method which presents split categories using ‘or’ and not ‘to’.

There is an important distinction between the meaning of these two terms to and or. The Applicants use of the ‘to’ term is assumed to mean a range; where the level of significance lies somewhere on a scale between, for example ‘Moderate’ and ‘Major’. This requires justification by the Assessor.

#### Highlighted example

To highlight both of these methodological issues, the below is cited an example from the SLVIA. It relates to effects on equestrians, cyclists and walkers using the road network at Hendy Farm (Viewpoint 2).

At 6.11.2.21 and 6.11.2.25, there are two very different justifications for assessing the sensitivity of these receptors with value ranging from **negligible** to **medium** and the susceptibility ranging from **medium** to **high**.

The sensitivity of these receptors is assessed at **low to medium**. Due to the use of the split category, it is unclear if the different receptor types have different levels of sensitivity, some ‘low’ and some ‘medium’, or whether they all have ‘low to medium’ sensitivity. If it is the former, the Assessor should separately assess and present each receptor’s sensitivity, if it is the latter the Assessor should decide whether and explain why these receptors have low or medium sensitivity.

For the same receptors, the judgments made in combining these sensitivity assessments with magnitudes of change from construction and operation are also inconsistent and unclear, as follows:

- At 6.11.2.22 ‘Overall, the magnitude of the visual impact experienced by people at this representative viewpoint during construction and decommissioning is large and the sensitivity of the receptor is low to medium. The temporary effects will be **moderate to major adverse, which are not significant to significant.**’
- At 6.11.2.26 ‘Overall, the magnitude of visual impact caused by the onshore elements within the Mona Onshore Development Area during operations and maintenance and experienced by people at this viewpoint is medium. The sensitivity of the receptors varies between low and medium. The effects will be **major adverse** at Year 1 winter reducing to **moderate adverse** at Year 15 summer as the landscape mitigation (shown on Figure 6.5) matures, **which are significant to not significant effects.**’

The Councils consider that this assessment is confusing, inconsistent and does not clearly conclude whether the effects are significant or not. The example provided above relates to just one assessment of visual effects, highlighting:

- the problems with using split categories as ranges;
- unclear and inconsistent assessments; and
- that the significance of effects is not clear.

The issues highlighted above should be reviewed and the Councils request that the Applicant either provide an updated assessment that addresses the Councils’ concerns, or respond to justify and elaborate where necessary the methodology used, and to clarify whether the intent as part of the methodology is:

1. to judge effects as one or the other of the categories defined in Table 6.18 as either ‘major’ or ‘moderate’ or, on the other hand;
2. whether the Assessor intends to use ‘Moderate to Major’ as a separate significance category.

If the former the Applicant should amend their methodology to use a ‘/’ or ‘or’ instead of ‘to’. This would mean revisiting each assessment to select and justify which of the categories each effect falls into. If the latter, the Applicant should revisit the methodology to define all of the split categories in Table 6.18. Guidelines for Landscape and Visual Impact Assessment (GLVIA) states in paragraph 3.34 that:

*“Descriptions should be provided for each of the categories to make clear what they mean...”*

However, this latter option is not advisable as there would then be a total of eight different significance categories (excluding ‘no change’). This would be contrary to GLVIA, which also states at 3.27 (2.) that

*“Word scales, with ideally three or four but a maximum of five categories, are preferred as the means of summarising judgements for each of the contributing criteria.”*

### 3.3.3 Baseline Assessment and use of LANDMAP

The selection of scope of landscape receptors and the viewpoints representing a range of visual receptors included in the SLVIA is adequate. The baseline drawn seems to be appropriate and proportionate to the proposed onshore aspects of the proposed development. Exceptions to this are the issues raised above around the methodology and its application in defining the baseline. In addition, it is unclear to the Councils whether the baseline assessment has used all LANDMAP Aspect Areas (AAs) in drawing a comprehensive Landscape baseline. LANDMAP is holistic and to understand the overall character of an area, all AAs need to be considered. For example, where there are high or outstanding Cultural historic or habitat AAs within the study area these contribute to the overall character of the landscape and need to be included in the assessment of the value of the landscape, its overall character and susceptibility to the proposed change.

This, along with the contribution other aspects make to the overall character, can be reported at the level of visual and sensory aspect areas (V&SAAs) units.

NRW advises<sup>44</sup>:

*“For each LANDMAP dataset, you should also consider the geological landscape, landscape habitats, visual and sensory receptors, the historic landscape as well as cultural services.”*

At paragraph 1.3.10.5 in Document F7.6.2 Mona ES Landscape Character Baseline Technical Report [APP-153/4], the Assessor states that:

*“the other LANDMAP Aspect Area layers might have lent value to the visual and sensory layers...”*

The Applicant is asked to clarify if and how the holistic suite of LANDMAP Aspects were referenced and used in evaluating the value of each landscape character area receptor and where this is reported in the submitted documents.

### 3.3.4 Potential Effects

It should be noted that this review has not included reference to the summary assessment results presented in *Table 6.24: Summary of potential landscape and visual effects, mitigation and monitoring*. This is because the Councils consider there are too many errors or inconsistencies in this table, when reviewed alongside the more detailed narrative parts of the assessment.

For example, for representative viewpoint 2, construction and demolition effects are recorded as ‘*moderate to major*’ adverse (*not significant*) and several effects on LANDMAP Aspect Areas are recorded as ‘*moderate*’ or ‘*minor*’ adverse (*significant*) as well as ‘*moderate*’ or ‘*minor*’ adverse (*not significant*).

For the benefit of the reader and ExA, the Applicant should review and update this summary table to correct inconsistencies.

The Council’s comments on potential effects are provided below.

#### ***Visual receptors in Clwydian Range AONB and Offa’s Dyke***

Impact on distant views from Clwydian Range AONB and Offa’s Dyke are a key concern for the Councils. It is agreed that the assessment of these visual effects is robust and correct in that a negligible magnitude of change to these very high sensitivity receptors will result in minor adverse visual effects. Elected Members reiterate local concerns regarding the potential impacts of the development on views from the AONB and further afield, including in combination with other proposals, and the effect on local landscape character.

#### ***Visual effects on Denbighshire Memorial Park and Crematorium***

Visual impacts on people visiting the crematorium have not been assessed. The Councils have therefore referred to the assessments made on other nearby highly sensitive receptors such as those represented by VP 5. At paragraphs 6.11.1.28-30, the sensitivity of people using the local road network is assessed as high for walkers (and equestrians), medium for cyclists and low for people in vehicles. This is agreed and it is considered that visitors to the crematorium are also highly sensitive to changes in their views.

---

<sup>44</sup> <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/using-landmap-in-landscape-and-visual-impact-assessments-gn46/?lang=en>

The receptors considered by the Applicant are predicted to receive medium to large magnitudes of change (6.11.1.27), resulting in major and significant effects during construction and medium magnitudes of change (6.11.1.35), resulting in moderate and significant effects during operation.

Reviewing this has highlighted another instance where the submitted Assessment is confusing, inconsistent and not robust, as follows.

In Section 6.11.2, at Paragraphs 6.11.2.8, 12, 25, 58 and 63, these same receptors are recorded as being of low to medium sensitivity. In addition to this discrepancy, the corresponding significance paragraphs, e.g. 6.11.2.64 record sensitivity as high. Furthermore, the magnitude level in 6.11.2.64 is not consistent with that assessed in 6.11.2.62.

The Councils are of the opinion that users of the crematorium are highly sensitive receptors and will experience a medium magnitude of change in their view during construction and a low magnitude of change during operation. This would result in a major adverse and significant visual effect during construction and a moderate adverse and significant effect during operation.

The Councils request that the Applicant should review and update the assessment to clarify or correct inconsistencies.

### ***Cumulative Landscape and visual effects***

At paragraph 6.14.3.56 the sensitivity of the users of public rights of way within 1 km of the Onshore Substation is recorded as medium to high. At paragraph 6.11.1.28 earlier in the report, the same receptors are recorded as having high sensitivity to the changes proposed. As there are no cumulative assessment specific criteria, it is assumed these two sensitivity judgements were made using the same judgements and criteria in the overall SLVIA method. The Councils are of the opinion that the *high* sensitivity is the correct judgement here.

Within 1km of the proposed Mona substation, receptors would concurrently, or within a short journey, be able to see the proposed development together with Tier 1 Awel y Môr onshore substation and the Tier 3 St. Asaph solar farm, the extension to National Grid's Bodelwyddan substation, and existing onshore wind schemes. These are all major developments with their own associated visual effects on receptors. At paragraph 6.13.3.1 the Assessor rightly asserts:

*'For a cumulative effect to occur, an additional effect must arise over and above the likely effect of implementing the Mona onshore transmission, measured against baseline conditions.'*

Later in the assessments, however, the Assessor relies upon the mitigation applied to each scheme to justify a reduced 'negligible' magnitude of change. The Councils consider this approach to be incorrect and misleading because the mitigation for each scheme is designed to address its own effects, whereas this cumulative assessment should address the potential for additional effects over and above the residual effects predicted for each development in isolation.

There is no mitigation provided specifically to address cumulative effects.

Without any cumulative impact mitigation, the Council's assert that there would be a small magnitude of cumulative change, combined with a high sensitivity, would result in moderate adverse and significant cumulative visual effects.

It is agreed that moderate adverse cumulative visual effects correctly predicted on highly sensitive visual receptors using Offa's Dyke, and Access Land within the Clwydian Range and Dee Valley NL would result in moderate adverse cumulative effects, which are not significant. However, these effects are considered by the Councils to be *significant*.

The Councils are of the opinion that in combination, these schemes and the proposed development would have the cumulative effect of altering the landscape and visual environment to the extent that



energy infrastructure would become a prominent or defining aspect of the local landscape and views.

As such, the Councils would like to see appropriate and proportionate mitigation included and secured within the DCO application to address the additional cumulative effects predicted. The Councils are happy to discuss with the Applicant any options and delivery as further on-site mitigation or off-site enhancement measures. This should be developed by the Applicant through the examination process and planned as a proportionate contribution from the Applicant. This should ideally be negotiated through collaboration with the other relevant developers.

### ***Nighttime visual effects***

Nighttime effects are scoped out of the assessment. We are satisfied that this aspect is covered adequately as the Applicant commits in Table 6.2 in response to requirements set out in Paragraph 5.10.21 and 5.10.22 of NPS EN-1 that:

*‘During the construction phase no work will be undertaken during hours of darkness. The Onshore Substation will not be lit at night. Should maintenance work be required during hours of darkness emergency lighting will be used.’*

The Councils note that current construction hours allow for work in hours that are likely to be dark (see Part 4 of this LIR for further comment on working hours). Additionally, the Project Description [APP-050] makes multiple references to the potential need for task lighting during winter months and operational lighting relating to security, car parking and repair/maintenance (paragraph 3.7.3.14, 3.7.3.31-33). It is noted that the ecological assessment references lighting and mitigation measures for controlled lighting relating to potentially affected species.

The Applicant is asked to clarify the correct position accordingly.

Assuming the Project Description is correct, the Councils consider that the SLVIA needs to include an assessment of construction lighting on nighttime views and landscape character accordingly. Conversely, if construction is to be limited to daytime hours as asserted in the SLVIA, it is suggested that a DCO requirement is drafted that controls the timing of construction activities and any associated lighting to defined hours and that any emergency lighting is agreed in advance with the relevant planning authority.

### **3.3.5 Mitigation**

Notwithstanding the points made that may be relevant to mitigation above, the Councils generally consider the approach to mitigation and the landscape design as presented to be appropriate and adequate to address the effects predicted in the submitted SLVIA. However, any changes to the assessment by the Applicant in response to the comments provided on the methodological issues discussed above could have considerable implications on the outcomes of the assessment of landscape, visual and cumulative effects and their significance. If following any update to the assessment, additional significant effects are identified, then it may be necessary for the Applicant to review and amend or add to the mitigation proposals accordingly. The Applicant is asked to complete such a review and clarify to the Councils and the ExA the outcome accordingly.

### **3.3.6 Management proposals**

The Outline Landscape and Ecological Management Plan (OLEMP) [APP-208] general principles and objectives as set out in outline, appear to be appropriate in terms of caring for the soft landscape and habitats mitigation and delivering the necessary levels of mitigation relied upon in the ES.

The successful establishment and ongoing management of retained and proposed landscape and habitat measures will be critical to deliver mitigation of landscape and visual effects. This highlights the importance of securing the appropriate management proposed.

Elected Members highlight concerns regarding the visual impacts that will occur in the 15-year period whilst mitigation planting is established. Given the scale of the substation proposed, these effects could be substantial for the local community. Ensuring the planting is of a high quality and meets its intended purpose via successful management is therefore essential.

The SLVIA rightly relies on establishment of the landscape proposals over a fifteen-year period in order to appropriately mitigate adverse effects.

However, the OLEMP is not clear on the committed management period. In places it refers to five year's maintenance and monitoring for some elements. This is not considered to be adequate to guarantee successful delivery, establishment and ongoing care of the required mitigation. The Councils suggest that the OLEMP should be revised to add a very clear statement at the beginning of the document committing the Applicant to manage the landscape and habitat works for the operational life of the proposed development and outline a plan to manage the works for a minimum period of fifteen years. The management and monitoring should be carried out and adaptively updated as necessary on a five-yearly basis during the fifteen-year plan.

In addition, the Councils suggest a DCO requirement is needed to commit the Applicant to provide a detailed Landscape and Ecological Management Plan and to deliver the proposed management regime throughout the operational life of the proposed development.

### 3.3.7 Draft Requirements

The Draft DCO Requirements have been reviewed and whilst they cover the necessary topics, the Councils suggest that more detailed wording below is added to the Requirements in order to strengthen controls and avoid ambiguity. Additional drafting is also proposed to address concerns raised in previous sections of this LIR.

#### ***Detailed landscape scheme***

*No stage of the authorised development (as notified to the relevant planning authority in accordance with Requirement 4) may commence until, for that stage, must be commenced until final details of the landscape and habitats design have been submitted to and approved in writing by the local planning authority following consultation with NRW. The landscape and habitats design shall deliver the principles and content of the proposals set out in the Outline LEMP and Design Principles submitted with the application including planting to mitigate effects on residential visual amenity.*

*The detailed landscape and habitats design shall include sufficient information to enable effective compliance monitoring or enforcement of the effectiveness of the mitigation measures.*

*It will include:*

- I. Landscape and habitats design plans at an appropriate detailed scale. These will show hard and soft elements such as surfacing, planting and seeding*
- II. A series of typical boundary cross sections showing the relationship between:
  - a. the proposed substation (Work No.22) and other elements of the proposed development, such as fencing and CCTV,*
  - b. the proposed new and enhanced existing boundary features; and*
  - c. adjacent landscape features and visual receptors**
- III. Plant specification to include:
  - a. Native or appropriate other plant species, varieties and cultivars*
  - b. planting stock size, form, root condition etc; and**
- IV. detailed planting arrangements for the main proposed landscape and habitat features, such as woodland and hedgerows, showing:*

- a. densities, spacing and numbers;
- b. Depths of topsoil and subsoil; ground preparation and cultivation;
- c. Methods of weed control, plant protection and support; and
- d. Seed mix and or turf specifications and sowing rates.

