

ADDITIONAL ITEM

REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

**AWEL Y MOR OFFSHORE WINDFARM – NATIONALLY SIGNIFICANT  
INFRASTRUCTURE PROJECT**

**RESPONSE TO STATUTORY PRE-APPLICATION CONSULTATION**

**1. PURPOSE OF THIS REPORT:**

- 1.1 Denbighshire County Council have been invited to respond to the statutory pre-application consultation on the proposed Awel y Mor offshore windfarm.
- 1.2 The consultation commenced on 31 August and will run until 11 October 2021.
- 1.3 This report seeks Members approval to submit a formal consultation response to the pre-application consultation on behalf of the Council.

**2. BACKGROUND:**

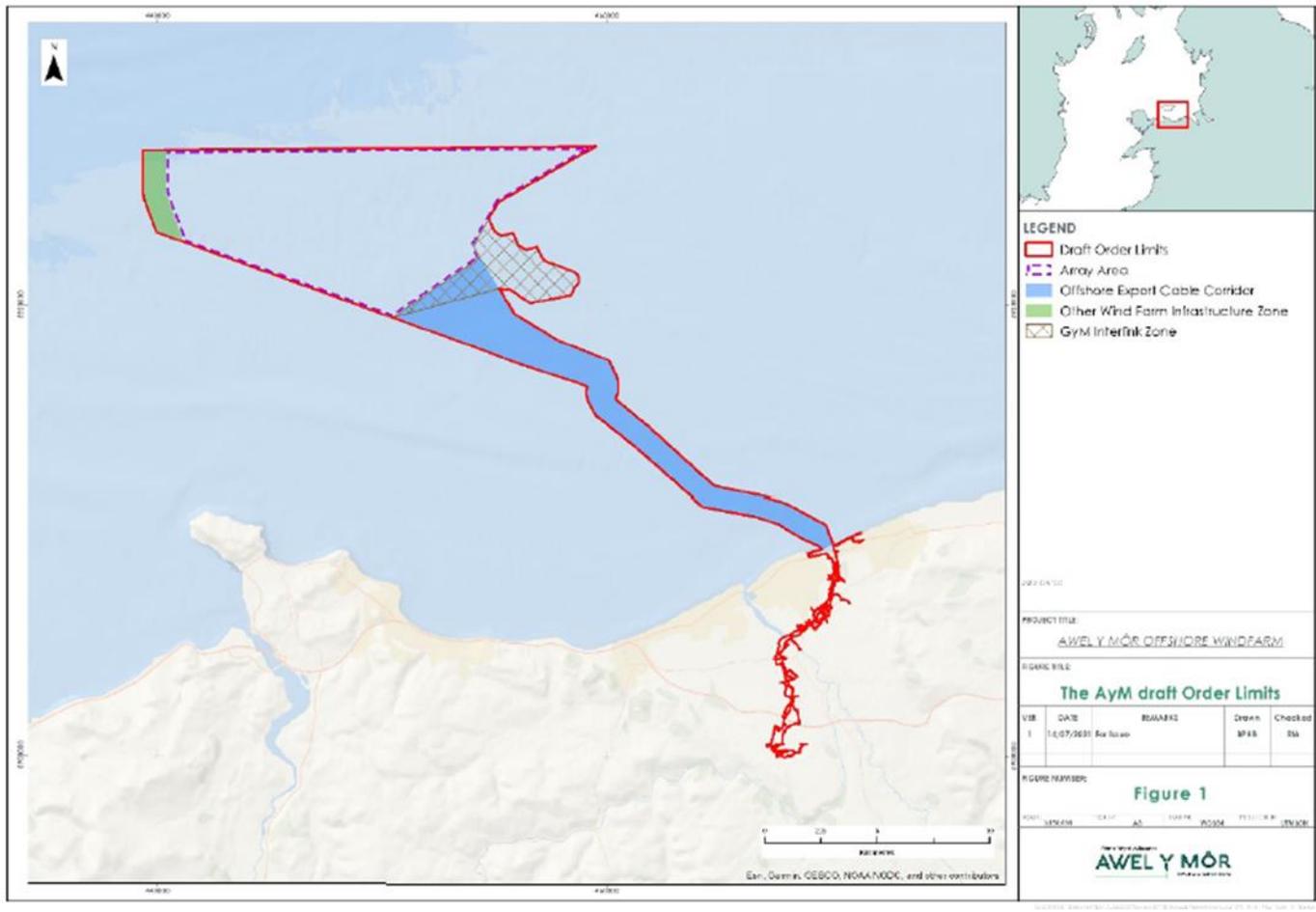
- 2.1 The Awel y Mor windfarm is a Nationally Significant Infrastructure Project.
- 2.2 Under the Planning Act 2008, consent for Nationally Significant Infrastructure Projects is issued through the enactment of a Development Consent Order (a statutory instrument) rather than planning permission.
- 2.3 Applications for Development Consent Orders (DCO) are submitted to, and assessed by, the Planning Inspectorate and are determined by the relevant UK Secretary of State.
- 2.4 Prior to submitting an application to the Planning Inspectorate, the developer is required to carry out a formal pre-application consultation with statutory bodies and the local community.
- 2.5 Local authorities are statutory consultees.
- 2.6 Once a DCO application has been submitted to the Planning Inspectorate, affected local authorities and other consultees will be formally consulted on the application.

