



Denbighshire County Council and Conwy County Borough Council

Mona Offshore Wind Farm Development Consent Order

Response to First Written Questions (ExQ1)

Reference EN010137:

Issue | 27 September 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.

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1. Introduction

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).

On 13 September 2024, the Examining Authority (ExA), issued their first written questions (ExQ1) [PD-013/13a]. A number of the questions are directed at the Local Planning Authorities of Denbighshire County Council (DCC) and Conwy County Borough Council (CCBC).

This document provides the response of the Councils to the relevant questions of ExQ1.

2. Response to ExQ1

2.1 Schedule of responses to ExQ1

Table 1-1 below extracts the relevant questions from ExQ1 and provides the response from DCC, CBCC, or both Councils, depending on the party the question was directed at.

Table 1-1 Response to ExQ1

ExQ1 Ref	Party	Question	Response
Q1.0.6	The Applicant DCC, CCBC, NRW(A)	Other Consents or Licenses Required [APP-085] Can respective parties give a progress update on the licences and consents and advise if there are any that raise concerns that may lead to refusal.	As set out in the Councils' joint Local Impact Report (LIR) [REP1-049], the Councils have raised concern regarding the proposed disapplication of the Land Drainage Act 1991 in obtaining ordinary water consent and the disapplication of the Road Traffic Regulation Act 1984. As reflected in the Applicant's response to the LIR [REP2-085], and the draft Statement of Common Ground (SoCG) with the respective Councils, it is understood that the disapplication of the Road Traffic Regulation Act 1984 is no longer being sought by the Applicant. However, discussions on the disapplication of the Land Drainage Act 1991 are ongoing, with the current position of both Councils that there is insufficient information in the DCO application to enable the Councils to agree to the disapplication.
Q1.1.2	CCBC	Heat radiation In [PDA-008], page 24, the Applicant engaged with your perceived need for assessment of potential impacts of heat radiation on human health [RR-009]. In light of that, and the WR from Public Health Wales [REP1-058], does that alter your position?	CBCC considers its concern relating to potential impacts of heat radiation to be resolved, taking into account the response by the Applicant to the LIR [REP2-085] and has no further comment on this matter.
Q1.1.5	CCBC	Scope of concerns In [PDA-008], page 23 the Applicant addressed your perceived need for mitigation measures for dust. As the only mention of dust in your LIR [REP1-049] was in relation to construction impacts on vegetation, can you advise if the Applicant's proposed mitigation measures relating to dust in general are considered acceptable?	CBCC is satisfied with the provision of the Outline Dust Management Plan (APP-214) as secured in the draft DCO, and recognises that the detailed plan would be subject to approval by CBCC as part of the discharge of the requirement. The measures are therefore considered acceptable at this stage in the project lifecycle.
Q1.1.7	CCBC	Lighting What do you mean by a 'proportionate assessment of lighting impacts' [REP1-049]; what sites, factors etc should the Applicant take account of?	Inclusion in the LVIA of the assessment of the potential effects of the proposed lighting on nighttime character and views and the significance of any such effects. The scope such an assessment would need to be proportionate to the sensitivity of the baseline nighttime environment and to the type, quantity and height of lighting proposed. For low level and temporary lighting, the assessment might be limited to just the nearest surrounding views and landscape receptors, but for permanent, bright and tall lighting with the potential to cause light spill and pollution, the assessment might need to be extended to cover the full LVIA study area to include, for example, potential impacts on the National Landscape at any of the Clwydian Range and Dee Valley Dark Sky Discovery Sites. This should be assessed against a baseline made up of nighttime photography and against the ILE Lighting Environmental Zones. This remains a concern following the Applicant's response to the Councils' LIR [REP2-085], confirming that some task lighting and lighting around the substation would be required. The Councils jointly remain of the view that this has not been assessed as part of the currently LVIA and this position is reflected in the SoCGs between the Councils and the Applicant.
Q1.6.10	CCBC DCC	Land rights In your role as the local planning authority and the highway authority, are you aware of: <ul style="list-style-type: none"> Any reasonable alternatives to the CA or TP which is sought by the Applicant? Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? 	The Councils understand that the Applicant wishes to enter agreements with landowners for the land required to build, operate and maintain the Proposed Development and CA powers are included to give confidence over land given that negotiations are not finalised / are ongoing. This is not uncommon for projects of this scale with the only alternative being that land is signed into options prior to the application. The Council assumes that CA powers will only be relied upon where the Applicant is unable to reach agreement by negotiation. In general, the powers sought over land (mainly for the ongoing rights) seem proportionate and reasonable. In relation to TP powers, the Councils consider the approach taken to be proportionate and one which limits the land required following construction of the Proposed Development. From a review of the Land Plans and Statement of Reasons, the Councils have not identified any land which would not be needed for the Proposed Development, however, we acknowledge that land requirements may change (potentially reducing) following detailed design and would assume that in this case the Applicant would only acquire the land needed.