#### ***Landscape and Ecology Management Plan***

*No stage of the authorised development (as notified to the relevant planning authority in accordance with Requirement 4) may commence until, for that stage, a detailed Landscape and Ecological Management Plan (LEMP) committing the Applicant to manage the landscape and habitats for the duration of the operational life of the proposed development has been submitted to and approved in writing by the LPA, following consultation with NRW. The LEMP shall provide a detailed plan for the first fifteen years setting out*

- i) All landscape and ecological objectives and management, protection, maintenance and monitoring prescriptions to deliver these objectives;*
- ii) schedules and timescales for delivery of the LEMP; and,*
- iii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the LEMP.*

*The LEMP shall be implemented and monitored in accordance with the approved details.*

#### ***Retention and protection of existing trees and hedgerows***

*No stage of the authorised development (as notified to the relevant planning authority in accordance with Requirement 4) may commence until, for that stage, a Tree and Hedgerow Protection Strategy (“THPS”) prepared in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the planning authority.*

*The THPS referred to in the sub-paragraph above must include:*

- I. Tree Protection Plans detailing the alignment of temporary physical tree protection*
- II. measures, in accordance with the details identified in Section 8 of the Arboricultural*
- III. Impact Assessment report (Document 5.21.1B);*
- IV. a schedule of any proposed tree or hedgerow removal and pruning with annotated plans;*
- V. a specification for temporary physical protection for trees and hedgerows; and*
- VI. details of an auditable system of compliance with the approved protection measures.*

*The trees, groups of trees and hedgerows identified in the THPS referred to above must not be felled or otherwise removed in connection with the construction of the authorised development.*

*The relevant stage of the authorised development must not commence until the approved protection measures referred to in sub-paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.*

### **3.3.8 Summary**

Generally, the SLVIA is well structured, and the scope of the assessment and the extent and granularity of the baseline drawn is appropriate and proportionate to the proposed development.

There are two important methodological issues identified, which bring into question the assessments as presented, with potential implications for reporting of significant effects and associated mitigation measures required. The first is around the erroneous use of split assessment categories and the second is around the unusually high threshold for defining significant effects.

These matters have been raised in previous consultation responses and should be discussed through examination. Any necessary steps to resolve these issues could have considerable implications on the outcomes of the assessment of landscape, visual and cumulative effects and their significance.

The Councils are concerned that the methodological issues above and/or errors in the assessment have led to under reporting of landscape, visual and cumulative effects. As a result, there may be need for additional mitigation to address any further significant effects that may be identified through review of the assessment.

Visual effects on the users Denbighshire Memorial Park and Crematorium have not been assessed but are considered to be initially major, adverse and significant easing to moderate, but still significant residual effects by year 15.

There is concern that the proposed development in combination with Awel y Môr onshore substation, the St. Asaph solar farm, the extension to National Grid's Bodelwyddan substation, and existing onshore wind developments will result in moderate and significant cumulative landscape and visual effects. The councils are of the opinion that in combination these projects, including proposed development would have the cumulative effect of altering the landscape and visual environment to the extent that energy infrastructure would become a prominent or defining aspect of the local landscape and views. There is currently no mitigation proposed to address cumulative effects and this should be addressed.

The scoping out of nighttime effects is acceptable if there is no proposed construction or operational lighting as stated at SLVIA Table 6.2. However, given the contradictory statements in other parts of the ES which do indicate lighting is proposed both in construction and operation, the lack of any nighttime visual and landscape effects assessment is not acceptable. If there is any lighting proposed, a proportionate assessment of lighting impacts is needed. Additionally, if any lighting, including emergency lighting, is needed, the DCO should include an requirement to strictly control the use of nighttime lighting. This is particularly important given the hours of working being requested by the Applicant which mean that some activities will be happening during hours of darkness at certain times of the year.

Mitigation measures seem appropriate for the levels of effect assessed, but are likely to need bolstering if the clarification or reassessment to address methodological issues results in more significant effects.

The following are to be secured via DCO Requirements.

- A detailed landscape mitigation scheme;
- a detailed LEMP; and
- a detailed plan for the protection and retention of existing trees and hedgerows

## 3.4 Ecology and biodiversity

### 3.4.1 Information reviewed

In undertaking this review the following documents are referenced and have been reviewed:

- F1 ES Non-Technical Summary [APP-046/7]
- F1.3: Project Description [APP-050]
- F1.5: Environmental Impact Assessment Methodology [APP-052]
- F3.3, Chapter 3: Onshore Ecology [APP-066] and suite of supporting technical reports/appendices
- F3.4: Onshore and intertidal ornithology [APP-067] and suite of supporting technical reports/appendices
- B10 Mona Offshore statutory and non-statutory nature conservation sites [APP-015]
- B11 Mona Onshore Statutory and Non-Statutory Nature Conservation Sites [APP-016]
- B14 Mona Tree and Hedgerow Plan [APP-019]
- J7 Biodiversity Benefit and Green Infrastructure Statement [APP-193]
- J22 Mona Outline Landscape and Ecology Management Plan [APP-208]
- Relevant statutory consultation responses and Relevant Representations

The Habitat Regulation Assessment (HRA) Stage 1 Screening Report, Document E1.4 and HRA Integrity Matrices, Document E1.5 have not been reviewed as part of this LIR. The Council defers to NRW as the relevant statutory consultee and the SoS as the Competent Authority on this matter.

The assessment relating to intertidal invertebrates has not been reviewed as part of this LIR. Data on those surveys and assessments were not found within the documents reviewed. It is assumed that surveys of the intertidal areas are reported within the Benthic and intertidal ecology Document F2.2 and associated Technical Reports, which have not formed part of this review as it was limited to onshore elements only.

### 3.4.2 Assessment Methodology and Baseline

The Councils generally support the approach and methodology used to inform the ecological baseline of the onshore elements of the proposal. DCC confirmed in their response to statutory consultation (S42 response) in June 2023 that the council was in '*general satisfied that the appropriate surveys and assessments have been undertaken*'. CCBC did not raise specific concerns relating to approach and methodology within in their S42 response letter dated 16<sup>th</sup> June 2023. NRW has also confirmed in their Relevant Representation [RR-011], that '*NRW has reviewed the application and, notwithstanding our key concerns and other issues raised herein, consider the submission, on balance, to be comprehensive and of a good quality*'.

An Onshore Ecology Working Group (EWG) was set up with NRW, DCC, CCBC, Welsh Government, Royal Society for the Protection of Birds (RSPB), Woodland Trust, and the Amphibian and Reptile Conservation Trust (ARC), and the findings of the Preliminary Environmental Information Report (PEIR) were shared with the group in April 2023. Issues raised by the group were regarding refinement of the methodologies.

In NRW's Relevant Representation [RR-011] they '*consider the survey and assessment to be satisfactory in respect of great crested newts (GCNs), bats, otters, dormice, water voles*', but have raised as a Key Concern that '*no surveys have been provided to assess the use of the onshore corridor for breeding and/or foraging barn owls*'.

Updated methodologies were issued to NRW via email (November 2023), as detailed in Table 3.7 Document F3.3 [APP-066], following refinements requested through the Section 42 process and

further refinements made by the Applicant’s ecologists using professional judgement where methodologies were adapted or expanded.

Furthermore, it is noted that in RSPB’s S42 response, that owing to the acknowledged limitation of ongoing ecological surveys including breeding bird surveys, they reserved comment until the information was submitted in the ES to inform the assessment. The Councils would like to understand from NRW and RSPB whether the updated methodologies removed any of their previous concerns.

Table 4.7 Document F3.4: Onshore and intertidal ornithology [APP-067], states that NRW confirmed that their ornithologist was ‘*happy with the added content... and has no further comments to make.*’, after there were updates provided on the intertidal and nearshore coastal bird surveys. Confirmation was provided in an email from NRW to RPS dated 11 November 2021. Table 4.7 Document F3.4 [APP-067], goes on to confirm that the intertidal survey methodologies were agreed with NRW during Onshore Ecology EWG meetings. The broad approach to survey methodology was introduced to the EWG in EWG meeting 01 (June 2022). Further detail, including daytime and nocturnal survey detail, was introduced in EWG meeting 02 (December 2022).

NRW confirm in their S42 response in June 2023, that the approach to survey and assessment appears appropriate for the onshore (terrestrial) ornithological components given the habitats within the Order Limits and the nature of the scheme. However, it is noted that no written, or other, response has been provided regarding the Technical Note produced by the Applicant and sent to EWG to provide evidence that one year of survey data for wintering and migratory birds was sufficient for the purposes of the assessment of Onshore and Intertidal Ornithology for the Mona Offshore Wind Project. Table 4.7 Document F3.4 [APP-067], notes that NRW were due to provide an official response to the technical note provided on 18th September 2023.

The Councils would like to understand from NRW whether they consider one year of surveys to be sufficient, or as advised on 2nd September 2021 (via email) that at least two contemporary years of core wintering bird surveys are required to account for interannual variation in use by bird features of designated sites.

Furthermore, the Councils note that the onshore wintering and migratory bird surveys involved one survey visit to the onshore ornithology study area conducted between November 2022 to December 2022 and a second between February 2023 to March 2023. This seems limited to inform likely bird presence and use of the site. The Applicant states that ‘The survey methodology followed the so called “look-see” method, as taken from Bibby et al. (2000)’, however this methodology would include monthly visits to the same area between October-March to record bird variations over the wintering and migratory bird season. The Councils would also like to seek the opinion of NRW in regard as to whether these surveys are sufficient to inform the assessment and separate HRA.

The Councils consider that sufficient desk studies and ecological surveys were completed to inform the baseline both for the cable corridor and the intertidal cable landfall. Surveys, above the ones confirmed to be satisfactory by NRW, that were completed included for habitats (phase 1 habitat surveys and National Vegetation Classification (NVC) surveys), hedgerows, Invasive Non-Native Species (INNS), badger, reptiles, fish and eel, and terrestrial and aquatic invertebrates (which are all reported in Document F3.3 [APP-066]), and birds (which are all reported in Document F3.4 [APP-067]). These were all generally conducted within guidance, undertaken at optimal times of year, under suitable weather conditions, and within suitable study areas to inform the baseline. Where these are specific limitations, these have been described, and it is agreed that they would not significantly impacted the integrity of the ecological baseline.

The Councils do not consider there are any significant gaps in the ecological baseline and that the baseline is sufficient in order to make an informed assessment, apart from the concerns raised by NRW regarding the lack of information concerning barn owl and whether one year of wintering and

migratory birds' surveys is sufficient to inform the assessment relating to designated sites. The Councils would like to understand from NRW whether these previous concerns remain.

Important Ecological Feature (IEFs) were identified, in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guideline for Ecological Impact Assessment in the UK and Ireland (referred to as CIEEM EcIA Guidelines), along with statutory and non-statutory designated sites, Habitats of Principle Importance, other habitats and species. These were all described adequately.

The onshore ecology impact assessment methodology is stated to have followed 2017 EIA Regulations and EIA guidance, and although CIEEM EcIA guidance has been considered, the assessment follows EIA methodology rather than that specified in the CIEEM EcIA guidance. The terms used to define magnitude and sensitivity are based on and have been adapted from those used in the Design Manual for Roads and Bridges (DMRB) methodology (Highways England et al., 2020). This is acceptable by CIEEM as stated within their Guidance that *'Where an EIA is required, the Ecological Impact Assessment will be presented in a way that fits the overall style and structure of the Environmental (Impact) Statement. However, the content of Appendix 3 remains relevant. Where elements of this content lie outside the presentation of the main Ecological Impact Assessment (usually an ecological chapter of the EIA), cross-reference should be included.'* The contents of Appendix 3 have generally been followed

The assessment also took account of the future baseline scenario as per The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and CIEEM EcIA Guidelines, and the Councils agree with the general descriptions of future baseline considering potential changes in management practices and climate change described within Document F3.3 [APP-066] and the processes likely to affect wintering and migratory bird population significantly described within Document F3.4 [APP-067].

### 3.4.3 Potential Effects

#### *Effects on species*

The potential impacts of the maximum design scenario for the onshore ecology and the onshore and intertidal ornithology are identified in Table 3.21 Document F3.3 [APP-066] and Table 4.23 Document F3.4 [APP-067], respectively. The Councils generally agree with the potential impacts identified, noting, however, that direct mortality impacts to species during construction and decommissioning was not identified as a separate impact, but these were covered within the descriptions of impacts for individual receptors, such as para. 3.9.2.17 of Document F3.3 [APP-066]: *'The increase in construction traffic and associated movements in areas around setts within the Mona Onshore Development Area would mean there is a potential for a corresponding increase in road mortality for badgers using the site'*.

NRW confirm in their Relevant Representation [RR-011] that *'We agree with the conclusions in the ES Onshore Ecology (ref F3.3) [APP-066] and the recommendations and proposed principles for mitigation in the Outline Landscape and Ecology Management Plan (LEMP) [APP-208].'* The Councils agree with NRW for the Onshore Ecology Document F3.3 [APP-066], but as identified in the Assessment Methodology and Baseline sections above, the Council will defer to NRW regarding the onshore ornithological conclusion and potential impacts, as relating to protected species and protected sites.

#### *Habitat and hedgerows*

Permanent and temporary habitat loss will be avoided using trenchless techniques for protected sites (Llanddulas Limestone and Gwrych Castle Wood SSSI) and/or their qualifying features (Traeth Pensarn SSSI), ancient woodland, calcareous grassland, seven of the nine rivers and ordinary

watercourses, and 57 hedgerows (c. 45% of hedgerows) across the scheme. Using trenchless techniques for these sensitive and some irreplaceable habitats is welcomed and should aid in reducing potential impacts to IEFs.

NRW also note in their Relevant Representation [RR-011] that *‘the design of the cable corridor is for an avoidance of impact to sensitive ecological receptors and when this is not possible there is a commitment to trenchless techniques under Traeth Pensarn Site of Special Scientific Interest (SSSI) and Llanddulas Limestone and Gwrych Castle Wood SSSI’*. Despite this commitment however, the Council note the concerns raised within Section 3.8 of this LIR and would like to further understand the certainty of the trenchless approach to protect certain protected sites.

The Councils generally agree with the IEFs identified and their relative value and sensitivity; the magnitude of the impact; and the significance of the effect provided in Section 3.9 Document F3.3 [APP-066] and within Section 4.9 Document F3.4 [APP-067]. Those where there are or have been key concerns are discussed below.

DCC raise concerns in their S42 response regarding *‘extensive sections of hedgerow and trees are proposed to be removed’* due to the proposed open cut trenches are proposed to lay cables, and *‘further assessment is needed to demonstrate why trenchless ducts cannot be utilised to lay cables under existing hedgerow and trees in order to minimise the loss of important and biodiverse trees and hedgerow’*.

The Applicant’s response in Table 3.7 Document F3.3 [APP-066] states that: *‘Although many of the of hedgerows will be crossed by trenchless techniques as identified in Volume 5, Annex 4.3: Onshore Crossing Schedule of the Environmental Statement, there is still the option for open cut trenching through 55% of the hedgerows. However, this will seek to avoid vegetation removal, where possible, and open cut trench through gaps in hedgerows. Where hedgerow removal is required, the extent of hedgerow to be removed that has lesser ecological value, as identified in the Hedgerow Technical Report (Volume 7, Annex 3.4 of the Environmental Statement) will be selected over sections of hedgerow with high ecological value, where possible. Hedgerow removal will be temporary in nature and hedgerow re-instatement will follow, as soon as practicable, following installation of the cables.’*

Paragraph 3.9.2.42 Document F3.3 [APP-066] confirms that up to a total of 7km of hedgerow will be lost temporary during construction, including:

- *‘5.4 km of hedgerow loss for the open trenching (73 hedgerows with a maximum width of 74 m including the haul road)*
- *400 m for the construction haul road at locations where trenchless techniques are used (57 hedgerows with a maximum width of 7 m)*
- *200 m for the Onshore Substation and associated Temporary Construction Compounds*
- *1 km to allow access and appropriate visibility splays.’*

Paragraph 3.9.2.43 Document F3.3 [APP-066] confirms *‘Re-instatement of hedgerow habitats will take place as soon as practicable once the cables have been installed but the 7 m haul road is likely to remain in place for duration of construction to enable testing to take place’* and *‘lost hedgerows will be replanted using locally sourced native species, as detailed in the Outline LEMP (document reference: J.22)’*. It is recognised that *‘there would be a loss of habitat and connectivity during the construction phase and until any new planting had established. Therefore, it is considered that in the short/medium term there is a medium impact.’*

Paragraph 3.9.2.44 Document F3.3 [APP-066] and within the Outline LEMP (document reference: J.22; Figure 1.1 – 1.3) demonstrates *‘there will hedgerow enhancement and creation at eleven strategic locations (approximately 4.2 km) along the Mona Onshore Cable Corridor which will*



*provide improved landscape level connectivity as many of the hedgerows identified are not important hedgerows that are in moderate or poor condition and, when enhanced will provide better links to existing blocks of woodland.’* The Councils welcome this commitment to enhancement and creation of hedgerows to mitigate impacts.

