



Denbighshire County Council and Conwy County Borough Council

Mona Offshore Wind Farm Development Consent Order

Deadline 4 Submission: Written Summary of Oral Case made at Hearings and Response to Hearing Action Points

Reference EN010137

Issue | 4 November 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.

Job number

Ove Arup & Partners International Limited
111 Victoria Street
Redcliffe
Bristol
BS1 6AX
United Kingdom
arup.com

Contents

| | | |
|-----|--|----------|
| 1. | Introduction | 1 |
| 1.1 | Purpose of this document | 1 |
| 2. | Written Summary of Case at Hearings | 2 |
| 2.1 | Summary of Case at ISH3 | 2 |
| 2.3 | Summary of Case at ISH5 | 5 |
| 3. | Response to Hearing Action Points | 8 |
| 3.1 | CBCC and DCC Response to Hearing Action Points | 8 |

Tables

| | | |
|-----------|--|---|
| Table 2-1 | Summary of case at ISH3 | 2 |
| Table 2-2 | Summary of case at ISH5 | 5 |
| Table 3-1 | Hearing Action Points and Councils' response | 8 |

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 16 October 2024, Issue Specific Hearing 3 (ISH3) was held on environmental matters, including discussion on landscape and visual matters relating to onshore infrastructure. On 24 October 2024, Issue Specific Hearing 5 (ISH5) was held on the draft DCO. The Local Planning Authorities of Denbighshire County Council (DCC) and Conwy County Borough Council (CCBC) were in attendance at these hearings and made oral representations relating to landscape and DCO matters. Section 2 of this document provides a written summary of these representations.

Following the hearings, the Examining Authority (ExA) issued hearing action points for the Applicant and other parties to respond to by a specified deadline. Section 3 of this document provides a response to the hearing action points directed at either CBCC or DCC, or both Councils.

2. Written Summary of Case at Hearings

2.1 Summary of Case at ISH3

Table 2-1 below provides a summary of the case made by DCC and CBCC at ISH3 against the relevant agenda item.

Table 2-1 Summary of case at ISH3

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|--|--|
| 1 | Welcome, introductions, arrangements for the hearing | <p>i. Mr Ben Oakman introduced himself as a landscape architect, representing Conwy Borough County Council and Denbighshire County Council in respect of agenda item 4 (onshore). Mr Oakman also identified that he would be representing Isle of Anglesey Council in respect of agenda item 5 (offshore)*.</p> <p><i>[*please note that this document is limited to an account of the representations made by Mr Oakman in respect of CBCC and DCC only, and does not include any information relating to Isle of Anglesey Council representations.]</i></p> |
| 2 | Purpose of the Issue Specific Hearing | <p>i. The Councils did not make submissions on this agenda point.</p> |
| 3. | The Application | <p>i. The Councils did not make submissions on this agenda point.</p> |
| 4 | The Onshore Substation | <p>i. In response to query from the ExA relating to the code of construction practice, Mr Oakman on behalf of the Councils agreed to an action point for the Councils to make a written response with its views on the document and requirement 9 [see Section 3 of this document]</p> <ul style="list-style-type: none"> • Mr Oakman explained why the Councils are of the view that residual effects at viewpoints two and three would remain significant at year 15, after mitigation is established. Mr Oakman states that the quantum of change achieved by the mitigation as shown in the visualizations does not reduce the amount of harm to the extent where it becomes insignificant. It doesn't change the category of the magnitude of change that's been assessed and therefore the visual effects remain significant beyond year 15. <p>ii. Mr Oakman set out that it is agreed that the approach to landscape mitigation within the substation site for direct and indirect landscape and visual mitigation is reasonable and appropriate for the effects identified. However, the Councils consider that there are remaining residual effects that are significant and do justify the need for additional mitigation, potentially offsite.</p> <p>iii. Mr Oakman referred to Awel Y Mor Section 106 agreement as an example of the type of measures that could be included to mitigate the residual effects, such as:</p> <ul style="list-style-type: none"> • recreational improvements or upgrades to existing footpath and connectivity where footpaths are severed |

