



**PLANNING, PUBLIC
PROTECTION & COUNTRYSIDE SERVICES**

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

DENBIGHSHIRE COUNTY COUNCIL

**RESPONSE TO THE PRE-APPLICATION CONSULTATION UNDER SECTION 42
OF THE PLANNING ACT 2008**

Author:	Denise Shaw
Date:	7 October 2021
Agreed by:	Denbighshire County Council Planning Committee on 6 th October 2021

A. PREFACE

Reference is made to your email which gave notice of the formal pre-application consultation period and invited comments on draft Development Consent Order and Preliminary Environmental Information Report (PEIR) in accordance with the provisions of Section 42 of the Planning Act 2008.

Comments on behalf of Denbighshire County Council ('the Council') take the form of an observations report which follows this preface. The response incorporates comments from the Council's planning and technical officers and elected Members of the Council.

Please note; reference is made only to sections of the consultation documents which the Council wish to offer comment on.

We advise that comments are provided on a without prejudice basis, based on the information available.

The draft Consultation Response was presented to Denbighshire County Council Planning Committee on 6 October 2021. The draft response has been amended in light of issues raised at Planning Committee, and the final response has been agreed with the elected Members.

Any queries should be directed to Denise Shaw, Planning Officer:

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B. GENERAL COMMENTS ON THE PROPOSED DEVELOPMENT

The Council does not object to the principle of the development, however there are significant concerns with regards to works proposed at the landfall location in relation to the interaction with existing and proposed flood defences and the operation and future viability of Rhyl Golf Club; and in relation to the location, siting and scale of the proposed onshore substation.

The Council also have concerns with the scale of the offshore windfarm proposed and the impacts it would have on regional interests.

With respect to the landfall location, the Council would advise that, in addition to existing coastal flood defences, a programme of new and improved defences are proposed along the Denbighshire coast. This includes the East Rhyl coastal defence project which is currently under construction; proposed improved sea defences in central Rhyl; and a proposed coastal embankment at Rhyl Golf Club (please see response to 1.3.1 below which sets out projects to be included in cumulative assessment).

It is noted that the landfall location proposed is at Rhyl Golf Club, and therefore there is the potential for the proposal to directly impact upon existing and proposed coastal flood defences and the function and viability of Rhyl golf club.

With respect to the onshore substation, whilst the Council accepts the need for the substation to be sited close to the National Grid substation, the Council would question the site selection, give the chosen substation site is an open agricultural field which is rural in character and close to residential properties. The Council would question why alternative sites on or adjacent to the business park or to the south of Glascoed road, which are less visually conspicuous were not selected.

Whilst the offshore array has limited significant effects on Denbighshire interests, from a regional perspective, the Council has concerns about the number of significant effects identified in the SLVIA, and the effect an offshore windfarm of the scale proposed would have on regional seascape and landscape character, visual amenity and the regional visitor economy.

C. COMMENTS ON DRAFT DCO

In addition to consent for the construction and operation of an offshore windfarm, the draft DCO includes provision for secondary powers for 'associated development', including streetworks and compulsory acquisition powers.

Owing to the large geographic area affected by the onshore works, the Council has concerns about the wide remit of secondary powers, and in particular the proposed powers for temporary stopping up or restriction on the use of streets, and the temporary stopping up or diversion of public rights of way, as it would remove strategic control from the local highway authority to manage the highway and public rights of way network effectively for the benefit of users.

Any closures or diversions must be agreed within the local highway authority, and should be diverted / closed for the minimum possible time necessary.

The Council is also an effected landowner, and has concerns regarding the impact on Council interests, in particular at the landfall location. It should be noted that there are existing coastal defences at the landfall, and the Council has a programme of coastal defence scheme improvements in the pipeline which may be impacted by the proposal.

The Council also has the following comments to make on the specific sections of the draft DCO:

PART 3

Streets

Public rights of way

11.(1)

It is not clear what is meant by 'public rights of way strategy'. The Rights of Way Improvement Plan is the only statutory strategy a Council would have and its purpose is not to set design or specification standards for path reinstatement, and therefore this clause does not have any meaning, as there are no pre-defined standards to adhere to.

The Highways Act is applicable with regards to issue of design and that would mean the developer would need to provide a new surface at least to the standard of the original path in agreement with the Highway Authority's own standards not any strategy.

11 (2)

This section only refers to footpaths, however bridleways and byways will also be affected by the development proposal. Is this an omission, or is the intention that this clause should only apply to footpaths?