Over and above that stated above for temporary hedgerow loss, as defined in paragraph 3.9.2.45 Document F3.3 [APP-066] *‘Approximately 550 m of hedgerow will be permanently lost as a result of the Onshore Substation and permanent access road. In addition to this, there will be a requirement to remove hedgerows at the identified construction access locations to ensure visibility requirements are met.’*

The Councils welcome the commitment to mitigate the permanent loss of 550 m of hedgerow with *‘2.5 km of proposed species-rich hedgerow creation and enhancement at the Onshore Substation that will restore former field boundaries and help to improve habitat connectivity, particularly to Ancient Woodland sites to the south, such as Bryn Cefn, north of the River Elwy.’*

The Councils are satisfied that potential impacts and significance of effect provided by the Applicant regarding hedgerows are appropriate, and that the impacts have been adequately identified and sufficient mitigation has been provided.

### ***Great Crested Newt***

It was also noted in DCC’s S42 response *‘that the substation site would result in the direct loss of Great Crested Newt (GCN) habitat. Any loss of habitat must be fully compensated for, and the Council would defer to NRW with respect to impact on protected species.* NRW’s S42 response noted that there would be loss of GCN terrestrial habitat and advise that there would also be a loss of connectivity predicted. NRW agree the impact is predicted to be low, provided that a number of mitigation and long-term habitat compensations are provided. The assessment of impacts of habitat loss for GCN is addressed in Section 3.9 Document F3.3 [APP-066]. An Illustrative Landscape and Ecology Strategy identifies the proposed areas of planting and GCN habitat creation. A GCN mitigation strategy has been prepared and forms part of the Outline LEMP [APP-208]. The Councils will continue to defer to NRW with respect to impact on protected species.

### ***Trees***

CCBC raised in their S42 response 16<sup>th</sup> June 2023 that *‘The Council has no objection in principle to the development, but considers that further refinement is required of the working corridor and that further assessment is required of the effects of the proposal’.* Those relating to ecological matters were regarding the working corridor identified in the PEIR being very broad and that further refinement is required to identify constraints and assess the impacts of the proposal. In order to determine the impact on trees, the CCBC stated it would require full British Standard (BS) 5837 reports. Furthermore, tree/woodland management plans and detailed replanting or mitigation planting plans with sizes, species, locations etc. provided together with location plans were requested to be submitted as part of the application so the recovery of trees and woodland could be fully assessed.

Consideration of the arboricultural impact assessment is provided in Section 3.8 of this LIR, whilst comments from an ecological perspective on the tree/woodland management plans and detailed replanting or mitigation planting plans are discussed in the next section.

### ***Animal health***

In the CCBC S42 response it was also noted that *‘Members of the Planning Committee have raised concerns over the potential for heat radiation from the underground cables to affect human health and animal health. The developer is requested to address these matters in the ES’.* The Councils could not locate evidence of where this has been addressed for animal health within the ES, and as such would seek clarification from the Applicant as to where this has been considered.

### *Cumulative effects*

The onshore ecology Cumulative Effects Assessment (CEA) methodology has followed the methodology set out in F1.5: Environmental Impact Assessment Methodology [APP-052]. As part of the assessment, all projects and plans considered alongside the Mona Offshore Wind Project have been allocated into ‘tiers’ reflecting their current stage within the planning and development process.

The Councils consider the CEA presented in Onshore Ecology Document F3.3 [APP-066] and Onshore and intertidal ornithology Document F3.4 [APP-067] to be thorough and informed, and with mitigation considered, generally agree with an overall conclusion that there are no significant cumulative effects to any species from the Mona Offshore Wind Project alongside other projects/plans, however the Councils will defer to NRW regarding the protected sites and protected species.

Potential transboundary impacts have been identified in relation to onshore and intertidal ornithology. Overall, it is concluded that there will be no significant transboundary effects arising from the Mona Offshore Wind Project.

The Councils would like to seek further clarification from NRW as to whether they agree with the findings from the CEA regarding the onshore ecology and the onshore and intertidal ornithology, given they did have some concerns over the offshore elements and in-combination effects from the HRA Stage 2 ISAA for SPAs and Ramsars [APP-03], as detailed in their Relevant Representation [RR-011].

#### **3.4.4 Mitigation / Management Proposals**

A number of measures (primary and tertiary) have been adopted as part of the Mona Offshore Wind Project to reduce the potential for impacts on onshore ecology. These are outlined in Table 3.22 in Onshore Ecology Document F3.3 [APP-066]. Where significant effects have been identified, further mitigation measures (referred to as secondary mitigation in IEMA, 2016) have been identified to reduce the significance of effect to acceptable levels following the initial assessment. The Applicant also produced a Biodiversity Benefit and Green Infrastructure Statement Document J7 [APP-193] to demonstrate net biodiversity benefit has been achieved as part of the Mona Offshore Wind Project and an Outline LEMP [APP-208] to provide general principles and objectives for all mitigation, enhancement, monitoring and management of the landscape and ecology.

The Councils agree that the step-wise approach in PPW12 has been demonstrated within the Document J7 [APP-193], and the Councils agree that with the mitigation and enhancements proposed for the onshore elements of the project will provide net benefits for biodiversity. However, this is only achieved when all mitigation and habitat enhancements are fully realised, as in habitats are mature and delivering benefits for which they have been assessed for, and only if these are managed sufficiently to ensure that these net benefits are delivered for the lifetime of the development. This is not fully recognised within the Onshore Ecology Document F3.3 [APP-066], the Biodiversity Benefit and Green Infrastructure Statement Document J7 [APP-193], or the Outline LEMP Document J22 [APP-208].

NRW Relevant Representation [RR-011] noted ‘*We also note that the final LEMP (Requirement 12 of the DCO) will be approved by the LPA following consultation with NRW. We agree with this approach. However, we consider that amendments to the Outline LEMP are required to ensure that the final LEMP is based on a more robust Outline LEMP (e.g. the need for an external Ecological Compliance Audit, revised details regarding long-term monitoring and management).*’

The Councils agree with the advice provided here by NRW and welcome NRW's consultation prior to the discharge of Requirement 12. Further to add to NRW's comments on the outline LEMP, the Councils would also like to raise key concerns over the length of time and appropriateness of the management and monitoring for all the proposed habitat creation, reinstatement and enhancement

within the outline LEMP. Key targets should be identified for the habitats being created, reinstated and enhanced within the final LEMP to allow for auditing and any associated remedial actions. For this reason, the final LEMP should be time bound but also recognise the need for adaptability to achieve and maintain the net benefits for biodiversity which are to mitigate impacts of the scheme, and for the lifetime of the scheme.

Within the outline LEMP Document J22 [APP-208], paragraph 1.8.3.2 the Applicant states that *'Monitoring and maintenance inspections will be completed annually for a minimum of five years following initial planting. This will ensure that the requisite planting densities and health are achieved.'* The Councils welcome this, however, also recognise that most habitats, particularly habitats such as woodland and species-rich grassland and wildflower meadows will take more than 5 years to establish and will require management and maintenance for their lifetime to ensure they maintain as desired habitats, i.e. do not suffer from scrub encroachment in both grassland and woodland, and dominance from grass species in grasslands.

The outline LEMP Document J22 [APP-208] does outline measures for the long-term management of different habitat types, however these are not time bound or provide specific details regarding condition targets and adaptive management. The Councils will seek to work collaboratively with NRW and the Applicant in developing the final LEMP, so that it is sufficient to achieve and maintain the mitigation and enhancements proposed for the lifetime of the development.

The pre-construction surveys for species/species group as listed in Table 1.1 of the outline LEMP Document J22 [APP-208] is welcomed by the Councils, and it is advised that these are updated in the final LEMP relative to protected species licence requirements and any further discussion and development of these with NRW or the Councils. The Councils will defer to NRW with respect to pre-construction survey, potential impacts and mitigation for protected species in relation to licencing.

The Councils welcome the Outline Bird Protection Plan in Appendix E of the outline LEMP [APP-208], however would like to seek the advice from NRW regarding the use of netting of vegetation outside of the breeding bird season, and whether this presents a risk to protected species and/or wintering or migratory birds that maybe utilising the vegetation.

The Councils would like to comment on, as well as NRW, the development of a detailed reptile mitigation strategy, as identified in paragraph 1.10.2.58 outline LEMP Document J22 [APP-208] *'A detailed reptile mitigation strategy will be prepared and agreed with NRW to ensure that no reptiles are significantly harmed by the works that will be set out in the final LEMP. The strategy will include a combination of displacement, vegetation control, capture and translocation of reptiles.'*

Post construction monitoring for protected species as outlined in the outline LEMP Document J22 [APP-208] should be agreed through the licencing process, respective to scale of impact and mitigation proposed, and the Councils will defer to NRW with respect of licencing.

In conclusion, the outline LEMP [APP-208] presents a suite of mitigation measures that will benefit both landscape and biodiversity. The outline LEMP does not include any measures which in the Councils view are not appropriate and appears sound as a basis for development of the final LEMP. However, the document lacks clarity in places and consideration should be given to appropriate after-care, management and monitoring which will ensure and secure the mitigations and net benefits for biodiversity are actually delivered and maintained for future generations.

Further to this, the Councils question whether the wording of Requirement 12 is sufficient to ensure the mitigation and enhancements are delivered for the lifetime of the development as described in the ES to mitigate and compensate any adverse impacts, and that these are adaptive and can be audited.

The Councils also note that in NRW's Relevant Representation [RR-011] that they agree with the approach taken regarding the (terrestrial) Biosecurity Protocol in that it will be approved by the LPA (Requirement 9 under CoCP). However, they '*advise that NRW (A) is consulted prior to the discharge of Requirement 9*' and '*that minor amendments to the Outline Biosecurity Protocol (APP-223) is required to be made in order to ensure that the final version of the plan is based on a more robust outline version (e.g. the Plan should consider landscape planting, diseases that may affect protected species, and preventive techniques)*' and '*that it should also refer to the provisions under the Invasive Alien Species (Enforcement and Permitting) Order 2019*'.

The Councils welcome NRW's proposed consultation on documents to be approved under Requirements 9 and 12.

### 3.4.5 Summary

The Councils generally support the onshore ecology and onshore and intertidal ornithology approaches and methodologies, the assessment of effects, and the mitigation and enhancements proposed for the scheme. The key concern from the Councils is regarding long-term monitoring and management of mitigation and enhancements to be provided in the final LEMP, to ensure that deliver the net benefits for biodiversity they are design for, and that these are secured and maintained for the lifetime of the development. The Councils will seek to work with NRW and the Applicant regarding the development of the final LEMP relating to the discharge of Requirement 12, as well as the possible re-wording of Requirement 12. As detailed in this section, there remain some points of further information or clarification that are required to address the Councils concerns and/or previous concerns raised by NRW, RSPB and elected Council Members (as detailed in previous S42 response), including:

- Breeding bird survey methodology, particular relating to barn owls.
- Wintering and migratory bird survey methodology.
- The potential for heat radiation from the underground cables to affect animal health.
- The use of netting of vegetation outside of the breeding bird season.

Elected Members reiterate the need for clearly defined mitigation measures and expected outcomes within the DCO application, such that they can be monitored and managed effectively to ensure their success. Elected Members remain concerned that a lack of specific detail at this stage does not provide sufficient confidence that impacts to the local community and environment would be appropriately mitigated. It is considered that the successful delivery of biodiversity net benefit must also be achieved, particularly in the context of a project that is presented as part of the solution to tackling the climate emergency and to be of overall environmental benefit.

The Councils would continue to defer to NRW with respect to impact (including cumulative impacts), assessment and mitigation associated with protected species and protected sites. The Councils welcome NRW's consultation relating to Requirements 9 and 12.

## 3.5 Highways, traffic and transport

### 3.5.1 Information Reviewed

This section of the review presents observations in respect of the highways, traffic and transport assessment and supporting documents. In undertaking this review the following documents are referenced and have been reviewed:

- E3.1 Consultation Report Appendices - Part 3 (D.25 to F) [APP-040]
- E4.3 Technical Engagement Plan Appendices - Part 3 (N to S) [APP-044]
- F3.8: Traffic and Transport [APP-071]
- F5.5.1: Cumulative effects screening matrix [APP-084]
- F7.8.1: Description of network links and sensitivity [APP-171]
- F7.8.2: Base traffic flows [APP-172]
- F7.8.3: Personal injury accident locations [APP-173]
- F7.8.4: Public Transport Network [APP-174]
- F7.8.5: Construction vehicle trip generation assumptions [APP-175]
- F7.8.6: Traffic flows with construction traffic [APP-176]
- F7.8.7: Traffic and transport figures [APP-177]
- J26.17 Outline Public Rights of Way Management Strategy [APP-229]
- J26.13 Outline Construction Traffic Management Plan [APP-225]
- J26.16 Outline Highways Access Management Plan [APP-228]
- B15 Street Works and Access to Works Plan [APP-020]
- J1 Other Consents or Licences Required [APP-185]
- Relevant statutory consultation responses and Relevant Representations

### 3.5.2 Assessment Methodology and Baseline

The Councils, Welsh Government and the North and Mid Wales Trunk Road Agent have raised several points through the pre-application consultation process. These points were evidently used to inform the scope of transport work undertaken by the Applicant.

The assessment methodology has been based on best practice guidance and applies the two key rules outlined by the Environmental Assessment of Traffic and Movement (IEMA, 2023). It is in line with industry standards. A comprehensive policy review has been undertaken and appraisal of where the relevant policy has been considered and complied with is included.

During the Scoping exercise both the operational and decommissioning effects have been scoped out of the assessment. This is considered appropriate for a development of this nature. Table 8.8 of the ES Chapter F3.8 [APP-071] provides appropriate justification for the scoped-out elements.

However, the study area being set to 1km from the Onshore Mona Development Area does mean that a wider, more strategic assessment has not been undertaken. This is pertinent to the Cumulative Effects Assessment (CEA) which has been limited as a result. The impact on the local and specifically the Strategic Road Network could reach out significantly beyond 1km. Whilst the extent of the traffic and transport study area was agreed, it is considered that the CEA should not be based on the same area. The Councils consider this matter would benefit from further justification by the Applicant.

In addition, the basis of the rationale used to justify sites inclusion/exclusion from the CEA from a traffic and transport perspective is vague. The Councils have concerns that the Applicant's approach appears to be based on not including sites where information is not readily available. The Councils suggest a more robust approach would be to include sites and make appropriate assumptions around

trip generation. The Councils consider this matter would benefit from further justification by the Applicant. This is reflective of general concerns raised around the CEA in Section 3.10.