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|-------------|--|
| | | <ul style="list-style-type: none"> ▪ interpretation around the development for the local footpath and right of way users ▪ Hedgerow enhancements and other landscape element improvements and tree planting <p>iv. Mr Oakman queried the period of landscape management to be secured in the OLEMP.</p> <p>v. Following representations from the Applicant, Mr Oakman clarified that it's not the replacement planting period that the Councils are concerned about. It is agreed that a five year period is appropriate for replacement planting. Mr Oakman set out that the concern from the councils is that the Applicant has not yet committed to establish how long the landscape elements will be managed for to achieve their mitigation potential. The Councils' position is that in order to secure the delivery of a 15 year mitigation period, the Applicant needs to commit to manage those measures for that 15 years.</p> <p>vi. Mr Oakman set out that in order to achieve BNG benefits, which rely on a 30-year horizon, the Councils would consider that the Applicant needs to commit to management for a 30-year period.</p> <p>vii. In respect of the Denbighshire Memorial Park and Crematorium, Mr Oakman set out that the Councils consider that the crematorium users are highly sensitive visual receptors which are geographically located in a similar location to other highly sensitive, visual receptors, such as public right of way users, which have been represented by viewpoints. The assessment omitted crematorium uses as receptors and the Councils have requested that this be included. The Councils position is that visual effects on those receptors would be significant based on the assessments carried out for nearby receptors.</p> <p>viii. Mr Oakman set out that through the Statement of Common Ground process, discussions with the Applicant on their further work including a site visit and photographs, has resulted in an agreement that they would provide an annotated set of those photographs at some point during the examination process, and that they would accompany that with an assessment of the effects on the visual effects on of the users of the crematorium.</p> <p>ix. In response to the ExA's question regarding the effects on the Offa's Dyke path and Clwydian Range and Dee Valley national landscape, Mr Oakman set out that discussion of this matter is rooted in what the Councils consider to be a flawed methodology in the assessment. In particular, the significance threshold is too high. In common practice (and in the main ES) , moderate effects are usually considered to be significant or at least on the cusp of significance, where they can be either significant or non-significant.</p> |

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|--------------------------------|---|
| | | <p>In which case the assessor needs to set out which and why, and whether it's significant or not.</p> <ul style="list-style-type: none"> • In this LVIA moderate is defined as 'demonstrably out of scale or at variance with landscape character or views'. The Councils consider such effects to be significant. <p>x. Mr Oakman set out that cumulative effects on the users of the Offa's Dyke Path and Clwydian Range and Dee Valley national landscape are considered moderate by the Applicant, but the Councils consider them to be significant.</p> <p>xi. Mr Oakman queried the number and presentation of lightning conductors as raised by Cllr Barlow. The Applicant confirmed in response the photomontages were updated following hearings in July to include the montages; Mr Oakman acknowledged this clarification.</p> <ul style="list-style-type: none"> • In response to a query from the ExA, Mr Oakman confirmed that the councils would welcome a masterplan approach to infrastructure development, as suggested by the Design Commission for Wales. <p>xii. In respect of lighting, Mr Oakman noted that the Councils and the Applicant agreed that there would be additional submissions in relation to construction task lighting, but also in relation to operational lighting, which is reflected in the statement of common ground. Mr Oakman noted that this is an ecology issue as well as landscape and visual.</p> <p>xiii. In response to a question on noise assessment, Mr Oakman agreed to a hearing action point in which the Councils would comment on whether a soundscape assessment is required <i>[see Section 3 of this document]</i>.</p> |
| 5 | Landscape, Seascape and visual | i. The Councils did not make submissions on this agenda point. |
| 6 | Any other business | i. The Councils did not make submissions on this agenda point. |
| 7 | Closure of the hearing | i. The Councils did not make submissions on this agenda point. |

2.3 Summary of Case at ISH5

Table 2-2 below provides a summary of the case made by DCC and CBCC at ISH5 against the relevant agenda item.