It is essential the local highway authority have adequate advance notice and indication of the sections being stopped up and details of what it is to be replaced with, and stopping up period should be as short and commodious to satisfy the existing statutory tests in law for the replacement of public rights of way.

Temporary stopping up of public rights of way

12. (2)

As above, this clause is meaningless as Rights of Way Improvement Plans do not specify to this level of detail standards for replacement paths. Each case is site specific and depends on the existing condition of the right of way and the nature of use, and detailing cannot be standardised, and needs approval of the local highway authority.

PART 5

Powers of Acquisition

The Council is an effected landowner, in particular at the landfall location.

The Council has significant concerns regarding the proposed compulsory acquisition powers, and consider the needs of development should not override or conflict with other landowner interests, or undermine other developments which are to be carried out, in particular strategic improvements to coastal flood defences.

The Council consider existing and planned flood defence infrastructure at the landfall must take precedence over the windfarm development, and as such the Council cannot agree to powers of acquisition unless amendments to the windfarm scheme are made to ensure no adverse impact on flood defences.

The Council also consider the siting of a construction compound and permanent siting of Transition Joint Bays at Rhyl Golf Course would impact on the functionality and long term viability of the golf course. The Council consider the powers of acquisition sought would take away any agency from the golf club to influence the siting of infrastructure within the golf course grounds, which is unacceptable given the potential implications for the future of the club.

Further dialogue with the Council's property section and flood risk engineer, Rhyl Golf Club and other affected landowners should be undertaken so they fully understand the scope of powers sought.

SCHEDULE 2

REQUIREMENTS

Requirement 7. The Council do not agree with this Requirement. Full details of substation siting, design, scale and layout, and appearance of buildings should be included in the application in order that assessment of effects is robust and understood.

At a last resort, should any details of the substation be subject of the Requirement, then it is essential that the upper limits for the substation are clearly defined and embedded in the requirement. E.g. site area shall not exceed XX,XXX m² / external equipment shall not exceed height of 18m / number of buildings shall not exceed 8 / buildings shall not exceed height of 15m etc.). Details of vehicular access, internal roads, parking and turning areas, boundary treatments and lighting should also be itemised.

Requirement 11. The Code of Construction Practice should also include provision of a communication plan outlining how the local community will be informed about construction activities, set out a commitment to provide a single point of contact and complaints management and resolution procedure.

Requirement 16. The Council have concerns with the proposed hours of working, and do not agree to 7am – 7pm working hours in locations close to residential receptors. Where working areas are close to residential receptors, hours of operation should be restricted to 8am – 6pm Monday to Saturday only, with no working on Sundays or Bank Holidays.

In relation of 16 (2). The Council has no objection to inclusion of a provision which allows for works to be carried out outside of agreed working hours in exception circumstances. However the clause should make it clear that requests need to be made in writing to the Council at least 48 hours in advance, and should include an explanation why works cannot be carried out during agreed working hours and an outline of works proposed to be undertaken. The communications plan (referred to under Requirement 11 above) should also include a provision for a mechanism to notify affected communities of out of hours work in advance of them being undertaken.

Requirement 18. 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.

Requirement 19. This requirement is not precise. The maximum noise levels from the substation site at the nearest noise sensitive receptors must be clearly defined and embedded in the Requirement.

D. COMMENTS ON PEIR

LAYOUT OF THE REPORT

The Council wish to raise the issue of file size; the consultation documents are numerous and very large in size, and Officers and Councillors have had difficulty accessing documents from the project website. It is also likely that members of the public and other interested parties would struggle to open / download the files and navigate consultation documents. Therefore consideration should be given to ensure the file size is reduced as far as practical at submission stage.

VOLUME 1: INTRODUCTORY CHAPTERS AND ANNEXES:

1.2 CHAPTER 02: POLICY AND LEGISLATION

The Council support the principle of new renewable energy generation and recognise the contribution the proposed windfarm would make towards meeting Welsh Government renewable energy targets and tackling climate change.

However, new wind energy development should not be brought forward at any cost. It is noted that a large number of significant effects have been identified in the PEIR across a range of topic areas. The design process is iterative and full consideration should be given to scaling back the geographic spread of the windfarm and the size of the turbines, which may help mitigate the range and extent of significant effects identified, whilst still contributing to renewable energy and climate change goals.