The Applicant has provided a suitable baseline on which to base assessment. The method for determining the Future Baseline Scenario is valid and is deemed to be appropriate with suitable filtering and cross check of committed development and the TEMPro software program. The committed developments included within the assessment generally appear appropriate. However, two sites that had been previously requested to be included are omitted as follows:

- 46/2021/0159 PF - Glascoed Road, St Asaph Business Park
- 40/2021/0825 PF - Residential Development Denbighshire

Whilst not considered explicitly in the ES Chapter F3.8 [APP-071], after review of the Applicant's Transport Assessment it is assumed by the Councils that this is due to minimal highway impact. The reasoning behind the omissions should however be provided by the Applicant for completeness.

### 3.5.3 Potential Effects

The potential effects focus correctly on the construction phase and the effect of additional vehicle movements or related works required to facilitate construction of the project.

ES Chapter F3.8 [APP-071] identifies and assesses the following impacts:

- The impact upon driver (including public transport) and pedestrian/non-motorised user delay and fear and intimidation (non-motorised user amenity) for users of the LRN and SRN.
- The impact upon severance for users of the LRN and SRN.
- The impact upon road safety for users of the LRN, SRN and other transport receptors.
- The impact of AILs on the safety of and delay to users of the LRN, SRN and other transport receptors.

The Councils consider that the impacts identified are appropriate and cover the key areas for assessment.

The Councils and their Elected Members retain concerns over the cumulative impact associated with the larger developments planned for the area and the combined impact that they together with the proposed development will have on the local and Strategic Network. This is of particular relevance given concerns over the methodology used for the study area and the CEA as raised in the preceding section of this LIR.

### 3.5.4 Mitigation / Management Proposals

The design measures adopted by the project to mitigate impact and effect are outlined within Table 8.22 of the ES Chapter.

#### ***Public Rights of Way (PROW) closure type and reinstatement mechanism and programme***

Measures outlined within the Outline Public Rights of Way Management Strategy [APP-229] provide an appropriate level of detail in relation to the identification of the impacted routes and the proposed management and/or temporary diversions. Acknowledging that a detailed PROW Management Strategy will be provided post consent, it would be beneficial to agree at this stage the process and mechanisms through which temporary works, management and reinstatement of PROW will be achieved, and the role of the Councils.

### ***Construction Traffic Management***

The Outline Construction Traffic Management Plan provides a suitable level of detail of appropriate mitigation and is broadly accepted. However, the Councils do have concerns regarding working hours which are relevant to potential impacts and management of construction traffic, and are outlined in more detail in Section 4 of this LIR.

### ***Road Safety***

The Outline Highways Access Management Plan introduces both potential highway speed limit changes and multiple traffic management and junction mitigation schemes. These items are to be sufficiently secured through Requirement 9 of the DCO and include for the Road Safety Assessment process and ultimate approval of any scheme from the Councils as highways authority, as named DCO consultee.

It is noted in J1 Other Consents or Licences Required [APP-185] that the Applicant is seeking to disapply the Road Traffic Regulation Act 1984 through the DCO. The Councils seek justification and further discussion on this matter and reserve their position on the disapplication proposed until the approach is clarified.

### **3.5.5 Summary**

Generally, the assessments are well structured. The scope of the assessments and the extent and granularity of the baseline drawn is appropriate and proportionate to the proposed development. There are some items of clarification that remain as summarised below:

- Provision of further reasoning on the CEA approach adopted for assessment of Traffic and Transport;
- Outline details of the PRoW temporary works and reinstatement mechanism;
- Further discussion and agreement on the construction delivery hours and application of processes outlined within the Road Traffic Regulation act 1984 through the DCO. Specifically, the defined route for obtaining approval for any speed limit alteration and the Road Safety Audit process.

## 3.6 Water environment

### 3.6.1 Information reviewed

In undertaking this review the following documents are referenced and have been reviewed:

- F3.1: Geology, Hydrogeology and Ground Conditions [APP-064] The focus of the review was on the hydrogeological elements of this chapter.
- F7.1.1: Aquifers, groundwater abstractions and ground conditions [APP-115]
- F7.1.2: Hydrogeological risk assessment for groundwater supply sources [APP-116]
- F3.2: Hydrology and flood risk [APP-065]
- F7.2.1: Flood consequences assessment [APP-117]
- F7.2.2: Surface watercourses and NRW flood zones [APP-118]
- F7.2.3: Surface water abstraction licences, discharge consents and pollution incidents [APP-119]
- F7.2.4: Water Framework Directive surface water and groundwater assessment [APP-120]
- J1 Other Consents or Licences Required [APP-185]
- Relevant statutory consultation responses and Relevant Representations

This section presents observations in respect of the assessment of effects upon the water environment.

Both ES Chapters, F3.1 Geology, Hydrogeology and Ground Conditions [APP-064] and F3.2 Hydrology and Flood Risk [APP-065], contain information pertinent to this review. The subsequent sections of the review are split into sections that cover each of these chapters separately.

### 3.6.2 Assessment Methodology and Baseline

#### ***F3.1: Geology, Hydrogeology and Ground Conditions***

The methodology set out for hydrogeology is in line with industry standards.

The baseline provides sufficient information to inform the assessment. It is noted that two private water supplies (PWS 06 and PWS 07) have been identified but not located. The assessment appendix subsequently takes an appropriately conservative approach to assessment for these supplies (assumes high risk of impact) and includes mitigation (consultation and survey) to address at a future date.

#### ***F3.2: Hydrology and flood risk***

The methodology set out is in line with industry standards.

As noted in the relevant representation from NRW [RR-011], there is no baseline information presented on the fluvial geomorphology of the Ordinary Watercourses that may be affected by the construction or operation of the scheme. Evidence to support statements such as in paragraph 2.7.2.3 “*For crossings of smaller watercourses (that are frequently dry) and drainage channels, open cut trenched techniques may be used*” is important to ensure that the assessment has adequately considered potential effects relating to the watercourse crossings. The Councils request further baseline data provided in relation to fluvial geomorphology.

### 3.6.3 Potential Effects

#### ***F3.1: Geology, Hydrogeology and Ground Conditions***

The assessment of significant effects within Chapter 1 [APP-064] adequately considers the range of potential effects to hydrogeology and private water supplies.



### ***F3.2: Hydrology and flood risk***

The Councils consider the assessment of significant effects within F3.2 Hydrology and Flood Risk [APP-065] does not adequately consider the range of potential effects to surface waters. As noted in the relevant representation from NRW [RR-011], the assessment does not consider effects to fluvial geomorphology of the Ordinary Watercourses crossed by the route or impacted by temporary activities such as the haul roads.

Paragraph 2.7.2.2 notes the “*use of permeable gravel overlying a permeable geotextile membrane*”. This also references Table 2.20 which describes the gravel for the haul road as *semi-permeable*. It is unlikely that a compacted gravel track would be as permeable as the previous land use (mainly permanent pasture) along the haul road route. This would result in there being more runoff generated during storm events and potential for changes in flood risk downstream.

The Councils consider there to be a need for additional mitigation to mitigate temporary changes in runoff during construction. This would likely take the form of temporary attenuation features such as roadside swales and/or basins. This is unlikely to alter the outcome of the assessment but needs to be fully considered as part of the commitments in Table 2.20 during detailed design.

Section 2.7.3 considers the “*impact of increased flood risk arising from the diversion of the ordinary watercourse at the Onshore Substation*”. The accompanying text for this section appears to consider the impact to the fluvial geomorphology (the form and function) of the watercourse rather than flood risk.

Section 2.7.6 only considers the risk of pollution to watercourses during the construction of watercourse crossings. The wider risk of sediment runoff and spillages as result of construction activities such as construction compounds, the haul roads and their associated crossings are not considered. The Councils encourage the use of sustainable drainage techniques as part of a holistic construction water management plan.

The Councils agree with the Relevant Representation made by NRW [RR-011].

## **3.6.4 Mitigation / Management Proposals**

### ***F3.1: Geology, Hydrogeology and Ground Conditions***

The Councils note that mitigation is proposed to address potential impacts to private water supplies. This is secured via the Outline Code of Construction Practice [APP-212] to be developed further post-consent and prior to commencement of works.

### ***F3.2: Hydrology and flood risk***

Paragraph 2.7.2.5 of Chapter 2 Hydrology and Flood Risk states that “*The Outline Construction Method Statement (Document reference J26.15) includes outline methods for the proposed crossings. The crossings will be constructed broadly in line with the method statement: the methodologies will be developed further (in discussion with NRW) during the detailed design stage.*” The Councils note that as the watercourses being crossed are Ordinary Watercourses then the Councils as lead local flood authority or LLFAs should be consulted, alongside NRW, in the development of the construction methodologies during detailed design.

The Councils note the commitments in Table 2.20 and welcome consultation as the LLFA during detailed design and construction.

It is noted in J1 Other Consents or Licences Required [APP-185] that the Applicant is seeking to disapply the Land Drainage Act 1991 through the DCO, in obtaining Ordinary Watercourse Consent. Document J1 identifies that discussions are required with the Councils on this matter. The Councils reserve their position regarding this proposal until these discussions have taken place.

### 3.6.5 Summary

Generally, the assessments are well structured. The scope of the assessments and the extent and granularity of the baseline drawn is appropriate and proportionate to the proposed development.

The Councils note the potential effects to private water supplies. This is secured via the Outline Code of Construction Practice [APP-212] to be developed further post-consent and prior to commencement of works.

Whilst the assessment methodology appears to be robust, the assessment of effects does not adequately consider the range of potential effects to surface waters. The principal omissions are an assessment of effects to the fluvial geomorphology of the watercourses impacted by construction or operation and water management during construction.

The omission of any baseline information on the fluvial geomorphology (the form and function of) the ordinary watercourses in the study area should also be addressed.

The Councils are concerned that the omissions from the assessment mean that the water environment effects are not fully reported.

The following are to be secured via DCO Requirements and the Councils agree with these Requirements.

- mitigation to prevent impacts to private water supplies;
- a detailed plan for the management of water during construction; and
- a detailed plan for the protection and retention of watercourses crossed by the scheme.

## 3.7 Noise and vibration

### 3.7.1 Assessment Methodology and Baseline

This section considers ES Chapter F3.9: Noise and Vibration [APP-072] and the associated annexes and figures.

Overall, the noise and vibration assessment reported is appropriate and has applied methods in line with current guidance and best practice. Section 9.2 provides a summary of relevant legislation and policy, but no reference is made to Noise and Soundscape Plan for Wales 2023-2028, although the Environment (Air Quality and Soundscapes) (Wales) Act only came into force in April 2024, which is after the DCO application was submitted and accepted. The Act requires local authorities in Wales to consider the policies in the soundscape plan.

The Councils consider the following matters require further consideration by the Applicant:

#### *Construction noise*

The construction noise assessment follows the relevant British Standard (BS5228:2019<sup>45</sup>) and makes assumptions about plant and working methods. Further consideration and detail of plant and working methods will be required if the proposals go ahead to ensure that agreed noise limits are achieved. This is normal practice at the application stage of projects and the Councils acknowledge their role as consultee on the noise and vibration management plan under requirement 9 of the DCO.

Assessment has been based on existing ambient sound levels using an established approach to defining criteria as lowest observed adverse effect levels (LOAEL) and significant observed adverse effect levels (SOAEL). Table 9.18 of the F3.9 [APP-072] sets out the criteria applicable at each receptor. For Gwrych House, Sirior Bach and Dinorben Farm, the SOAEL is incorrectly stated as 45dB; they should be 50dB, however, given the low predicted construction noise levels at these receptors, this is not expected to materially alter the outcomes of the assessment.

#### *Construction vibration*

Groundborne vibration can generate audible sound, 'groundborne sound', inside dwellings by causing elements of buildings to vibrate and radiate sound at vibration levels that would be otherwise imperceptible. For works at the ground surface, this is often masked by airborne sound. For subsurface construction activity, there may be little or no airborne sound so groundborne sound may require assessment.

Environmental Statement Volume 5, Annex 5.4: Onshore Crossing Schedule sets out the locations at which subsurface trenchless construction will be required, possibly by horizontal directional drilling, which has the potential to create groundborne sound. The risks from groundborne sound are not considered, however the proposed locations all appear to be sufficiently far from residential property that no significant effects would be expected.

The methods used to assess construction vibration are described in ES Volume 7, Annex 9.2: Construction Noise and Vibration Technical Report [APP-179]. These are taken from the relevant standard and are appropriate. Table 9.31 of ES Volume 3 Chapter 9 on page 72 presents the vibration impact magnitudes for dynamic compaction<sup>46</sup> and vibratory piling.

---

<sup>45</sup> British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration

<sup>46</sup> Dynamic compaction is a technique for improving ground conditions by dropping a heavy tamper; in this ES, the term has been used to refer to what is understood to be compaction using a vibrating roller

The impact magnitude bands are defined as low, medium and high, with the number of properties within each band determined to assess the extent of any effects. The impact magnitude band distances appear to have been incorrectly calculated, i.e. the width of each band is underestimated, and so the number of impacted receptors within each band is fewer than it should be.

Furthermore, the empirical predictors determine magnitude of vibration at the ground surface whereas the vibration criteria apply to the point at which they are experienced by people; normally within a building. When groundborne vibration interacts with a building structure, amplification of floors can occur such that vibration in dwellings is likely to be higher than that at the outdoor ground surface. This appears not to have been considered in the methods described which would potentially lead to appreciable underestimation of the vibration experienced by building occupants and further underestimation of the impact band distances and number of receptors impacted.

It is considered that the above points should be clarified by the Applicant and any impact on the outcome of the assessment reported to ensure effects are correctly reported and appropriately mitigated.

### ***Operational noise***

The assessment of operational noise has been undertaken in line with BS4142:2014+A1:2019 which is appropriate for plant of this nature, however, Figure 1.4 of ES Vol 7, Annex 9.3: Operation Noise Assessment [APP-180] illustrates a 'typical high voltage transformer noise emission spectrum' showing a distinct tone at 100Hz, which is noted in the text and referred to in the assessment.

No consideration has been given to specific risks from this low frequency sound and BS4142 states that the standard is not applicable to the assessment of low frequency sound.

The standard refers to NANR45, a University of Salford report prepared for Defra<sup>47</sup>.

Given the transformer sound level spectrum presented, low frequency sound should have been assessed, otherwise there is a risk that likely significant adverse effects may have been overlooked.

The Councils assume that sufficient mitigation will be included within the transformer design to address low frequency sound, and request the Applicant to confirm this as it is not clear in the assessment.

### ***Operational vibration***

No assessment of operational vibration has been undertaken, however, it is noted that the Scoping Opinion<sup>48</sup> Section 3.22 states:

*With regards to the onshore substation, the Inspectorate is not in a position to agree to scope out this matter as the location of the substation is yet to be determined the distance to any human receptor or historic asset is unknown.*

Notwithstanding this, in view of the distance to the closest dwellings, it is considered unlikely that vibration from operation would give rise to any significant adverse effects. This should be confirmed by the Applicant.

## **3.7.2 Potential Effects**

Potential adverse effects that could arise are noise and vibration from construction (including construction traffic on the public highway) and from operation of the proposed development. These

---

<sup>47</sup> [https://images.reading.gov.uk/2021/10/CD-6.26-NANR45-procedure\\_rev1\\_23\\_12\\_2011.pdf](https://images.reading.gov.uk/2021/10/CD-6.26-NANR45-procedure_rev1_23_12_2011.pdf)

<sup>48</sup> [Example RPS report template \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/example-rps-report-template/)

have been assessed appropriately in general, however, no consideration of potential impacts on soundscapes has been provided. Whilst acknowledging that the Environment (Air Quality and Soundscapes) (Wales) Act 2024 came into force following DCO application and acceptance, the Councils request that the ExA consider whether the Applicant should provide a supplementary assessment which considers impact to soundscapes.