**3. THE AWEL Y MOR OFFSHORE WINDFARM PROPOSAL:**

- 3.1 RWE Renewables and partners (the 'developer') are proposing a new offshore windfarm off the coast of North Wales.
- 3.2 The proposed offshore windfarm would be located off the North Wales coast between Colwyn Bay and Llanfairfechan. The scheme would be to the west of the existing Gwynt y Mor offshore windfarm.
- 3.3 The associated onshore works, including an underground high voltage cable and a new substation will form part of the Development Consent Order application.
- 3.4 **Members are advised that all onshore works are proposed to be within Denbighshire.**
- 3.5 The 'landfall' location is the point where the electricity cable is brought ashore. The landfall location is proposed at Rhyl Golf Course.
- 3.6 A new substation is proposed on agricultural land to the west of the St. Asaph Business.

- 3.7 A high voltage underground cable is proposed to be installed from the landfall location at Rhyl Golf course leading to the new substation at land to the west of St. Asaph Business Park.
- 3.8 A further underground cable and other associated works are also proposed to connect the new substation to the existing Bodelwyddan National Grid substation, which is located on land to the south of Glascoed Road.
- 3.9 The development proposal includes ancillary development such as construction compounds, laydown areas, new tracks and vehicular accesses at the landfall location, along the cable corridor and at the substation site.
- 3.10 The extent of the proposed development is shown on the Plan 1 below:

**Plan 1: Extent of the proposed development:**



- 3.11 In addition to the DCO application, the offshore works would also require a marine licence and a separate marine licence application would be submitted to Natural Resources Wales.

**4. STATUTORY PRE-APPLICATION CONSULTATION:**

- 4.1 The consultation is seeking views on the draft Development Consent Order (DCO) and the Preliminary Environmental Information Report (PEIR).
- 4.2 The plan attached as APPENDIX 1 is the red line boundary plan for the development proposed, and which shows the proposed landfall location, the cable corridor route and the substation site.

- 4.3 The works comprising the proposed development are itemised in Schedule 1 of the draft Development Consent Order, and which is set out in APPENDIX 2 to the Report. The key to the plan in APPENDIX 1 should be read in conjunction with the itemised list of works set out in APPENDIX 2.