1.3.1 ANNEX 3.1: CUMULATIVE EFFECTS ASSESSMENT

It is noted that necessary enabling works at the National Grid substation would fall outside of the DCO and would be undertaken by National Grid. Whilst enabling works are not yet defined and would be carried out separately by the National Grid, they are nevertheless essential works to be undertaken in association with the proposed development, and the parameters of the works are at least known. The Council consider the enabling works at the National Grid substation should therefore be included in the cumulative assessment, and a worst case scenario should be assumed.

All existing substations and energy related infrastructure should be included in the cumulative assessment and in particular in relation to the proposed onshore substation site.

Furthermore, the list of projects included in the cumulative assessment appears to omit a number of major schemes within Denbighshire. The major schemes below which are located within the North of the County should be included in the cumulative assessments:

Major applications consented since 01/01/2018:

40/2017/1232 - Erection of 7 no. industrial units with associated parking, landscaping, access road and external storage areas. Land North of Edmund Prys, St Asaph Business Park. Granted 27/07/2018

43/2020/0843 - Demolition of former library building, erection of a new three and half storey building to contain 2 no. commercial units at ground floor and 14 no. one- bedroom residential apartments on the upper floors and associated works. Former Prestatyn Library, Nant Hall Road, Prestatyn. Granted 16/03/2021.

43/2017/1121 - Use of land for the siting of an additional 65 touring caravan pitches and 39 timber camping pods, storage building and associated works. Ffrith Beach, Victoria Road West, Prestatyn. Granted 23/05/2018

43/2018/0900 - Demolition of existing dwelling and erection of 15 no. unit residential apartment block; construction of a new vehicular access and associated works. 1 The Dell and land to rear of, The Dell, Prestatyn. Granted 12/12/2018

43/2020/0023 - Erection of a retail store with garden centre, servicing and car parking areas and associated works. Market Site, Gas Works Lane, Prestatyn. Granted 11/08/2020

43/2017/0848 Erection of 41 affordable dwellings and associated works. Market Site, Gas Works Lane, Prestatyn. Granted 11/08/2020

44/2018/0855 - Details of access, appearance, landscaping, layout and scale of 99 dwellings submitted in accordance with condition number 1 of outline permission code 44/2015/1075 (reserved matters application). Land East of Tirionfa, Meliden Road, Rhuddlan. Granted 13/03/2019

44/2020/0346 - Change of use of agricultural land to form extension to existing touring caravan site; siting of 3 no. glamping pods and camping facilities; construction of toilet, shower and laundry blocks and associated works. Abbey Farm Caravan Park, Abbey Road, Rhuddlan. Granted 15/10/2020

45/2020/0096 - Change of use and alterations to former offices to form a 61 bed, 6 ward hospital for residential nursing and health care. 64 Brighton Road, Rhyl. Granted 17/06/2020

45/2021/0040 - Hybrid Planning application (Full details and outline) for the redevelopment of 0.93ha of land known as Queens Market, incorporating the following elements:

Full Details:

- Demolition of the Bright Spot building on the corner of West Parade and High Street
- Demolition of 2-6 High Street

Queens Market, Sussex Street, Rhyl. Granted 13/09/2021

45/2020/0865 - Demolition of existing dwellings, erection of 13 no. dwellings and associated works. 3-23 Edward Henry Street, Rhyl. Granted 30/03/2021

45/2020/0725 - Conversion of existing offices to form 12 self-contained apartments, including demolition of extension to rear, erection of car port and sprinkler tank compound, landscaping and associated works. Llys Anwyl, Churton Rd, Rhyl. Granted 06/01/2021

45/2020/0498 - Development of land in connection with existing hospital including the erection of a four storey community hospital. Royal Alexandra Hospital, Marine Drive, Rhyl. Granted 06/11/2020

45/2018/1215 - Erection of 109 dwellings and associated works (Phase 5). Land at Rhyl South East between Bro Deg and Dyserth Road, Rhyl. Granted 12/08/2021

45/2017/1164 - Demolition of existing school buildings and erection of replacement school accommodating 920 pupils incorporating playgroup, nursery, primary and secondary places with associated play space, grass pitch, all weather pitch. Land at Blessed Edward Jones High School and Ysgol Mair Primary School, Cefndy Road, Rhyl. Granted 21/02/2018

45/2018/1197 - Construction of coastal protection scheme, incorporating; interlocking rock revetment and recurved upstand sea wall to replace existing, raising of walkway, new and amended accesses and associated works (East Rhyl coastal defence improvement scheme). The coastal frontage of East Rhyl, adj to Garford Road, Rhyl. Granted 25/04/2019