### ***Construction noise***

The approach to assessing construction noise follows appropriate methods and reports minor adverse residual effects which would be not significant. It is likely that construction noise can be sufficiently mitigated that this would be the case although particular attention will be needed to mitigation, including close consultation and engagement with residents, especially in the areas where ambient sound levels are very low.

### ***Construction vibration***

There appears to have been no consultation regarding vibration limits but assessment criteria have been defined based on an established approach. As noted above, however, the vibration impact magnitudes and number of receptors appear to have been incorrectly calculated and the potential effects therefore under reported.

There are methods by which vibration can be minimised although these could extend the duration of the works, for example using static rather than vibratory rollers for compaction; or using hydraulic press-in piling in place of vibratory methods. Methods will need to be developed as part of the Noise and Vibration Management Plan to ensure best practicable means of working are used and impacts are mitigated and minimised as far as is practicable.

### ***Operational noise***

As noted above, there appears to have been no consideration to low frequency sound, despite the example spectrum for transformer noise indicating a clear tone at 100Hz. If the sound levels indicated in the spectrum are representative of the transformers to be installed, the sound level could be sufficient to exceed the criterion curve for low frequency sound provided in NANR45 at the closest noise sensitive receptors. This is particularly the case given the low ambient and background sound levels. Elected Members have highlighted that local residents have raised concerns regarding existing substation operational noise, and therefore this matter should be addressed by the Applicant within the assessment.

### ***Operational vibration***

The Councils agree with the conclusions of F3.9 [APP-072] that there would not be any significant effects from vibration during operation of the proposed development.

### ***Cumulative effects***

The cumulative effects assessment is reported in Section 9.11 in F3.9 [APP-072]. It has considered the construction, operation and decommissioning of the proposed development and what is reported appears to be generally appropriate. There is, however, no information on any cumulative effects of noise and vibration from construction traffic, which could potentially be significant if construction programmes overlap and common access routes are used. The Councils consider that the Applicant should clarify why this has not been included.

## **3.7.3 Mitigation / Management Proposals**

Section 9.3 of F3.9 [APP-027] describes embedded mitigation measures that would be incorporated as part of the scheme, which are appropriate and would be expected to mitigate and minimise impacts. Additional mitigation measures required are described in Section 9.9 where required.

It should be possible to mitigate construction noise and vibration through the development of a robust Code of Construction Practice (CoCP) / Construction Environmental Management Plan (CEMP), which includes traffic noise impacts. Essential to this will be early and effective engagement with residents and business owners, particularly given the very quiet locations of much of the works. Further consideration of construction vibration is, however, needed to ensure that all potentially affected properties are included in the assessment and design of mitigation.

Mitigation of operational noise impacts will need to consider in particular the low frequency sound emitted by transformers, although it is stated in paragraph 9.9.9.17 that appropriate enclosures can be provided to reduce the sound at 100Hz by 20dB, which may be sufficient. It is understood that the provision of such enclosures is secured via the design principles document and requirement 5 of the DCO.

### 3.7.4 Summary

Overall, the approaches and assessment are appropriate but further consideration of construction vibration is required to ensure adequate mitigation is provided.

Construction noise will be clearly audible in many locations, although it is likely working within appropriate criteria should be achievable. Sensitive and early engagement with local communities will be essential to minimise complaints.

Construction vibration has been incorrectly assessed such that the magnitude and extent of impacts has been underestimated.

Low frequency operational sound from the transformer compound will need to be adequately mitigated.

No consideration of impacts on the soundscape have been considered, which are now required under the very recently introduced Soundscape Act.

The cumulative effects assessment has not considered noise and vibration from construction traffic, which could potentially be significant if construction programmes overlap and common access routes are used.

## 3.8 Trees and arboriculture

### 3.8.1 Assessment Methodology and Baseline

In undertaking this review the following documents are referenced and have been reviewed:

- F7.6.6 Tree survey and arboriculture impact assessment [APP-160-167]
- B14 Tree and Hedgerow Plan [APP-019]
- J22 Outline Landscape and Ecology Management Plan [APP-208]
- J26 Outline Code of Construction Practice [APP-212]
- J26.18 Outline Arboriculture Method Statement [APP-230]
- F5.4.3 Onshore Crossing Schedule [APP-083]
- Consultation Report E3 [APP037-APP040]
- Relevant statutory consultation responses and Relevant Representations

#### *Baseline Surveys*

A detailed survey of trees, woodlands and hedges within and within influencing distance of the Order Limits was carried out as a baseline assessment, in accordance with British Standard BS5837:2012.<sup>49</sup> CCBC required in their pre-application consultation response (dated 16<sup>th</sup> June 2023) a full survey, to BS5837, of trees within and within influencing distance of the development in order for the impact of the proposals to be adequately assess. This is also a requirement of local planning policies: CCBC's SPG (LPD40), and DCC's Policy RD1.

The survey results are reported in the Arboricultural Impact Assessment (AIA) and its appendices. Trees have been surveyed as individual trees, groups of trees and woodlands. Hedges have also been surveyed. The crown extents, heights, species, condition and main characteristics of all of these features have been assessed and reported in the Tree Schedule at Appendix 1. Root Protection Areas (RPAs) have been calculated from measured stem diameters and plotted, along with crown spreads on the Tree Survey Plan and Tree Protection Plan.

The methodology for calculating RPAs for groups of trees has not been reported, but from visual observation they appear adequate. Veteran trees and ancient woodland have been afforded an additional buffer, in line with Natural England Standing Advice<sup>50</sup>.

Each tree, tree group, woodland and hedge has been assigned a retention category (A, B, C, U) according to the criteria of BS5837:2012. Locations of trees on the survey have been informed by 'digital and onsite positioning'. It is presumed that this refers to GPS, onsite measuring and perhaps aerial photography, although this is not made explicit. No topographical survey information on trees has been provided. However, given the nature of the Order Limits in terms of size, the approach taking to tree plotting and the level of accuracy is reasonable and acceptable.

However, according to section 1.8.1.2 of the AIA, around one third of the Order Limits (the Onshore Cable Corridor) was not accessible for the surveyors, and in this area, trees have been surveyed from afar and plotted using aerial photography. As no ground-level survey was conducted, most of the characteristics of these trees, including their RPAs, stem diameters, veteran status, age class, estimated life expectancy and condition, have been estimated. Impacts on these trees can therefore only be assessed in general terms.

---

<sup>49</sup> BSI (2012) BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations.

<sup>50</sup> Natural England (2022), Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

A generic methodology has been proposed to deal with trees in these areas by which trees are subjected to an assessment of their likelihood to constrain development based on their likely proximity to construction activities (a BRAG system). This is not an adequate substitute for a detailed assessment of the impact of the proposals on trees because it cannot properly take into account the required Construction Exclusion Zones needed for each tree, as these are based on RPAs which could not be calculated, or veteran status (veteran trees are afforded specific protection under PPW 12) and also require an extended buffer zone around their RPAs.

Section 1.6.1.1 of the AIA states that trees in the areas that could not be accessed will be surveyed during the pre-construction stage. However, at that stage it may be too late to modify the design to avoid the removal of or unacceptable impacts on irreplaceable habitat (veteran trees) or high value (Category A) trees.

Insofar as can be judged without on-site verification, for the areas (roughly two thirds of the Order Limits) subject to detailed survey, the baseline assessment of trees is acceptable, and conforms to both BS5837:2012, CCBC's SPG (LPD40), and DC's Policy RD1.

The Councils suggest that for the areas that could not be accessed, the information is inadequate to assess the true impacts. Access should be sought by the Applicant, and a detailed ground-based tree survey should be conducted in accordance with BS5837: 2012 prior to the emergence of the detailed design for the Onshore Cable installation.

### ***Statutory Protection***

A desktop exercise to establish the existence of statutory protections covering the trees/woodlands within the Order Limits is presented within the AIA. There are no Tree Preservation Orders (TPOs) covering trees within or within influencing distance of the Order Limits within Denbighshire County. Several TPOs potentially cover trees within Conwy Borough to the north of the Order Limits; however, the positional data supplied by CCBC does not match the physical location of trees plotted in the survey in this area. The AIA therefore is not able to identify which trees may be covered by TPO. The areas identified on the TPO are few in number, and it should therefore be possible to avoid negative impacts on TPO trees; however, this cannot be accurately assessed without additional work to match the TPO records with the tree survey data. This exercise should be undertaken by the Applicant.

Conservation Area designations are not reported, and so are presumed to be absent within the Order Limits. This should be expressly stated in the assessment for avoidance of doubt.

### ***Special Designations***

Ancient woodland and veteran trees are afforded special protection from development in section 6.4.43 of PPW12. Ancient woodland within or within influencing distance of the Order Limits has been identified with reference to DataMap Wales (a dataset based on the national Ancient Woodland Inventory) and is identified on the Tree Survey Plan, Tree and Hedge Protection Plan and Tree and Hedgerow Plan in sufficient detail for the effects on Ancient Woodland to be assessed.

Veteran trees are identified on the Tree and Hedgerow Plan (B14), based on acceptable criteria set out in the AIA. Of the 12 veteran trees identified during the survey, only 3 are within the order limits. However, the presence of veteran trees within the area assessed with reference to aerial photography has not been assessed, and therefore the data is incomplete in this regard. No reference has been made to the Ancient Tree Inventory to cross-reference the surveyed data with this dataset, as recommended in PPW12. This exercise should be undertaken by the Applicant.

Important hedges covered by the Hedgerow Regulations (1997) are identified on the Tree and Hedgerow Plan (B14) in sufficient detail for the impacts to be assessed.



### 3.8.2 Potential Effects

#### *Construction Phase*

The construction phase will have several negative effects on trees, woodland and hedges.

Removal of an estimated 55 trees will be required to secure the installation of the substation and compounds, including associated site access, as identified in the AIA at section 1.10.1.5. It is not clear whether the assessment in the AIA also considers the temporary haul road, which is not shown on the Tree and Hedge Protection Plan. This should be clarified by the Applicant.

Although shown on the Tree and Hedge Protection Plan, tree removals are difficult to assess in terms of landscape impact and BS retention category as they are not tabulated. It would be helpful for the trees recommended for removal were tabulated along with their retention categories. It would also be helpful if the scale of this drawing were to match the Tree Survey Plan and the sheets numerated for ease of reference. Further, the precise number of trees that will require removal cannot be ascertained until the precise route of the onshore cable and the means of installation are known (only the maximum extents of the cable corridor/Order Limits are currently shown on the relevant plans), and the roughly one third of the Order Limits that has been assessed with reference to aerial photography only has been subject to a detailed survey.

50 of the trees will be removed from the Onshore Substation area, representing around 25% of the total 222 individual trees surveyed in this locality. The remaining 5 will be removed to facilitate the construction of one of the site compounds, and represent a small proportion of the total number of trees within the Order Limits. Given the scale of development, the number of tree removals as stated in the AIA is acceptable. However, given the lack of detailed assessment of the impacts of the cable route on retained trees, the true number of trees that will require removal cannot be assessed.

Construction compounds are generally located in areas with few trees. Where larger trees are located at the peripheries of the construction compounds, these trees have been proposed to be retained with their RPAs/canopy extents fenced off by tree protection fencing, effectively removing these areas from use within the compound. This is an appropriate measure and impacts of the construction compounds, aside from the 5 trees to be removed noted above) will therefore be negligible provided that protection measures are followed.

Installation of the Onshore Cable will have a negative impact on trees and hedges growing along the cable corridor, particularly at field boundaries, due to encroachment on their RPAs, which could lead to root damage, and removal of hedge lengths. The Tree and Hedge Protection Plan and Onshore Obstacle Crossing Plan give relatively precise locations of field boundary crossings (small circles coloured red, orange or green to denote trenched, trenched/trenchless and trenchless installation, respectively), suggesting that a draft cable route has been planned out, yet the actual linear route is not shown on either drawing. If a route has been chosen then it should be displayed and the precise impacts tabulated to clearly demonstrate the impacts.

Trenchless installation will be used in many places to avoid having to remove or damage trees or hedges, which is favourable. However, it is not clear why some field boundaries will be traversed using trenched vs trenchless techniques, what the constraints may be to the successful use of trenchless techniques, and how a decision will be made between the two options where the trenched/trenchless option is indicated. In principle, a commitment to trenchless techniques to avoid damage to, or the removal of, all trees and hedges affected by the cable installation (including location of the temporary haul road) should be made, a requirement previously set out by DCC in its pre-application response.

The cable route passes through Gwrych Castle Wood, which has been identified as a Plantation on Ancient Woodland Site (PAWS). The Tree and Hedge Protection Plan and Onshore Obstacle Crossing Plan indicate that trenchless installation will be carried out to span the approximately 150 m distance across the woodland. Whilst trenchless drilling can in theory be achieved for such spans, it is not clear how this would be achieved given the relatively steep gradient of the wood, which could hinder the use of directional drilling. The consequences should trenchless installation not be feasible would be the cutting of a wide swathe through the woodland and extensive tree removal, as well as damage to the complex soil of ancient woodland that remains beneath the more recently planted trees, which is the chief value of PAWS. The Councils would like to request a feasibility report on the use of directional drilling through Gwrych Castle Wood, including details of the depth of the drilling and the location of the launch and reception pits and equipment compounds to demonstrate that adverse impacts to this Ancient Woodland can be avoided.

There do not appear to be any impacts on veteran trees insofar as this could be assessed from the incomplete data.

Document B14 Tree and Hedgerow Plan [APP-019] identifies hedges likely to be removed to facilitate the Onshore Cable installation, including hedges identified as Important under the Hedgerow Regulations (1997). These hedges are also itemised as consented for removal in the draft DCO. No attempt has been made to tabulate the total length of hedges to be removed. It is also unclear whether the entire lengths of the hedges identified for removal on the plan would in fact need to be removed. The maximum width of the cable trench plus construction access would presumably be a matter of a few metres in width rather than the full 74-100 m span of the cable corridor. Further, the removal of hedges on the Tree and Hedgerow Plan appears to be inconsistent with the Tree Protection Plan and the Onshore Crossing Obstacles Plan, which indicate that trenchless installation will be used at various locations that would avoid the need for hedge removal. Hedge crossings where trenchless boring will be used should be identified on the Tree and Hedgerow Plan. The Councils suggest the draft DCO should then also be revised to show the removal of only those hedges for which trenched installation cannot be avoided.

### ***Operational Phase***

The AIA states that no trees would need be affected during the operational phase, except where their poor condition mandates removal for safety reasons. The Applicant's response to the Woodland Trust query reported in Table 1.1 of the AIA states that in the unlikely event that work near a retained tree were required during the maintenance period, a method for works to minimise damage would be agreed with the relevant tree officer. Whilst this is in principle reasonable, it is difficult to see how this might be enforced, although the likelihood of this scenario is low. The impact of radiation heat from the buried cable on the soil and roots of trees and woodlands is likely to be minimal as the cable will lie at 1.8 m deep, which is around 1 m deeper than upper 600 mm where the majority of tree roots grow. It can be concluded that the impacts of operational phase on trees and woodlands are likely to be negligible.