#### **The draft Development Consent Order (DCO)**

- 4.4 The DCO is the statutory instrument which provides the necessary powers to carry out the development proposed. The draft DCO defines the extent of the development and itemises the works which are required to construct and operate the offshore windfarm.
- 4.5 In addition to consent for the construction and operation of an offshore windfarm, the developer is also seeking secondary powers to be included in the DCO for 'associated development'.
- 4.6 This means that the DCO would provide the developer the necessary powers to construct and operate a windfarm, and they would not need to obtain secondary consents from other regulators such as the Local Planning Authority, the Local Highway Authority, the Lead Local Flood Authority, NRW or Dwr Cymu / Welsh Water.
- 4.7 The secondary powers sought relate to street works, supplemental powers, compulsory acquisition and other miscellaneous powers.
- 4.8 The street works powers sought would allow the developer to work in or under streets to allow them to install onshore cables. Powers are also sought to allow the development to create junctions onto streets to allow access to construction areas, and to construct a new permanent access to the proposed substation.
- 4.9 Other street works powers sought would include temporary stopping up or restriction on the use of streets, including the temporary stopping up or diversion of public rights of way.
- 4.10 The supplemental powers sought include allowing the developer to connect into drains, sewers or watercourses for the discharge of water.
- 4.11 The compulsory acquisition powers would allow the developer to take possession of land which is required for the offshore windfarm development. Temporary possession powers would also allow the developer to use land which is needed during the construction but which is not permanently required for the operation of the windfarm. The DCO includes a mechanism to allow compensation to be paid for the exercise of compulsory acquisition and temporary possession powers.
- 4.12 Miscellaneous powers proposed include provision to allow the felling and lopping of trees and removal of hedgerow without the need for additional consent, which includes works to trees subject to a Tree Preservation Order.
- 4.13 The DCO will also contain a raft of 'Planning Requirements', which will function in the same way as planning conditions. The local planning authority would be responsible for the post consent approval of detail subject of planning requirements, and enforcement.

#### **The Preliminary Environmental Information Report (PEIR):**

- 4.14 The PEIR report is presented in the form of a draft Environmental Statement, and details the findings of all assessments and surveys that have been carried out to date, and sets out the likely effects of the offshore and onshore works on a range of material considerations.
- 4.15 Offshore impacts assessed include:
- marine geology,
  - oceanography and physical processes;
  - marine water and sediment quality; offshore ornithology;
  - benthic (sea bed) subtidal and intertidal ecology;
  - marine mammals; commercial fisheries;

- shipping and navigation;
- seascape, landscape and visual impact assessment;
- offshore archaeology and cultural heritage;
- other marine uses and activities;
- military and civil aviation; and
- inter-relationships.

4.16 Onshore impacts assessed include:

- landscape and visual impact assessment;
- socio-economics;
- tourism and recreation;
- onshore biodiversity and nature conservation;
- ground conditions and land use;
- hydrology, hydrogeology and flood risk;
- onshore archaeology and cultural heritage;
- traffic and transport;
- noise and vibration;
- air quality; and
- public health.

**The Council's response to the pre-application consultation:**

- 4.17 Comments from internal consultees has been sought to inform the Council's response to the consultation and the Council's formal response to the consultation will be set out in APPENDIX 3.
- 4.18 However, due to the limited time available for Officers to view the consultation material, a number of internal consultation responses are still pending at the time of writing the report. To maximise the time available for officers to assess the consultation material, APPENDIX 3 is not attached to this Report and will instead be circulated to Members with the Late Information Report (the 'late sheets') in the days prior to the Committee meeting.
- 4.19 The developer has also provided funding to assist the North Wales authorities assess the landscape and visual impact of the proposal. The seven North Wales local planning authorities have commissioned Land Use Consultants (LUC) to appraise the landscape and visual impact assessment contained in the developer's PEIR, and to provide independent advice on the impact of the proposal. The LUC independent appraisal will be attached as APPENDIX 4 to this report, which will also be circulated with the Late Information Report in the days prior to the Committee meeting.

**5. RESOLUTION:**

- 5.1 Approval is sought from Members to submit the comments set out in APPENDIX 3 as the Council's formal consultation response to the developer's statutory pre-application consultation on the proposed Awel y Mor offshore windfarm. A copy of the minutes from the meeting detailing any comments Members wish to make on the development will also be included.

**EMLYN JONES**

**HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTYSIDE SERVICE**

**Attachments:**

**APPENDIX 1** – Red line boundary plan for development proposed.

**APPENDIX 2** – Details of works comprising the proposed development

**APPENDIX 3** – Council's formal response to the consultation (Not attached to this report - to be circulated with the 'Late Information' Report in the days prior to Committee)

**APPENDIX 4** – Independent Landscape consultant's appraisal (Not attached to this report - to be circulated with the 'Late Information' Report in the days prior to Committee)