ExQ1 Ref	Party	Question	Response
Q1.6.13	CCBC DCC	<p>Open Space In paragraphs 1.11.1.8 to 1.11.1.20 inclusive of the SoR [APP-029], the Applicant sets why it considers that any granting of development consent would not be subject to Special Parliamentary Procedure given that 'open space' within the Order land, when burdened with the order right, would be no less advantageous than it was before to: (a) the persons in whom it is vested; (b) other persons, if any, entitled to rights of common or other rights; and (c) the public, in accordance with s132(3) of PA2008. With reasoning for your position, are you are satisfied with this conclusion?</p>	On the basis of the descriptions provided in relation to works and ongoing rights, the Councils agree with the Applicant's position in that the Open Space located along the foreshore and beach, as shown on the Special Category Land Plans, would be no less advantageous with access to the open space available to users as per the current situation in the operational phase.
Q1.6.14	The Applicant CCBC DCC	<p>Open Space Notwithstanding the conclusion at paragraph 1.11.1.20 of the SoR [APP-029], is the Proposed Development consistent with s132(3) of PA2008 given:</p> <ul style="list-style-type: none"> • The length of time during which the Open Space at Pensarn/Abergele Beach, shown on the Special Category Land Plan [AS-007], could be subject to TP: • The potential for conflict between its proposed use and movements by visiting motorists, pedestrians and cyclists using the informal parking area, beach, promenade, cycle and coast paths; <p>and</p> <ul style="list-style-type: none"> • The proposed fencing of Plot 01-003, the uses subject of Work No.7 and further associated development set out in Schedule 1, Part 1 of the dDCO [REP2-004]. 	<p>The Councils consider that potential conflicts in relation to pedestrians, cyclists and beach users, including users of the Wales Coastal Path can be managed through updates to the Outline PRoW Management Strategy and Outline Construction Method Statement.</p> <p>The Councils do have some concerns with the fencing of Plot 01-003 in relation to Work No.7, as this has potential to restrict access to the Pensarn Beach Car Park. The Councils would like reassurance from the Applicant that some access to the beach car park beyond the compound would be retained, or alternatively car parking for beach uses provided elsewhere.</p>
Q1.9.1	CCBC	<p>Landfall works You raised concerns [RR-009] that landfall works could affect the stability of the landfill site at Llanddulas Beach. Has the Applicant's Response to Relevant Representations ([PDA-008], page 22) and NRW (A)'s (REP1-056, paragraph 302) addressed that issue?</p>	Taking into account the response by the Applicant to the LIR [REP2-085], CBCC is satisfied that the detailed landfall construction method statement as secured via Requirement 9(2)(r) would sufficiently secure the consideration of the landfill site and detailed design of on-shore cable installation, and would be subject to approval by CBCC as part of the discharge of that requirement.
Q1.13.2	CCBC DCC	<p>Landscape Mitigations In the LIR, [REP1-049], it states that you would like to see appropriate and proportionate mitigation included and secured within the DCO application to address the additional cumulative effects predicted.</p> <ul style="list-style-type: none"> • Can you explain in further detail the form and/or types of mitigation that would be appropriate, specifically for the cumulative effects outlined? • Would these mitigations be included as part of the existing OLEMP? • Could offsetting via a Landscape Enhancement scheme be appropriate in this case? 	Such mitigation is unlikely to be primary onsite mitigation to alleviate the direct effects of the project alone. Cumulative effects mitigation is likely to take the form of compensation or enhancements to the landscape condition, quality and overall character or to the recreational assets worst affected, for example an offsite planting scheme might help improve tree and hedgerow cover in areas around and between all cumulative projects to help reduce intervisibility from specific receptors and/or to help integrate the projects better into the local landscape. Recreational path improvements, signage and or interpretation could improve people's experience and enjoyment of the landscape or specific views. These measures would need to be secured separately to the DCO and would likely be subject to agreement with third party landowners.
Q1.13.5	NRW, DCC, CCBC	<p>Assessment of Effects at locations around the Onshore Substation Do you agree with the assessment of the sensitivity, magnitude of impacts and significance of effects of the representative VP around the Onshore Substation provided in [APP-069], particularly:</p> <ul style="list-style-type: none"> • The assessment of magnitude of impact and significance of effects on Representative VP 1, 2, and 3, at Y1 and Y15. • The reduction in the significance of adverse effects at these VPs after the implementation of the mitigations outlined in the OLEMP [REP2-084] and shown in the visualisations. • Whether the mitigations shown in the OLEMP, and in the annotated visualisations included in the Response to Hearing Action Points (S_D1_5.3) [REP1-015], would reduce the operation effects from significant to non-significant for VPs 2 and 3. 	<p>The Councils agree that the defining criteria presented in the LVIA methodology for sensitivity and magnitude are appropriate. However, the councils do not agree with the way these assessments have been applied and presented in the LVIA.</p> <p><u>Sensitivity</u> The Applicant has presented ranges of sensitivity, magnitude and significance for individual receptors or receptor groups. For example at VP 2 receptors include road users such as walkers cyclists, equestrians and drivers. The sensitivity of these different receptor types is grouped and assessed as Low to medium in the submitted LVIA. This was corrected to 'Medium to High' in response to the Council's LIR [REP2-085] however this is still not clear. The assessor should tell the reader which of the relevant receptors are of medium sensitivity and which are highly sensitive and then assess the effects on each separately.</p> <p><u>Magnitude of change, efficacy of mitigation and Significance of Effect</u> VP 1: The councils are satisfied that the assessment of a large magnitude of change from construction is appropriate. In accordance with the assessment made in the LVIA at Paragraphs 6.11.2.7 and 6.11.2.11, the Councils are of the opinion that the assessment of change experienced by receptors at VP 1 is also large between years operational 1 and 15. However, mitigation measures in this view comprise only an existing hedgerow and wildflower seeding. This mitigation will not</p>