### ***Decommissioning Phase***

The effects at the decommissioning stage are likely to be minimal, as the buried onshore cable will be left in situ and capped off at the ends. Access for plant and materials near trees may be required in the decommissioning of the substation, but provided that suitable tree protection is put in place prior to the commencement of the decommissioning works, the impacts should be negligible.

### 3.8.3 Mitigation / Management Proposals

#### ***Mitigation of Construction Impacts on Retained Trees/Woodlands/Hedges***

An Outline Arboricultural Method Statement (AMS) [APP-230] has been produced as part of the Outline Code of Construction Practice that sets out broad principles for the mitigation of impacts through tree, woodland and hedge protection during the construction phase. A detailed Arboricultural Method Statement (AMS) would be produced prior to the commencement of construction works.

The main principle followed for the tree protection is that of exclusion with physical barriers erected so as to protect the RPA/canopy extent. This principle is reasonable and follows best practice as set out in BS5837: 2012. The Tree and Hedgerow Plan and AIA also make reference to 'visual barriers'. It is not clear what is meant by these, but if it refers to low specification fencing in areas far from construction activities then this is acceptable. Clarity from the Applicant is sought on this matter.

The issue of avoiding damage to trees, woodlands and hedges during cable installation is dealt with by reference to NJUG 4<sup>[1]</sup> which is guidance put together by the utilities industry to minimise damage to trees. In principle this is acceptable, but a decision hierarchy would be helpful to understand how decisions will be made about the retention of trees that may be heavily impacted by the installation of the cable route and should be included in the detailed AMS.

Principles in the approach to minimising other construction impacts such as soil compaction, dust, and the timing and monitoring of works are all acceptable, and would be worked out in detail in the detailed AMS.

NPS EN-1 mandates that measures must be put in place to mitigate the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats. PPW 12 similarly mandates that ancient woodlands, as irreplaceable natural resources are to be protected from development that would result in their loss or deterioration. Section 1.4.1.6 of the AIA states that impacts to ancient woodland, veteran trees and their RPAs have been avoided by the direct impacts of the Onshore Cable Corridor and Onshore Substation. However, as the cable route crosses an ancient woodland (PAWS) and given the lack of detail on the feasibility of trenchless installation through this area, the absence of direct effects has not been comprehensively established, and therefore whether the mitigation proposed is suitable cannot be assessed.

To ensure that trees, woodland and hedges can be successfully retained, a detailed arboricultural method statement should be produced prior to construction that sets out:

- A schedule and plan of all trees and hedges to be removed, including maximum lengths of hedges to be removed
- Locations and specification of tree protection fencing
- Locations and specification of ground protection (if required)
- Location and installation method of haul road
- Location of launch and reception pits, construction compound for directional drilling
- Timing of operations and schedule of arboricultural supervision and key sign-off milestones

#### ***Mitigation Planting***

Extensive woodland planting is proposed around the Onshore Substation, as described and depicted in the OLEMP [APP-208]. Woodland establishment will be achieved by both planting and natural regeneration.

Species chosen for planting will be mixed broadleaves, and an acceptable species palette has been provided. Final species choice should be suitable for the local soil type. The OLEMP gives appropriate overview of the requirements for the establishment of new woodland.

In places, there are mature trees in the areas proposed for new woodland planting. Suitable offsets between new plantings and these trees must be observed to prevent them being out competed or shaded out.

New native hedge planting is also proposed around the substation and to replace removed hedges elsewhere. New hedges are to be planted with individual standard trees at intervals along their length, which is favourable, and will increase tree cover across the Order Limits. Existing hedges will be gapped up. However, no detail of these measures has been given.

Under PPW12 (section 6.4.42), any trees removed must be replaced at a ratio of 3:1, and any woodland block removed must be replaced at a stocking density of 1,600 trees per hectare. Given the lack of detail on numbers of trees planted, it is not possible to assess whether this policy has been met. The final LEMP should demonstrate that this requirement has been met by numerating the number of trees lost to development and those planted.

The Councils suggest a commitment to replant open-grown trees removed from elsewhere in the cable corridor close to their original locations to mitigate the local impacts of their loss.

CCBC in their S42 response requested *'tree/woodland management plans and detailed replanting or mitigation planting plans with sizes, species, locations etc. provided together with location plans were requested to be submitted as part of the application so the recovery of trees and woodland could be fully assessed'*. These details would be provided in the final LEMP.

### **Maintenance**

The OLEMP sets out broad principles for the ongoing maintenance of both existing and newly planted trees, woodland and hedges (e.g., stake removal, replacement of losses, pruning for health and safety, woodland thinning, regular hedge cutting) that should, if followed, ensure the longevity of the existing and new features. Detail is lacking in some places, but the principles are sound. The required detail should be set out in the final LEMP, and detailed woodland management plans should be produced, as set out in Appendix 2 of the OLEMP, for the new woodlands.

### **3.8.4 Summary**

The tree survey baseline data where access was gained is complete and acceptable. However, the tree survey lacks a detailed survey on trees and hedges within around one third of the Onshore Order Limits, meaning that the full impact on trees and woodland cannot be adequately assessed. Completion of the survey will be required to be able to elucidate the full arboricultural impacts of the development and the AIA updated. All trees and lengths of hedges identified for removal should be tabulated.

Impacts on trees as currently assessed in the AIA are minimal. However, there is uncertainty over the impact of the cable installation and associated construction infrastructure. To avoid excessive tree/hedge damage or removal, a presumption towards trenchless cable installation should be adopted where trees, woodlands and hedges would be affected, with a clear rationale where such techniques are infeasible.

The feasibility of trenchless crossing of Gwrych Wood (ancient woodland) has not been established. This will be required to demonstrate that there will be no unacceptable impacts on the woodland.

Mitigation proposals involve the extensive planting of trees and woodlands. However, in the absence of a full assessment of the impacts of the development, it is not possible to determine

whether adequate ratios of losses to mitigation have been achieved; this will need to be set out in the final LEMP.

The following are to be secured via DCO Requirements.

- a detailed Arboricultural Method Statement;
- a detailed plan for the protection and retention of existing trees and hedgerows
- a detailed tree/hedge removal and retention plan
- a detailed LEMP with subtending Woodland Management Plan
- revised Schedule 11 (hedges to be removed)

### 3.9 Heritage

Comments on heritage matters are provided by both Heneb and the CBCC Conservation Officer. Heneb represents four merged archaeological trusts as of April 2024; Gwynedd, Dyfed, Clwyd-Powys and Glamorgan-Gwent. Heneb has engaged with the Applicant in the pre-application period through the Archaeology and Heritage Engagement Forum (AHEF).

#### 3.9.1 Heneb

The written response from Heneb is appended to this document at Appendix A. In summary, it confirms that a Statement of Common Ground (SoCG) between the Applicant and Heneb has been agreed, which reflects that there is agreement between the parties on all aspects of the environmental assessment relating to onshore archaeology and cultural heritage. Whilst trial-trenching is ongoing, this is not considered likely to result in any changes to the conclusions of the ES. Heneb is in agreement with the provisions of the draft DCO to sufficiently secure further details and implementation of archaeological mitigation post-consent.

#### 3.9.2 CBCC Conservation Officer comments

The following documents have been assessed in detail, as well as associated plans.

- F3.5: Historic environment [APP-068]
- F7.5.2: Historic environment policy and guidance [APP-144]
- F7. 5.7: Settings assessment (offshore infrastructure) [APP-151]

CBCC's Conservation officer is supportive of the methodology used in determining the potential impacts on the historic environment. Overall, it is concluded that there will be the following likely significant effects arising from the Mona Offshore Wind Project during the construction, operations and maintenance or decommissioning phases:

- Effects of up to moderate adverse significance arising from loss of, or harm to, buried archaeological remains and deposits of geoarchaeological and palaeo-environmental interest during construction
- Effects of up to moderate adverse significance arising from the loss of, or harm to, the Gwrych Castle Grade II\* Registered Park and Garden during construction

CBCC's Conservation officer does not dispute the above.

When the Mona Offshore Wind Project is considered along with Tier 1 existing offshore wind farms and the consented Awel y Môr offshore wind farm, potential cumulative effects are most likely to be experienced in respect of designated heritage assets in mainland North Wales and in the area extending east from the Great Orme to Point of Ayr.

Document F3.5 [APP-068] paragraph 5.12.6.6 identifies that in some cases this could result in a moderate adverse effect, which is significant in EIA terms. This is considered likely to apply to the following designated historic assets:

- Creuddyn and Conwy - Registered Historic Landscape
- Registered Park and Garden and Grade II\* listed building
- Gwrych Castle - Grade II\* Registered Park and Garden and Grade I listed building
- Buildings in Llandudno (including seafront), pier, lighthouse and Happy Valle RHPG

CBCC's Conservation officer has been in previous discussions with Wardell Armstrong in regard to the proposed widening of an existing access on the listed boundary wall to Gwrych. A Listed Building Consent application will be submitted shortly. CBCC's Conservation officer is generally supportive of the proposed works.

Heneb will provide more detailed comments on the adequacy of the below ground approach, however using trenchless techniques to minimise the impact on the RHPG at Gwrych is welcomed.

### 3.9.3 Summary

There are no significant concerns arising in relation to heritage and archaeology.

## 3.10 Cumulative impacts

### 3.10.1 Assessment Methodology and Baseline

In undertaking this review the following documents are referenced and have been reviewed:

- F5.5.1: Cumulative effects screening matrix [APP-084]
- F1.5 EIA Methodology [APP-052]
- F1 ES Non-Technical Summary [APP-047]
- J2 Planning Statement [APP-186]

The Councils were consulted during the pre-application process on the list of projects to be included in the cumulative effects assessment (CEA). DCC submitted a list of projects to be added to the CEA in its S42 response in June 2023. DCC confirms that these projects have been added to the CEA provided with the DCO application.

Whilst the Councils broadly concur with the assessment methodology and baseline for the CEA, the following comments and queries would benefit from clarification by the Applicant.

#### ***Presentation of cumulative effects***

The ES provided with the DCO application does not have a separate chapter to report on the CEA, rather, the cumulative effects are assessed and presented within each topic specific chapter. This is recognised as a valid approach. However, the Councils consider that the lack of an overarching summary or conclusion within the ES reporting on the total number of significant cumulative effects, for example in a summary or in the Non-Technical Summary [APP-047] makes it difficult to understand or appreciate the overall outcome of the CEA. The Councils have identified that the Planning Statement [APP-186] at paragraph 1.6.4.5 provides a summary list of all significant cumulative effects, however this is not split into offshore and onshore effects as per ES topics. It is requested that the Applicant clarifies the overall conclusions of the CEA across all topics, in a combined summary.

#### ***Scoping of projects due to data availability***

The CEA methodology is provided in F1.5 EIA Methodology [APP-052]. Figure 5.3 of that document sets out that some projects were scoped out of the CEA due to a lack of data. This is reflected in F5.5.1 Cumulative effects screening matrix [APP-084]. The Councils note that this approach is justified in document F1.5 [APP-052] with reference to Guiding Principle 7 of RenewableUK ‘Cumulative Impact Assessment Guidelines: Guiding Principles for Cumulative Impacts Assessment in Offshore Wind Farms’ (June 2013)<sup>51</sup>. The Councils consider an extract of Guiding Principle 7 below to be of relevance:

*“For an assessment to be meaningful it has to be based on evidence. Where there is insufficient evidence this will necessarily preclude a meaningful quantitative assessment, as it is not appropriate for developers to make assumptions about the detail of future projects in such circumstances. However, Applicants should make some attempt to address cumulative impacts (even if only qualitatively) even when information and data may be missing or sparse, or when it is difficult to analyse the impacts of future actions. When information is missing, sparse or unavailable, it is important to ensure that the situation and rationale for assessment conclusions are adequately documented.”*

---

• <sup>51</sup> <https://tethys.pnnl.gov/sites/default/files/publications/Cumulative-Impact-Assessment-Guidelines.pdf>



The Councils query whether there is sufficient justification in F5.5.1 Cumulative effects screening matrix [APP-084] for those developments that have been screened out on the basis of a lack of data. In accordance with Guiding Principle 7, the Councils would expect that in the absence of data for a quantitative assessment, at least some attempt of qualitative assessment is undertaken and if this is also not possible, the reason for this is clearly documented. The Guidance referenced relates specifically to offshore development, whilst the Councils are primarily interested in the CEA relating to onshore elements.

### ***Progress of scoped in projects***

Table 5.10 of F5.5.1 Cumulative effects screening matrix [APP-084] lists key projects considered in the CEA. Two of those projects are now accepted DCO applications and are in the pre-examination stage; these are Morgan Offshore Wind Farm Generation Assets and Morecambe Offshore Windfarm Generation Assets. The Councils therefore expect that the CEA should be updated as necessary to take into account the availability of the full DCO application information for those applications since submission of the Mona Offshore Wind Farm DCO.

### **3.10.2 Potential Effects**

The Councils acknowledge that the CEA concludes significant adverse cumulative effects relating to: benthic subtidal and intertidal ecology; fish and shellfish (herring and cod spawning); marine mammals (bottlenose dolphin and harbour porpoise); shipping and navigation; terrestrial designated historic assets.

The Councils reiterate that the presentation of the CEA within the DCO application documents, particularly the ES, is not clear. This is reflected in the list of significant adverse effects provided in the Planning Statement [APP-186] at paragraph 1.6.4.5, in which some of the effects listed as significant adverse are then described as not being significant due to further factors. This includes the significant effects to marine mammals, which are mitigated to a non-significant level through provision of relevant management plans, and the significant effects to terrestrial designated historic assets, which are identified as being caused more by Awel y Mor Wind Farm than this proposed development.

The Councils consider that such reporting is ambiguous and remains unclear on the total number of significant effects (adverse or beneficial) identified in the CEA.

Notwithstanding the point above, the Councils remain concerned regarding the potential for cumulative impacts of the Mona Offshore Wind Farm and other existing and proposed energy NSIP projects in the region, in particular. As set out in Section 3.4 of this LIR, the Councils disagree with conclusions regarding the landscape and visual impact, arguing that there would be significant adverse impact. The Councils note that the Relevant Representation by the Design Commission for Wales [RR-014] also recognises the need for 'strategic coordination', particularly around the Bodelwyddan substation and its relationship to others proposed or consented in the area.

Furthermore, members of the Councils, and the residents they represent, remain concerned that the construction of multiple energy NSIPs within proximity to one another could result in adverse impacts and disruption to the local community, particularly in relation to highways and construction traffic. The Councils highlight that whilst a temporal construction period overlap with screened in projects has been identified in the F5.5.1 Cumulative effects screening matrix [APP-084], the data confidence for these entries varies from low to high, and this may not accurately reflect the current programme for those projects assessed.

The Councils remain concerned that whilst the assessment provides a conclusion at a single point in time, based on the information available at that time, the reality at point of construction may be very different e.g. if projects have become delayed, or undergo design changes. The Councils recognise that such scenarios cannot be predicted or assessed at this stage, however remain concerned that

there is insufficient flexibility or provision in the DCO to deal with such issues should they arise. The Councils make suggestions to help address these concerns below and welcome further discussion accordingly.

### 3.10.3 Mitigation / Management Proposals

The Councils consider that the potential for cumulative impacts should be monitored post-consent, with appropriate mechanisms to ensure that should other projects come forward at the same time as Mona Offshore Wind Farm, the Applicant is required to proactively work with other developers and the Councils to minimise adverse impacts on the environment and residents. This would provide some reassurance that any changes to both this project and others scoped into the CEA are monitored and taken into account post-consent, recognising that the assessment provided with the DCO is necessarily based on a single point of time.