Table 2-2 Summary of case at ISH5

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|---|--|
| 1 | Welcome, introductions, arrangements for the hearing | i. Mr David Brown introduced himself as a Chartered Town Planner, present to represent both Denbighshire and Conwy Councils in the ISH. |
| 2 | Purpose of the Issue Specific Hearing | i. The Councils did not make submissions on this agenda point. |
| 3. | Articles and schedules of the dDCO (excluding Schedules 2, 10, 12, 14 and 15) | <p>i. Mr Brown on behalf of the Councils highlighted some concerns with the highway / access provisions within the draft DCO:</p> <ul style="list-style-type: none"> ▪ Article 2: Interpretation The Councils confirmed that the Applicant and the Councils are in discussion regarding the implementation of site accesses under site preparation works. He confirmed they are confident agreement can be reached so long as the necessary information to ensure highway safety can be provided by the Applicant. ▪ Article 12: Temporary restriction of use of streets The Councils noted the ExA's question to the Applicant regarding Article 12 and will consider further the Applicant's justification for temporary stopping up of any street (see Hearing Action Point ISH5 6 in Section 3 of this document). <p>ii. Article 8: Application and modification of legislative provisions Mr Brown on behalf of the Councils confirmed discussions are ongoing with the Applicant regarding disapplication of the Land Drainage Act</p> |
| 4 | Schedule 2 and Schedule 12 of the dDCO (Requirements and approval of matters specified in requirements) | <p>i. Requirement 4: Stages of authorised project Mr Brown on behalf of the Councils confirmed discussions had taken place with the Applicant and it was the Councils understanding that the Applicant was happy to provide the details requested as part of the Requirement submission but did not necessarily want this on the face of the DCO. Mr Brown outlined that the Councils were happy with this position if drafted within the SoCG. In response to a question from the ExA, the Applicant confirmed that they agreed with this position and would be updating the SoCG.</p> <p>ii. Requirement 7: Provision of landscaping Mr Brown confirmed that its request has been that the ongoing management of landscaping is missing from the requirement. The Councils understand that the Applicant is considering this further in relation to updates to the LEMP, and will reserve a position until an update is provided by the Applicant.</p> <p>iii. Requirement 10: Highway accesses Mr Brown confirmed that the Councils had nothing further to add on Requirement 10 beyond the earlier discussion around pre-commencement works. He outlined that the</p> |

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|---|--|
| | | <p>Councils would consider the position further when the additional information has been provided by the Applicant.</p> <p>iv. Requirement 14: Construction hours Mr Brown reiterated concerns around the proposed construction hours with reference to submissions from the Councils. He explained that the concern was not specific to the Mona project but was partly driven by the other known developments in the locality.</p> <p>v. Mr Brown highlighted that the Councils had discussed this with the Applicant and were considering if there were specific locations which would benefit from some further restrictions in relation to working hours. Mr Brown confirmed that the Councils were consulting with elected members on this request and would respond as soon as possible.</p> <p>vi. Requirement 15: Restoration of land used temporarily for construction Mr Brown raised concerns in relation to the current drafting of Requirement 15 and acknowledged that the Applicant has committed to reviewing and providing further clarity in relation to how restoration is to be managed through the DCO. He confirmed that the Council would review this information when available.</p> <p>vii. Requirement 17: Control of noise during operational stage Mr Brown confirmed that the Councils Environmental Health Officer (EHO) had now reviewed the draft Requirement and was happy with the draft.</p> <p>viii. Schedule 12: Approval of matters specified in requirements Mr Brown outlined the Councils' concerns regarding the timescales for discharge under Schedule 12, which are too short given the resource required. The Councils agreed to further consider realistic timescales for the discharge of Requirements.</p> <p>ix. Mr Brown acknowledged the Applicants suggestion of increasing the timescale for further information from 10 to 15 days and welcomed this change in line with the Council's written submissions.</p> <p>x. The Councils also highlighted potential drafting errors and inconsistencies with regard to the period for consultation within Schedule 12, Part 5. The Applicant agreed to review this Schedule.</p> |
| 5 | Schedule 10 of the dDCO (Protective Provisions) | i. The Councils did not make submissions on this agenda point. |
| 6 | Schedule 14 (Deemed Marine Licence) | i. The Councils did not make submissions on this agenda point. |
| 7 | Schedule 15 (Documents and Plans to be Certified) | i. The Councils did not make submissions on this agenda point. |
| 8 | Consents, Licences and Other Agreements | i. The Councils did not make submissions on this agenda point. |

| Agenda No | Agenda Item | Councils' Summary of Case |
|-----------|---|--|
| 9 | Statements of Common Ground relevant to the DCO | i. The Councils did not make submissions on this agenda point. |
| 10 | Review of issues and actions arising | i. The Councils did not make submissions on this agenda point. |
| 11 | Any other business | i. The Councils did not make submissions on this agenda point. |
| 12 | Closure of the hearing | i. The Councils did not make submissions on this agenda point. |

3. Response to Hearing Action Points

3.1 CBCC and DCC Response to Hearing Action Points

Table 3-1 below provides the Councils' response to relevant hearing actions points as published by the ExA in respect of ISH3 and ISH5. The Councils' have reviewed the hearing action points relating to other hearings held in the same week as ISH3 and ISH5 and have not identified any actions directed at the Councils.