ExQ1 Ref	Party	Question	Response
			<p>noticeably reduce the magnitude of visual change beyond year 15. Residual change experienced by these receptors is considered to be large leading to a major and significant effect throughout construction and operation of the Development.</p> <p>VP 2: The Councils are satisfied that the assessment of a large magnitude of change from construction is appropriate. The Councils are satisfied that the assessment of operational change experienced by receptors at VP 2 is large between years 1 and 15. However, mitigation measures in this view comprise only hedgerow and wildflower mitigation. The assessor asserts that this mitigation is adequate to reduce the magnitude of change down from large to medium after year 15. The councils do not agree with this assessment. Residual change experienced by these receptors is considered to be large leading to a major and significant effect throughout construction and operation of the Development.</p> <p>VP 3: The Councils do not agree that magnitude of construction and early operational change here will be medium. The proposed development will occupy about 50% of the field of view (around 45 of the 90 degrees of view presented in the visualisations). Construction activity and the existence of the operational development in this view will cause a large change to this view, resulting in a major and significant visual effect up to year 15. It is agreed that the level of change will reduce to medium after 15 years, due to the mitigating effect of the proposed intervening woodland screen planting. However, this medium change will still result in major and significant residual visual effects on highly sensitive visual receptors.</p> <p>The only changes to visualisations appear to be an amendment to the redline in the location plan extract for VPs 1, 2, and 3 and a label identifying the location of the Substation on VP 11. These do not present any additional mitigation which would change the Councils' view on the significance of residual effects.</p>
Q1.13.7	CCBC DCC	Visual Effects on Denbighshire Memorial Park and Crematorium Are you satisfied with the Applicants response to the effects on users of the Memorial Park and Crematorium? [REP2-086], (REP1-016.17)	<p>No, Denbighshire are not satisfied with the Applicant's response.</p> <p>The Applicant has not included an assessment of visual effects on users of the crematorium, nor is there any narrative to justify these receptors being scoped out of the assessment.</p> <p>Magnitude of impact for receptors at VPs 4 and 5 are assessed at Paragraph 6.11.1.27 to be Medium to Large at construction and Medium during operation. The same magnitude of impact is assessed for all other nearby visual receptors (including VPs 1, 2, 3 and 30), with similar distances of 300-500m to the substation as the Crematorium (700m).</p> <p>It is agreed that the magnitude of impact in views from the crematorium would be slightly less than VPs 4 and 5, due to a greater intervening distance, but the magnitude of change is still considered to be medium. Combining a high sensitivity and medium magnitude should therefore lead to a moderate to major effect, which in accordance with the two definitions in Table 6.18, would be 'uncharacteristic, and demonstrably out of scale or at variance with and/or would significantly alter a valued view or a view of high scenic quality'.</p> <p>The Councils consider this to be significant in light of the methodological issues raised elsewhere in the LIR and the SoCG; this is a topic of ongoing discussion with the Applicant. If the Applicant disagrees with the Councils' opinion above, we suggest that it may be helpful for the Applicant to carry out a visual assessment of the effects on views of receptors at the Crematorium.</p>
Q1.13.9	CCBC DCC	Landscape Visual Impact Assessment Methodology Concerns were raised relating to the methodology used in section 3.3 of the LIR. The Applicant has responded in REP2-086. Does this address your concerns?	<p>The Councils are still of the opinion that the way split categories have been used and the unusually high significance threshold has resulted in a lack of clarity around the level of effects and an under reporting of the significance of effects. This is a topic of ongoing conversation with the Applicant.</p>
Q1.13.11	CCBC DCC	Requirement 5 of the dDCO In relation to the Onshore Substation, the Design Principles Document [REP2-026] describes a number of design details - including layout, number of buildings, dimensions, colours, and materials – which would be approved by DBC should Development Consent be granted. <ul style="list-style-type: none"> • Do you consider R5 of the dDCO to be sufficiently detailed? If not, how should it be amended and why? • Do you consider that you would have the relevant skills and resources to approve the detailed design in discharging the relevant requirements? 	<p>The Councils consider that with reference to the Design Principles Document, Requirement 5 is appropriately worded. The Councils may wish to seek consultant support for the discharge of requirements stage of the Proposed Development given ongoing resource constraints within the effected LPAs.</p>