The Councils consider that this approach would recognise the very real possibility that other major projects in the vicinity could be delayed or undergo changes which subsequently do introduce the potential for more cumulative effects. The Council suggest that such provision could be secured through the DCO via mechanisms such as:

- a) Amending the wording of Requirement 4 of the draft DCO to include that any information regarding staging of construction also confirms the current understanding of other major projects under construction during the same programme period, and provides details as to how this will be managed.
- b) A commitment secured through the Code of Construction Practice and other management plans, such as the Construction Traffic Management Plan, to proactively work with other developers prior to and during construction to identify and reduce any potential adverse impacts of works taking place in parallel. This could include a dedicated role within the construction team as a point of liaison, or the formulation of a developer liaison group, to work collaboratively with each other and the Councils to seek to reduce adverse impacts on the community and environment. The Councils would be supportive of relevant teams (e.g. Highways) having an active role within any future liaison.
- c) Secure the provision of appropriate landscape and visual mitigation as suggested in Section 3.3 of this LIR, for example through on-site mitigation or off-site enhancement measures.

### 3.10.4 Summary

The Councils consider that the CEA provided in the DCO application is not particularly clearly reported and it is difficult to be certain of its overall conclusions with regard to significant effects (both adverse and beneficial). The Councils also consider that some clarification could be provided as to the screening out of some projects on data grounds, and the changes to two key projects since DCO submission.

Whilst it is acknowledged that the CEA reports only limited significant adverse cumulative effects, the Councils remain concerned about the potential impacts on the community and environment of many significant energy projects occurring in close proximity and similar timeframes, as well as wider development. In particular, the Councils retain concerns regarding landscape, in which the Councils do not agree with the conclusions of the CEA, and around highways and construction effects. The Councils are concerned that the parameters of the CEA assessment could change prior to construction, given that it is an assessment undertaken at a point of time and with best available knowledge, and that there are not sufficient mechanisms in the DCO to manage cumulative impacts should they occur.

The Councils have suggested some mechanisms that could be adopted to provide greater confidence that concerns of cumulative effects would be considered on an ongoing basis post-consent, including through construction and detailed design.

## 4. Comments on the draft Development Consent Order

### 4.1 Introduction

This section of the LIR specifically considers the drafting of the DCO including the potential impact of the proposed articles and Requirements in the draft Order, and the DCO obligations and their potential impact on the local authorities' areas<sup>52</sup>. This is presented in a tabular format in relation to each relevant article or requirement of the DCO that the Councils' wish to comment on at this time. The comments are based on the latest version of the draft DCO submitted at Procedural Deadline A on 28 June 2024 [PDA-003/4].

### 4.2 Comments on draft Development Consent Order

Table 4-1 Councils comments on draft DCO

| DCO Reference                    | Draft DCO text [PDA-003/4]  | Councils' Comments  |
|----------------------------------|---|---|
| Part 1, Article 2 Interpretation | “onshore site preparation works” means operations consisting of site clearance, demolition, early planting of landscaping works, archaeological investigations, environmental surveys, ecological mitigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, the diversion and laying of utilities and services, site security works, the erection of any temporary means of enclosure, the erection of temporary hard standing, the erection of welfare facilities, <b>creation of site accesses</b> and the temporary display of site notices or advertisements | It is unclear what is meant by ‘creation of site accesses’ in the definition of works excluded from commencement and defined as ‘onshore site preparation works’. The Councils seek clarity as to whether this includes accesses from a highway, and relates to temporary access only, given that there is a separate requirement under Schedule 2, Requirement 10 relating to permanent access to a highway. Requirement 10 requires that details are approved prior to commencement, which is at odds with the potential scope of the definition of ‘onshore site preparation works’ and their exclusion from commencement. |
| Schedule 2, Requirement          | 4.—(1) The onshore works may not be commenced until notification has been submitted to the relevant planning  | It’s unclear what is meant by ‘details of the stages’ in paragraph (2). The Councils seek clarity as to whether the Applicant is required to  |

<sup>52</sup> PINS Advice Note One: Local Impact Reports (2012) [Nationally Significant Infrastructure Projects - Advice Note One: local impact reports - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264822/pins_advice_note_one_local_impact_reports_2012.pdf)

| DCO Reference  | Draft DCO text [PDA-003/4]   | Councils' Comments  |
|--|--|---|
| 4 'Stages of authorised project'                               | <p>authority detailing whether the onshore works will be constructed: (a) in a single stage; or (b) in two or more stages.</p> <p>(2) The onshore works may not be commenced until details of the stages of the onshore works have been submitted to and approved by the relevant planning authority and the construction of the onshore works must be in accordance with the approved details.</p>  | <p>provide a timescale/programme for the implementation of each stage or whether the scope of this requirement is limited to providing a sequence for the phasing of the development. This could, and should, also include for details of the spatial extent of each stage of works.</p> <p>The Councils request that the Requirement wording provides a clearer scope of the details to be submitted and approved and consider that a more detailed works plan / programme would be useful, whether for a single stage or multiple stages.</p>   |
| Schedule 2, Requirement 6 'Detailed design parameters onshore' | <p>6.—(1) The onshore works must not exceed the parameters assessed in the environmental statement and set out in sub-paragraphs (2) and (3).</p> <p>(2) The maximum number of transition joint bays must not exceed four.</p> <p>(3) In relation to Work No. 22a— (a) the highest part of any building must not exceed 15 metres above finished ground level; (b) the highest part of any external electrical equipment, excluding lightning rods, must not exceed 12.5 metres above finished ground level; (c) the total area of the fenced compound (excluding its accesses) must not exceed 65,000 m<sup>2</sup> ; and (d) the total number of lightning rods within the fenced compound area must not exceed 12 and the height of any lightning rod must not exceed 30 metres above finished ground level.</p> <p>(4) Trenchless installation techniques must be used to install the cable ducts and electrical circuits where identified in the onshore crossing schedule for the purpose of passing under a relevant obstruction unless</p> | <p>CBCC has previously raised concern regarding the works proposed around the Llanddulas Beach waste disposal area, and the potential for installation of cables at this point of landfall to undermine the rock armour protecting the site. Elected Members highlight issues of erosion in this area and the presence of limestone, which must be taken into consideration in the detailed design of the cabling and the construction method.</p> <p>CBCC therefore request that the detailed design requirement specifically requires the details of the offshore export cables at landfall, and onshore export cables and their installation (e.g. a Construction Method Statement), to be submitted and approved prior to commencement.</p> <p>The Councils recognise the involvement of the Design Commission for Wales [RR-014] and consider that this has been valuable to ensuring a high-quality development and promoting the need for strategic co-ordination with other projects. The Councils consider that a commitment should be secured in the DCO to the Applicant continuing to engage with the Design Commission for Wales at detailed design stage.</p> |

| DCO Reference   | Draft DCO text [PDA-003/4]   | Councils' Comments   |
|---|--|--|
|   | otherwise agreed by the relevant planning authority, following consultation with the highway authority.  |  |
| Schedule 2, Requirement 7 'Provision of landscaping'                      | <p>7.—(1) Work No. 22 must not be commenced until a landscape plan and associated work programme has been submitted to and approved by the relevant planning authority following consultation with NRW as appropriate.</p> <p>(2) The landscape plan must accord with the outline landscape and ecology management plan and must include details of all proposed hard and soft landscaping works including— (a) location, number, species, size and planting density of any proposed planting including any trees; and (b) implementation timetables for all landscaping works.</p> <p>(3) The landscape plan must be implemented as approved.</p> | As identified in sections 3.3 and 3.4 of this LIR, the Councils consider that the Requirements relating to landscape and ecological management are not sufficiently detailed. Revised proposed Requirements are provided in section 3.3.7. |
| Schedule 2, Requirement 8 'Implementation and maintenance of landscaping' | <p>8.—(1) All landscaping works must be carried out in accordance with the landscaping schemes approved under requirement 7 (provision of landscaping).</p> <p>(2) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise agreed with the relevant planning authority.</p>                  | As identified in sections 3.3 and 3.4 of this LIR, the Councils consider that the Requirements relating to landscape and ecological management are not sufficiently detailed. Revised proposed Requirements are provided in section 3.3.7. |

| DCO Reference  | Draft DCO text [PDA-003/4]  | Councils' Comments  |
|--|---|---|
| Schedule 2, Requirement 10 'Highway accesses'                      | <p>Highway accesses 10.—(1) No new permanent means of access to a highway to be used by vehicular traffic, or any permanent alteration to an existing means of access to a highway used by vehicular traffic may be formed until written details of the design, layout and sitting of that new or altered access have been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority.</p> <p>(2) The highway accesses must be constructed in accordance with the approved details.</p> | <p>Comments in respect of the definition of pre-commencement works are provided earlier in the table. In addition to those comments, CBCC consider that Requirement 10 should ensure that the details of the visibility splays are included and that they are maintained thereafter in perpetuity.</p>  |
| Schedule 2, Requirement 12 'Landscape and ecology management plan' | <p>12.—(1) No stage of the onshore works may commence until for that stage a landscape and ecology management plan in accordance with the outline landscape and ecology management plan as appropriate for the relevant stage has, following consultation with NRW, been submitted to and approved by the relevant planning authority.</p> <p>(2) The landscape and ecology management plan(s) submitted under sub-paragraph (1) must include an implementation timetable and must be implemented as approved</p>                             | <p>As identified in sections 3.3 and 3.4 of this LIR, the Councils consider that the Requirements relating to landscape and ecological management are not sufficiently detailed. Revised proposed Requirements are provided in section 3.3.7.</p>   |
| Schedule 2, Requirement 14 'Construction hours'                    | <p>1) Except as otherwise agreed in the code of construction practice and subject to subparagraphs (2) to (4), construction of the onshore works and traffic movements arriving or departing from the site of the relevant work may take place only between the hours of 0700 and 1900 from Monday to Saturday, with no activity on Sundays or bank holidays.</p>   | <p>Both Councils raised concerns regarding working hours in their response to statutory consultation. The Councils remain of the view that the proposed working hours are too broad and could give to concerns regarding impacts on the amenity of residents and caravan site occupiers. The Code of Construction Practice allows for 'mobilisation' one hour either side of these core working hours, making them effectively 0600 to 2000. Whilst HGVs are specified as excluded, it is</p> |

| DCO Reference | Draft DCO text [PDA-003/4]  | Councils' Comments  |
|---------------|---|---|
|               | <p>(2) Subject to paragraph (3), construction of the onshore works and construction-related traffic movements arriving or departing from the site of the relevant work may take place outside the hours specified in sub-paragraph (1) for certain identified works including—</p> <p>(a) where continuous periods of construction are required, for works such as concrete pouring and finishing, electrical circuit pulling and jointing and testing, trenchless installation techniques, and dewatering pumps;</p> <p>(b) for the delivery and unloading of abnormal loads;</p> <p>(c) for the landfall works;</p> <p>(d) for any other time-critical element of the onshore works; and</p> <p>(e) emergency works.</p> <p>(3) Except as provided in sub-paragraph (4) and in relation to emergency works, all construction works which are to be undertaken outside the hours specified in sub-paragraph (1) must be agreed by giving at least 48 hours' notice in advance of the works to the relevant planning authority.</p> <p>(4) In respect of trenchless installation techniques, where continuous 24-hour working is required and has been assessed in the environmental statement, the undertaker must notify the relevant planning authority in advance of such works.</p> <p>(5) In the event of an emergency, notification of that emergency must be given to the relevant planning</p> | <p>considered that the broad nature of works that are defined as mobilisation could give rise to substantial disturbance to residents, particularly in combination, and would be difficult to enforce or monitor regarding compliance.</p> <p>The proposed working hours are also incompatible with statements made in the Environmental Statement regarding lighting and visual assessment, as identified in Section 3.3 of this report, and are of further concern given errors in the construction noise assessment identified in section 3.7 of this report.</p> <p>It is requested that the hours in paragraph (1) be modified to 0800 to 1800 from Monday to Friday, from 0800 to 1300 on Saturday and with no activity on Sunday or bank holidays.</p> <p>The Councils recognise that the Awel Y Mor Offshore Wind DCO scheme was consented with the working hours proposed by the Applicant, however there is significant concern regarding the potential cumulative impacts of more than one DCO scheme within the same locality working to hours that exceed those usually applied through the Councils standard planning conditions.</p> |



| DCO Reference   | Draft DCO text [PDA-003/4]  | Councils' Comments   |
|---|---|--|
|   | <p>authority and the relevant highway authority as soon as reasonably practicable.</p> <p>(6) For the purposes of this requirement “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.</p> |  |
| <p>Schedule 2, Requirement 15 ‘Restoration of land used temporarily for construction’</p> | <p>15. Any land landward of MLWS which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping or ecological works must be reinstated within 12 months of completion of the relevant stage of the onshore works in accordance with such details as have been submitted to and approved by the relevant planning authority.</p>   | <p>The requirement does not provide a timescale for the submission and approval of the reinstatement works. CBCC consider that details of the reinstatement works must be submitted to and approved by the relevant planning authority prior to the commencement of the relevant works.</p> <p>As reflected in its response to statutory consultation, DCC consider that Requirement 15 should include a clause which requires land condition to be recorded prior to commencement of development, and land to be restored to same or better standard than original.</p> |
| <p>Schedule 2, Requirement 15 ‘Control of operational artificial light emissions’</p>     | <p>16.—(1) Work No. 22a must not be brought into operation until a written scheme for the management and mitigation of internal and external artificial light emissions from Work No. 22a has been submitted to and approved by the relevant planning authority.</p> <p>(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the lifetime of Work No. 22a.</p>   | <p>The Councils highlight that this Requirement relates to lighting, the visual impact of which has not been sufficiently assessed in the DCO application, as identified in Section 3.3 of this report.</p>  |

| DCO Reference   | Draft DCO text [PDA-003/4]  | Councils' Comments  |
|---|---|---|
| <p>Schedule 12 'Approval of matters specified in requirements' Part 4 'Further information'</p> | <p>4.—(1) Where an application has been made under paragraph 1 the relevant planning authority has the right to request such reasonable further information from the undertaker as is necessary to enable it to consider the application.</p> <p>(2) If the relevant discharging authority considers further information is needed, and the requirement does not specify that consultation with a requirement consultee is required, it must, within 10 days of receipt of the application, notify the undertaker in writing specifying the further information required.</p> <p>(3) If the requirement indicates that consultation must take place with a consultee the relevant planning authority must issue the consultation to the requirement consultee within five working days of receipt of the application. Where the consultee requires further information they must notify the relevant discharging authority in writing specifying the further information required within 10 days of receipt of the consultation. The relevant discharging authority must notify the undertaker in writing specifying any further information requested by the consultee within five working days of receipt of such a request.</p> <p>(4) In the event that the relevant discharging authority does not give such notification as specified in subparagraph (2) or (3) it is deemed to have sufficient information to consider the application and is not</p> | <p>The Councils consider that 10 days is an insufficient period of time to request further information, and request that this is amended to 15 working days.</p> <p>The Councils note that Schedule 12 uses the terms 'weeks', 'days' and 'working days' which is ambiguous and inconsistent. The Councils recommend that 'working days' is used throughout Schedule 12 to ensure a simplified and consistent approach.</p> <p>The Councils highlight more broadly a concern regarding the potential burden of work presented through the discharge of requirements process, particularly given the timescales proposed and the level of specialist advice likely to be required to review and determine technical detailed design. The Councils would welcome a discussion with the Applicant regarding potential mechanisms to support the Councils in managing the discharge of requirements, for example through the use of planning performance agreements (PPA) or similar.</p> |

| DCO Reference  | Draft DCO text [PDA-003/4]   | Councils' Comments   |
|--|--|--|
|  | thereafter entitled to request further information without the prior agreement of the undertaker.  |  |
| <p>Streetworks Part 3, Article 10</p> <p>Temporary stopping up of public rights of way, Part 3, Article 13</p> | <p>The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in Schedule 3 (streets subject to street works) as is within the Order limits and may— (a) break up or open the street, or any sewer, drain or tunnel within or under it; (b) tunnel or bore under the street; (c) remove or use all earth and materials in on or under the street; (d) place and keep apparatus within or under the street; (e) maintain apparatus within or under the street or change its position; and (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e). (2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act(c).</p> <p>Temporary stopping up of public rights of way 13.—(1) The undertaker may in connection with the carrying out of the authorised project, temporarily stop up, restrict or divert each of the public rights of way specified in column (1) of Schedule 5 (public rights of way to be temporarily stopped up or restricted) to the extent specified in column (2), by reference to the numbers and letters shown on the temporary stopping of public rights of way plan. (2) The public rights of way specified in Schedule 5 (public rights of way to be temporarily stopped up or restricted) may not be temporarily stopped up, restricted or diverted under this article unless a diversion for the stopped up section of that right of way, is first provided by the undertaker to the</p> | <p>DCC raised concerns in relation to streetworks powers and potential effects on Public Rights of Way within their S42 response.</p> <p>It is acknowledged that the streetworks powers proposed within the draft DCO are fairly extensive but not uncommon for projects of this nature.</p> <p>The Councils remain concerned about potential effects on the PRoW network within this area of Denbighshire but acknowledge that any effects are proposed to be temporary in nature.</p> <p>The Council would like a commitment for detailed engagement on PRoW measures and the final Rights of Way Management Plan and would like this plan to include a commitment to require rights of way to be brought back into use as soon as practical to do so.</p> |

| DCO Reference | Draft DCO text [PDA-003/4]  | Councils' Comments |
|---------------|---|--------------------|
|               | <p>standard defined in the public rights of way management strategy forming part of the code of construction practice to be approved in accordance with the requirements set out in Schedule 2, to the reasonable satisfaction of the relevant planning authority. (3) The relevant diversion route provided under paragraph (2) will be subsequently maintained by the undertaker until the re-opening of the relevant right of way specified in paragraph (1)</p> |                    |