Table 3-1 Hearing Action Points and Councils' response

| Action Point Reference | Action Point | Party | Councils' Response |
|------------------------|---|--------------|---|
| ISH3 3 | Review Requirement 9 and provide comments as to the acceptability of the Code of Construction Practice [REP2-038] | The Councils | <p>The Councils have no concern in principle with Requirement 9 and its wording. Comments on specific content within the CoCP and its appended plans have been identified and discussed with the Applicant through the Statement of Common Ground (SoCG) process. For example, in relation to construction hours (also reflected under Requirement 14) and comments provided on the arboricultural method statement.</p> <p>The Councils note that given the number of appended management plans and method statements, the submission under Requirement 9 is likely to be substantial and wide-ranging, requiring consultation and input from a range of technical teams in their determination by the Councils. This represents a potentially significant demand on resource. The Councils have to date raised concern regarding the timescales of discharge as currently proposed in the draft DCO, both through the SoCG process and through the ISH5 on the draft DCO.</p> <p>The Councils would therefore welcome discussion with the Applicant on how it is intended for Requirement 9 to be discharged, particularly with reference to the stage plan under Requirement 4. The Councils consider that careful thought needs to be given to the staging and its implications on Requirement 9, taking into consideration which aspects of the CoCP would be scoped into a discharge per stage. Where possible, the Councils would welcome a scheme-wide submission which seeks to discharge the CoCP and its associated plans for all onshore works. The Councils consider that this should be feasible for most, if not all, aspects of the CoCP.</p> |

| Action Point Reference | Action Point | Party | Councils' Response |
|------------------------|---|--------------------------------------|--|
| ISH3 14 | As authorities who must have regard to the Noise and Soundscape Plan for Wales 2023- 2028 in exercising their functions, do the Councils consider that a soundscape assessment is required from the Applicant or is the information already provided by the Applicant sufficient? | The Councils | The Councils acknowledge that the Environment (Air Quality and Soundscapes) (Wales) Act came into force in April 2024, which was after the DCO application was submitted and accepted for Examination. The Councils have had regard to the policies in the Noise and Soundscape Plan for Wales 2023-2028 in reviewing the DCO application, and are content that the information provided by the Applicant via ES Chapter 9 [APP-072] is sufficient to be compatible with the requirements of the Noise and Soundscape Plan for 2023-2028. No further information in respect of this aspect of the noise assessment is required. |
| ISH3 15 | With reference to NPS EN-1 para 4.3.19, is it possible that even if considered acceptable in their own right with mitigation measures in place, the various effects arising as a result of the onshore substation could add up to have a significant effect on the community or the environment either as a result of the project alone or cumulatively with other proposed developments? | Applicant and all Interested Parties | The Councils have set out in its Local Impact Report [REP1-049], and through oral representations made at ISH3, its concerns with the landscape and visual assessment, which include concerns that there are cumulative effects which are significant and not mitigated for. The Councils consider that further mitigation is required for residual and cumulative effects and in accordance with the mitigation hierarchy, and that this would best take the form of offsite enhancements and compensation in the local landscape. The Councils have also raised concern more broadly with the Applicant's approach to undertaking and reporting the cumulative effects assessment in the DCO application, as reflected in the SoCGs with each Council [REP3-060/61], in which the Councils remain unclear on the conclusions of the assessment and how mitigation is secured. The Councils consider therefore that there is potential for significant effects cumulatively with other proposed developments. The Councils would welcome further discussion with the Applicant regarding their proportionate contribution to off-site compensation and enhancement measures to offset direct landscape and visual and cumulative effects. |
| ISH5 6 | Article 12(1): explain in Explanatory Memorandum (EM) why the article includes any street and whether this is justified and proportionate / Council to consider wording | Applicant/Council | The Councils would welcome clarification from the Applicant as to why it is necessary for Article 12(1) to allow for stopping up of any street. Whilst the need for stopping up a street is understood in the context of the works within the Order Limits, it is not clear to the Councils why this would be required in any other location. The Councils will provide further comment upon review of the updated Explanatory Memorandum and following discussion with the Applicant. |