ExQ1 Ref	Party	Question	Response
Q1.16.3	DCC CCBC	<p>Noise assessment & monitoring</p> <p>IPs expressed concerns [REP1-086] about noise impact assessment including baseline noise levels, assumptions used in modelling, applicable thresholds and the resultant magnitude of likely impact.</p> <p>Taking account of that WR and the Applicant's response in ([REP2-078], pages 115-136):</p> <ul style="list-style-type: none"> • With reasoning for your response, do you share any of their misgivings? • What are your views on their stance on mandatory noise monitoring and the Applicant's response? • Do you agree with the Applicant's responses in respect of: concurrent and cumulative noise impact; and to the contention that the potential impact on the IPs' property have been underestimated? 	<p>The Councils consider that the approaches taken by the Applicant to establishing baseline sound levels were appropriate and the exclusion of data measured during high winds and/or rainfall are consistent with normal practice.</p> <p>The Councils agree that noise monitoring should be carried out during construction so that adequate control of noise and adherence to planning noise criteria can be ensured and verified, to the benefit of all parties. It would be impracticable to monitor throughout the onshore cable corridor, as suggested by the IP in REP1-086, and developing the detail within a Construction Noise and Vibration Management Plan, through engagement with stakeholders, would be appropriate, as suggested by the Applicant in their response.</p> <p>Cumulative noise impact assessment was considered and commented upon in the Councils' LIR, to which the Applicant responded appropriately [REP2-085]. The Councils are therefore of the opinion that the potential cumulative impacts on the IPs' property have been properly assessed.</p>
Q1.16.4	DCC CCBC	<p>Policy context</p> <p>The Applicant addressed your point about the Noise and Soundscape Plan for Wales 2023-2028 in its response to your LIR ([REP2-085], REP1-049.86).</p> <p>With reasons for your answer, are you satisfied with its position on the matter?</p>	<p>The Applicant's response to the Councils' LIR [REP2-085] noted that the Environment (Air Quality and Soundscapes) (Wales) Act came into force in April 2024, after submission of the application. The Councils note that the Noise and Soundscape Plan for Wales was issued in 2023, so should have been referred to. The Applicant's response demonstrates awareness of the Plan and notes the general consistency between the technical information referred to in the Application and in the Plan. Whilst the Councils are generally satisfied with the Applicant's response, it must be noted that, as the Plan states, noise and soundscape should be considered as 'integral to the design functioning, health amenity and well-being of places' and holistic strategies should therefore be developed.</p>
Q1.18.8	DCC, CCBC, NRW (A) RSPB Cymru NWWT	<p>OLEMP [REP2-034]</p> <p>Are you satisfied with the Applicant's onshore/landfall approach to:</p> <ol style="list-style-type: none"> habitats - mitigation, management, and monitoring; and protected species – mitigation, management, and monitoring. <p>If not, can you provide reasons with supporting evidence to justify your position.</p>	<p>The review conducted by Arup on behalf of the Councils has identified concerns relating to commitments and securing the mitigation, management and monitoring associated with habitats, so that net benefits for biodiversity are delivered and maintained for the future / lifetime of the development. For this reason, the Councils are not satisfied and have requested that an updated Outline LEMP is submitted to address concerns. This has been set out in the LIR [REP1-049] and is reflected in the SoCG with each Council.