## 5. Summary and conclusions

As stated in Chapter 3 of this LIR, the Councils support the principle of development of the Mona Offshore Wind Farm. However, as raised throughout this LIR, the Councils' appraisal of the DCO application in relation to particular topics of focus has identified a number of concerns that they believe should be addressed by the Applicant, via provision of clarifications; provision of further assessment; or via commitments secured in the DCO. These key actions are summarised to aid the ExA and the Applicant, below:

**Table 5-1 Summary of key actions**

| Topic / LIR Section        | Key finding / request   |
|----------------------------|---|
| Policy (Chapter 2)         | The Councils have identified some matters considered important and relevant that have not been referred to in its Planning Statement. The Applicant may wish to consider whether these are to be included.  |
| Landscape and visual (3.3) | It is not clear why there are different EIA and SLVIA methodologies and which methodology has been used in the SLVIA. This should be clarified.   |
| Landscape and visual (3.3) | The Councils have identified two key issues with the SLVIA assessment relating to the threshold of significance and the use of split significance categories. This should be clarified and any effect on the outcome/conclusions of the assessment through that clarification process should be reported (i.e. if there is a change to the number or nature of effects). Table 6.24 of the ES Chapter should be updated to correct any inconsistencies resulting from this clarification. |
| Landscape and visual (3.3) | The Councils have identified that it is not clear whether all LANDMAP Aspect Areas have been used in the SLVIA baseline. It should be clarified if and how the holistic suite of LANDMAP Aspects were referenced and used in evaluating the value of each landscape character area receptor and where this is reported in the submitted documents. Table 6.24 of the ES Chapter should be updated to correct any inconsistencies resulting from this clarification.                       |
| Landscape and visual (3.3) | The Councils consider that visual effects on people visiting Denbighshire Memorial Park and Crematorium would be significant in construction and operation. This has not been assessed in the ES and should be provided.  |
| Landscape and visual (3.3) | The Councils consider that there would be significant adverse cumulative landscape and visual effects. The Applicant's assessment should be revisited and mitigation provided for effects identified.   |

| Topic / LIR Section            | Key finding / request  |
|--------------------------------|--|
| Landscape and visual (3.3)     | The DCO application appears to be inconsistent regarding lighting provision for onshore works, including during construction. If there is proposed to be lighting during construction and operational lighting, an assessment of construction lighting on nighttime views and landscape character should be provided. If there is no lighting, the DCO requirement on construction hours should be revised to control timing of construction activities such that no works requiring lighting can occur outside of daylight hours, and that any emergency lighting is agreed in advance with the relevant planning authority |
| Landscape and visual (3.3)     | The Councils consider mitigation to be adequate, however may need to be revisited if addressing the concerns above regarding the SLVIA identifies additional significant effects requiring mitigation.   |
| Landscape and visual (3.3)     | The Outline LEMP is not clear on a committed management period, which must be at least 15 years in order to establish the landscape proposals relied upon in the SLVIA. The OLEMP should be revised to add a clear statement at the beginning of the document committing the Applicant to manage the landscape and habitat works for the operational life of the proposed development and outlining a plan to manage the works for a minimum period of fifteen years.  |
| Landscape and visual (3.3)     | The DCO requirements relating to the landscape scheme, LEMP and retention and protection of trees should be revised to be more specific and detailed.  |
| Ecology and biodiversity (3.4) | The Councils have identified some inconsistencies in the reporting on consultation with NRW and other consultees regarding ornithology baseline and survey methods. It should be clarified whether the reporting is accurate, particularly in regard to the NRW position.  |
| Ecology and biodiversity (3.4) | The Councils seek advice from NRW regarding the use of netting of vegetation outside of the breeding bird season, and whether this presents a risk to protected species and/or wintering or migratory birds that may be utilising the vegetation.  |
| Ecology and biodiversity (3.4) | The potential for heat radiation from the underground cables to affect animal health should be considered, or a justification provided as to why it does not require assessment.   |
| Ecology and biodiversity (3.4) | The Councils seek clarification from NRW on the current position regarding the cumulative effects assessment relating to onshore ecology and the onshore and intertidal ornithology  |
| Ecology and biodiversity (3.4) | The LEMP should be reviewed regarding its temporal scope and its commitments to long-term management, with time bound and specific details regarding condition targets and adaptive management. The Councils should be included as a consultee on the detailed reptile mitigation strategy.  |

| Topic / LIR Section            | Key finding / request   |
|--------------------------------|---|
| Ecology and biodiversity (3.4) | The drafting of Requirement 12 should be reviewed to ensure the mitigation and enhancements proposed in the LEMP are delivered for the lifetime of the development as described in the ES to mitigate and compensate any adverse impacts, and that these are adaptive and can be audited. |
| Highways (3.5)                 | The inclusion of sites and the definition of a 1km distance criteria for the cumulative assessment of traffic and transport impacts needs further justification and clarification, to ensure it is sufficiently robust.   |
| Highways (3.5)                 | It should be clarified why two committed developments requested to be included in the transport cumulative assessment (46/2021/0159 PF and 40/2021/0825 PF) have been omitted.  |
| Highways (3.5)                 | Discussion with the Applicant is required regarding the proposed disapplication of the Road Traffic Regulation Act 1984.  |
| Water environment (3.6)        | There is no baseline information or assessment presented on the fluvial geomorphology of the Ordinary Watercourses that may be affected by the construction or operation of the scheme. This should be provided.  |
| Water environment (3.6)        | Additional mitigation should be provided for temporary run-off during construction relating to the haul road.   |
| Water environment (3.6)        | Risks of sediment run-off and spillages from wider construction activities should be assessed as a potential risk to watercourses.  |
| Water environment (3.6)        | The Councils as LLFA should be consulted on construction methodology for Ordinary Watercourse crossings.  |
| Water environment (3.6)        | Discussion with the Applicant is required regarding the proposed disapplication of the Land Drainage Act 1991.  |
| Noise and vibration (3.7)      | The provision of a soundscape assessment should be considered, in accordance with the Environment (Air Quality and Soundscapes) (Wales) Act.  |
| Noise and vibration (3.7)      | Review and clarify the construction noise and construction vibration assessments given the errors identified in this LIR. Any impacts to the conclusions of the assessment as a result should be reported.  |
| Noise and vibration (3.7)      | Clarification should be provided on why low frequency sound was not assessed and whether there is any mitigation for potential effects secured through the DCO.   |
| Noise and vibration (3.7)      | Clarification should be provided on why cumulative effects of noise and vibration from construction traffic is not assessed.  |
| Trees and arboriculture (3.8)  | A detailed ground-based tree survey for the areas not yet surveyed must be conducted prior to detailed design and construction, including identification of veteran trees.  |
| Trees and arboriculture (3.8)  | There is some ambiguity over the location of TPO trees and any Conservation Area designations; this should be addressed in an updated AIA.  |

| Topic / LIR Section           | Key finding / request  |
|-------------------------------|--|
| Trees and arboriculture (3.8) | It should be clarified whether the AIA considers the temporary haul road.  |
| Trees and arboriculture (3.8) | Revisions could be made to the presentation of the Tree and Hedge Protection Plan to aid understanding. This includes showing a defined cable route if it has been selected and ensuring consistency with the Tree Protection Plan, the DCO and the Onshore Crossing Obstacles Plan.   |
| Trees and arboriculture (3.8) | Further information on the use of trenched and trenchless cable installation should be provided, including how it will be determined as to which option is used. The feasibility of trenchless drilling through Gwrych Castle Wood should be demonstrated, given the potential adverse impacts to ancient woodland if it cannot be delivered. It is suggested that the Applicant provides a feasibility report on the use of directional drilling through Gwrych Castle Wood, including details of the depth of the drilling and the location of the launch and reception pits and equipment compounds |
| Trees and arboriculture (3.8) | Further information on what is meant by ‘visual barriers’ in the AMS would be of assistance, as would the provision of a decision hierarchy.   |
| Trees and arboriculture (3.8) | The OLEMP should commit to provision of a tree replacement ratio of 3:1 to comply with PPW12   |
| Cumulative impacts (3.10)     | It is considered that a summary of the overall cumulative effects assessment, and clarity on reporting of some of those effects (i.e. whether they are significant or not), would be of assistance.  |
| Cumulative impacts (3.10)     | It would be of assistance to update the CEA to provide further justification as to why projects scoped out on insufficient data grounds could not be assessed qualitatively, and to take account of two key projects that have now progressed to the point of DCO application acceptance.  |
| Cumulative impacts (3.10)     | The Councils consider that mechanisms for ongoing consideration of cumulative impacts could be secured via the DCO, and should be incorporated.  |
| Draft DCO (Chapter 4)         | A range of comments have been provided on the provisions of the draft DCO in Table 4.1 of the LIR. These should be reviewed and addressed, either through clarification or future amendment to the draft DCO during Examination.   |



# Appendix A – Heneb Written Representation



**Heneb**

THE TRUST FOR WELSH  
ARCHAEOLOGY

YMDDIRIEDOLAETH  
ARCHAEOLEGOL  
CYMRU

Corner House  
6 Carmarthen Street  
Llandeilo  
Carmarthenshire  
SA19 6AE

Ty Cornel  
6 Stryd Caerfyrddin  
Llandeilo  
Sir Gaerfyrddin  
SA19 6AE

Ceri Thomas, Conwy CBC  
Paul Mead, Denbighshire CC  
Hannah Parish, Flintshire CC

5<sup>th</sup> August 2024  
Our ref: 0805je/Mona.03

**Interested Party no.: MNOW-SP131**

c/o Tamsin Sealy  
Principal Planner  
Arup  
Floor 2  
111 Victoria Street  
Redcliffe  
Bristol  
BS1 6AX

Dear Colleagues,

**Application: EN010137      Mona Offshore Wind Farm**  
**Written Representation**

This letter sets out Heneb's advice to the local authorities as your archaeological advisor, to contribute to the Local Impact Report, which we understand is being prepared on your behalf by Arup. Should it be required by the Examination, this can also be taken to constitute Heneb's Written Representation for Deadline 1 of the Examination. It encompasses advice for both the Gwynedd and Clwyd-Powys areas.

In our Relevant Representation (4<sup>th</sup> May 2024), we set out the following as points on which we may wish to comment, in relation to Onshore Archaeology and Heritage:

- the scope and adequacy of archaeological assessment and evaluation
- the assessment of impacts presented in the Environmental Statement
- the suitability of proposed further investigation, mitigation and/or enhancement measures, including the draft Outline Onshore Written Scheme of Investigations
- the suggested wording for proposed conditions or other means of securing such works
- the content of the OLEMP, OCoCP and other scheme documents as they pertain to archaeology

All aspects of the Environmental Statement and supporting documents pertaining to Onshore Archaeology and Cultural Heritage have been agreed and a Statement of Common Ground has been agreed between Heneb and the Applicant. This includes acknowledgement that the trial trenching programme, which forms part of the baseline evidence, has not yet been completed, due to access and weather constraints. This work is due to take place in September, in the area of the proposed onshore substation. As this is a key location within the scheme, significant archaeological discovery could pose a concern, however evidence to date indicates this risk is low. This is based primarily on the geophysical survey of this area, which has been shown by the completed trial trenching to be





**Heneb**

THE TRUST FOR WELSH  
ARCHAEOLOGY

YMDDIRIEDOLAETH  
ARCHAEOLEGOL  
CYMRU

Corner House  
6 Carmarthen Street  
Llandeilo  
Carmarthenshire  
SA19 6AE

Ty Cornel  
6 Stryd Caerfyrddin  
Llandeilo  
Sir Gaerfyrddin  
SA19 6AE

reliable within the usual constraints of technique and location. The outcome of the remaining trenching is therefore expected not to affect the ES conclusions.

As is relatively common for major infrastructure applications, the exact scope of mitigation will be agreed post-consent. The Outline Onshore Written Scheme of Investigations will need to be updated to reflect the forthcoming trial trenching results and the recent changes associated with the changes to the former Welsh Archaeological Trusts, as well as to respond to comments we have provided on the proposed mitigation methodology. The Statement of Common Ground between Heneb and the Applicant confirms that the Onshore WSI will be updated upon completion of the trial trenching.

The Draft DCO includes provision to secure implementation of the archaeological mitigation programme (Schedule 2 Requirements: Onshore Archaeology, Item 11(1) to 11(3)). The draft wording appears suitable; we would note that, if it is not to be specifically stated in the wording of the Order, it is essential that the written schemes of investigation include completion of the post-field programme and a timetable for completion. We would also note that in our discussions with the Applicant team, we have recommended cross-referencing as appropriate between the Outline Onshore WSI and the Outline Code of Construction Practice and Outline Landscape and Environmental Management Plan, since there will be localised interaction between the activities covered in these documents.

The Environmental Statement (Vol.3, Ch.5, 5.10.4.1) confirms that a listed building consent application will be submitted for the alteration to the Grade II listed Gwrych Estate Boundary Wall (ref. 19044) for construction access. We will advise on this through the normal planning process.

For information, we have also been consulted on the marine licence application for the transmission assets for the scheme (ORML2429T). Beyond the intertidal zone, these works are outside our remit; since trenchless construction is intended for the intertidal zone, we do not anticipate any significant concerns for onshore archaeology from these works.

Yours sincerely

Jenny Emmett  
**Senior Planning Archaeologist (north-west Wales)**  
**National Specialist Lead – Planning (Interim)**