45/2018/0263 - Demolition of existing building and redevelopment of land by the erection of 18 apartments and associated works. Victoria Business Park, Victoria Rd, Rhyl. Granted 12/03/2019

45/2018/0123 - Erection of a retail unit with associated parking, access, servicing and landscaping. Marina Quay Retail Park, Wellington Rd, Rhyl. Granted 12/07/2018

45/2018/0822 - Construction of 41 housing association apartments for local residents over 55 years of age together with new and altered vehicular and pedestrian accesses, associated parking provision, and related work. 41-42 East Parade, Rhyl. Granted 14/11/2018

45/2021/0265 – Change of use of land to “Skyflyer Balloon” tourist attraction including the installation of concrete platform, mounting winch and associated Skyflyer Balloon and basket, siting of toilet and reception buildings, landscaping and associated works. Former Sun Centre Site, East Parade, Rhyl. Granted 13/09/2021

40/2021/0796 - Erection of a detached storage building. Commscope, Unit 1, Kinmel Park, Bodelwyddan. Granted 24/09/2021.

Major applications pending determination:

40/2021/0730 - Demolition of dwelling and erection of 28 new dwellings including new vehicular access, internal access road and associated works. Land at Bryn Morfa, Bodelwyddan. PENDING

40/2021/0309 - Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission). Plot C7 St Asaph Business Park, St Asaph. PENDING

40/2021/0825 - Erection of 106 dwellings, construction of a new vehicular access and associated works. Land opposite Glan Clwyd Hospital, Rhuddlan Rd, Bodelwyddan. PENDING

43/2020/0521 - Erection of 102 affordable dwellings, associated roads, open space, landscaping and infrastructure (re-submission of planning application 44/2019/0629). Land adj to Alexandra Drive, Prestatyn. PENDING

43/2020/0773 - Erection of 35 no. dwellings and associated works. Land adj to Plas Morfa Farm, ffordd Penrhwyfya, Prestatyn. PENDING

43/2016/0356 - Development of 2.4 hectares of land for residential development (outline application - all matters reserved) (resubmission of previously refused application under Code No. 43/2014/1166/PO). Land off Warren Drive, Prestatyn. PENDING

45/2021/0187 - Change of use of land and erection of a Further Education Engineering Centre building, formation of a new vehicular access, construction of an internal site access road and car park, together with landscaping and associated works. Llandrillo College, Cefndy Road, Rhyl. PENDING

45/2021/0738 - Retrospective application for the change of use of dwelling (Use Class C3) to form a house of multiple occupancy (Use Class C4) for 4 people. 7 Llys Walsh, Rhyl. PENDING

45/2020/0858 - Conversion and alterations to hotel to form 10 no. self-contained apartments. 16 East Parade, Rhyl. PENDING

46/2019/0806 - Development of 0.75 ha of land for residential purposes (outline application including access). Bod Haulog, The Roe, St Asaph. PENDING

46/2021/0159 – Hybrid planning application for the redevelopment of 6.9ha of land incorporating the following elements:

Hybrid planning application (full details and outline) for the redevelopment of 6.9ha of land incorporating the following elements:

Full Details:

- Erection of a commercial vehicles sales unit (sui generis)
- Formation of associated parking area, landscaping and associated works

Outline:

Outline Planning application for the erection of 5 No. business buildings (Use Class B1 and B2) with all other matters reserved for further approval.

Vista Site, Glascoed Road, St. Asaph. PENDING

Pre-application major schemes:

There is also a programme of coastal defence scheme improvements in the pipeline, and EIA screening and scoping opinions for the following schemes have been issues, and which should be included in the cumulative assessment as applications are likely to come forward over the next 6-12months.

45/2021/0092. EIA screening and scoping opinion request for the proposed Central Rhyl Coastal Defence Scheme. Central Parade, Rhyl. Positive EIA Screening Opinion issued 26/04/2021.

45/2020/0899. EIA screening opinion request for the proposed Central Prestatyn/Rhyl Golf Club Coastal Defence Scheme. From the slipway at Rhyl Golf Club eastwards to Green Lanes dunes. Negative EIA Screening Opinion issued 01/10/2019

The Council would also advise similar coastal defence improvement schemes are being progressed in other North Wales authority areas, and which should also be scoped in to the cumulative assessment. (Please contact other planning authorities for details).