</p> <p>The Councils have reviewed the Applicant's Response to Relevant Representation from Natural Resources Wales (NRW): Summary of Onshore Ecology Mitigation and Biodiversity Benefit [PDA-019], alongside the F3.3 ES Chapter 3: Onshore Ecology [APP-066] and Document J7 Biodiversity Benefit and Green Infrastructure Statement [APP-193]. The Councils generally agree with type of mitigation and enhancements proposed, however it is difficult to calculate biodiversity benefits, as 'extents' of loss and gains are not provided in a table format which would help with transparency of calculating net benefits when considering all of the DECCA framework. It would be helpful to ask the Applicant to include a table of the calculated net benefits considering diversity, extent, condition and connectivity benefits per habitat type impacted (temporary and permanent, direct and indirect).</p> <p>Protected species mitigation, management and monitoring should be secured through the licensing process, and as such defer to NRW on this element. However, it is noted that NRW have requested within their REP1-056 for updates to the Outline LEMP based on GCN long-term management and monitoring plans.</p>
Q1.18.21	CCBC	<p>Animal Health</p> <p>In your RR [RR-009] you say that the potential impacts of heat radiation on animal health requires assessment. Is your concern limited to livestock? If not, please explain what you were referring to.</p>	<p>This concern was originally raised by the NFU and within the Councils S42 response. The concern was specific to livestock.</p>
Q1.20.9	DCC CCBC	<p>SVLIA</p> <p>In the LIR [REP1-049], section 3.3, you have provided a review of the SLVIA, but have not listed ES Chapter 8 (Vol 2) amongst the documents reviewed.</p> <ul style="list-style-type: none"> • Does the review concern both the offshore and onshore elements of the SLVIA, or onshore elements only? • Was a review undertaken of [APP-060]? • If yes, do you have any comments on the assessment or conclusions reached, or on NRW's WR [REP1-056], concerning the assessment of effects (including cumulative effects) of the Mona Offshore array on the special characteristics and settings of statutory designated landscapes and receptors within those landscapes? 	<p>The review conducted by Arup on behalf of the Councils focussed only on the Onshore elements of the proposed development. For this reason, F2.8 Environmental Statement - Volume 2, Chapter 8: Seascape and visual resources [APP-060] was not considered.</p>

ExQ1 Ref	Party	Question	Response
Q1.21.9	DCC, CCBC, IoMG and IoACC	<p>Skills and Employment Plan</p> <p>As named relevant authorities for the purposes of R19 [REP2-004], are you content that the Skills and Employment Plan would (following consultation with you) be subject to notification rather than approval? If not, provide suggested alternative wording for R19.</p>	<p>The Councils are content that Requirement 19 requires further consultation with us prior to implementation. The Councils would like to see more defined objectives in the final plan (e.g. target numbers of local employees / apprenticeships) and would like to receive monitoring and evaluation data when this becomes available as this would be valuable to inform future projects.</p>
Q1.22.2	DCC CCBC Welsh Government	<p>Management of HGV movements and AIL</p> <p>Can you confirm that you are satisfied with the approach to managing HGV movements and AIL as set out in sections 1.4 and 1.5 of the OCTMP [APP-225]</p>	<p>The Councils have some concerns with the CEA Study Area and continue to discuss this with the Applicant. Until this is resolved, we reserve our right to comment on the general provisions within the CTMP.</p>