Other Major Infrastructure Projects (NSIP and DNOs) in Denbighshire:

DNS application (PINS Ref: DNS/3247619). Elwy Solar Energy Farm. Land at Gwernigron Farm, The Roe, St. Asaph. Application submitted and accepted by Planning Inspectorate Wales (Now Welsh Government Planning and Environment Decisions Wales). Pending determination.

Renewable energy allocated sites:

Future Wales: The National Plan (2040) is the national development framework for Wales and has development plan status. The Council consider it is a material consideration in the determination of NSIP proposals in Wales to be afforded weight.

Future Wales has defined ten 'Pre-Assessed Area for Wind Energy' and Policy 17 to the National Plan states "in Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18".

Pre-Assessed Areas for Wind Energy no. 1 and no. 2 lie within the 50km ZTV.

PINS Advice Note Seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects, advises sites allocated in adopted development plans should be included in cumulative assessment as Tier 3 project.

Pre-Assessed Areas for Wind Energy no. 1 and no. 2 as defined in Future Wales should therefore also be included in the cumulative assessment.

1.4 CHAPTER 4: SITE SELECTION AND ALTERNATIVES

The options appraisal doesn't clearly explain why a smaller site area for the array, or smaller turbines have been discounted.

The design envelope therefore needs to be fully justified, and the reason why smaller turbines / smaller array area have been discounted needs to be fully explained.

VOLUME 2: OFFSHORE CHAPTERS:

2.1 CHAPTER 01: OFFSHORE PROJECT DESCRIPTION

As the development has not been fully defined, the PEIR confirms the Rochdale Envelope shall be applied for the purposes of the EIA, with assessments being based on the worst case scenario within the design envelope. The maximum design scenarios (MDS) are as follows:

Large WTGs – The largest WTGs within the design envelope. For the purposes of assessment this is assumed to be up to 48 of the largest possible WTGs with a Rotor Diameter (RD) of up to 300 m; and

Small WTGs – The greatest number of WTGs within the design envelope. For the purposes of assessment this is assumed to be up to 91 smaller WTGs with a RD of up to 220 m.

The Council has no objection to the application of the Rochdale Envelope, however given the scale of significant effects identified in the PEIR, the options appraisal doesn't clearly explain why a smaller site area for the array, or smaller turbines have been discounted.

This needs to be fully explored and justified, especially given that a reduction in the array area or height of turbines may mitigate significant effects identified.

The design envelope therefore needs to be fully justified, and the reason why smaller turbines / smaller array area has been discounted needs to be fully explained.

2.10 CHAPTER 10: SEASCAPE, LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Land Use Consultants (LUC) have been commissioned to independently review the Seascape, Landscape and Visual Impact Assessment on behalf of the seven North Wales Planning Authorities, and the Authorities collectively have significant concerns regarding the impact of the proposal on the regional interests.

A copy of the LUC SLVIA Review is attached, and the Council fully endorses the findings and recommendations.

The turbines proposed in the array are significantly larger than those comprised in the existing Rhyl Flats, North Hoyle or Gwynt y Mor offshore windfarms, and owing to siting and scale, the AyM offshore windfarm would be will be noticeable and distinct from existing developments, and would be viewed as an entirely new windfarm, rather than an extension to existing.

The PEIR concludes no significant effects on Denbighshire interests, however the Council is in disagreement with the assessment on the following receptors:

- No significant effects are reported for any Denbighshire viewpoints in the SLVIA. This is not agreed for viewpoint 23 at Rhyl Aquarium it is considered that there will be significant effects. The addition of AyM OWF turbines on the horizon will fill in gaps, accentuate the differences between existing and proposed developments and result in greater incidence of stacking and visual clutter.
- No significant effects are reported in the SLVIA for any of the Denbighshire settlements along the coast. This is not agreed and it is considered that there will be significant effect at Rhyl along the sea front promenade.
- The SLVIA identifies no significant effect for SCA C Vale of Clwyd. This is not agreed and it is considered that significant effect would be likely here due to the prominence of the turbines in views from the coastal parts of this SCA.

The Council also has concerns regarding the impact of the proposal on the Clwydian Range and Dee Valley AONB has been underestimated.

The ZTVI diagrams confirm that the both the Scenario A (48 x 332m blade tip height) and Scenario B (91x 252m height) proposals will be visible from a substantial area of the AONB. When viewed from the AONB the proposed windfarm will visually connect the existing Rhyl Flats and Gwynt Y Mor wind farms to create a much larger, continuously developed skyline/seascape across much of the horizon. One of the special qualities of the AONB is the opportunity to experience wide ranging panoramic views,

including those out to sea, and the Council and the AONB Joint Committee is becoming increasingly concerned that the protected landscape is being visually 'hemmed in' by both onshore and offshore windfarm development to the detriment of this special quality. Views from the AONB will be increasingly characterised by wind farm dominated landscapes and seascapes.

The AONB viewpoints (24 Graig Fawr, 26 Prestatyn Hillside Viewpoint Car Park, and 54 Y Foel, Dyserth) selected for assessment in the SLVIA are representative of the impact on key views from the northern part of the AONB but, given the scale of the proposals, the development will be visible from a much larger area of the protected landscape. A critical decision in relation to the potential visual impact of the development will be whether Scenario A (48 x 332m turbines) or B (91x 252m turbines) is pursued. The SLVIA viewpoint diagrams illustrate Scenario A, but it may be that the greater number of smaller turbines proposed in Scenario B would have less impact overall on views out to sea given that less turbine would be visible above the horizon.

It would have therefore been beneficial to be presented with illustrations for Scenario A and B for comparison purposes.

Whilst the offshore array has limited significant effects on Denbighshire interests, from a regional perspective, the Council has concerns about the number of significant effects identified, and the effect a proposal of the scale proposed would have on regional seascape and landscape character and visual amenity.

LUC Review indicates disagreement with a number of the conclusions in the PEIR, which raises concerns that the significance of effect has been underplayed. LUC have recommend the following areas are explored:

- The application of magnitude of change criteria to the assessments of effects on views. LUC particularly note the emphasis in the SLVIA that the AyM OWF will 'intensify' the existing effect of operational wind farms. LUC have advised this does not accurately reflect the appearance of the AyM OWF and the contrast in scale between it and the operational schemes.
- The extent to which significant effects are found to occur across receptors. There is emphasis throughout the SLVIA on effects being localised. While in many cases this is justified, in some instances the LUC review indicates that significant effects may extend further than stated in the SLVIA.
- This point is particularly the case in the assessment of effects on settlements, where sea views may be affected across the built up area, not just at the sea front. Similarly, sea views from routes may be affected even where the route is not immediately coastal in location.

In terms of mitigation, it is acknowledged that no mitigation of the significant effects of the offshore wind farm is feasible, other than further changes to the design.

Whilst the extent of the turbine array has been reduced to reduce the effects on Anglesey interests, a reduction in turbine height has not been discussed in the SLVIA as a means of mitigating impacts. The SLVIA has assessed two alternative turbine heights as set out in the MDS. The LUC review of the SLVIA indicates that findings of significant effect do not vary according to which MDS is considered. This suggests that turbines of 252m in height would have the same spread of significant effects as turbines of 332m, and that turbines would have to be substantively smaller to achieve effective mitigation.

At PEIR stage, it is accepted that mitigation proposals are at a relatively early stage, and therefore reduction in height of turbine should not be discounted at this stage. The Council consider further development of this mitigation section will be required for the ES.

2.11 CHAPTER 11: OFFSHORE ARCHAEOLOGY

Please see CPAT comments set out under 3.8 below.

VOLUME 3: ONSHORE CHAPTERS:

3.1 CHAPTER 1: ONSHORE PROJECT DESCRIPTION

Landfall:

The Council has significant concerns that the proposed works at Rhyl Golf Course would significantly impact upon proposed new flood defences which are proposed in this location, and the Council consider flood defences must take precedence over the windfarm. The proposed works at the landfall location therefore need to be re-considered to ensure they are compatible with existing and proposed flood defence infrastructure.

The Council also has significant concerns with the potential impact of the landfall works on Rhyl Golf Course, and in particular the siting of a construction compound on the eastern section of the golf course and the permanent siting of Transition Joint Bays within the golf course, which are proposed to be installed across fairway 4, 5 and 6. The works proposed would have a significant, detrimental impact on the golf course during construction and operational phases, and in particular the Transition Joint Bays would likely result in the closure of the golf course as two areas of 100m² concrete hardstanding would destroy the fairway and would make it unfeasible for the golf course to continue to operate from the site.

The Council therefore object to the siting of Transition Joint Bays at the Golf Course, and instead consider they should be installed on land along the North Coast railway line.

The Council would also object to any open trenching at the landfall, and every effort should be made to ensure cables can be installed by HDD or trenchless techniques.

However, due to close proximity to residential properties, HDD activity must be carefully controlled and restricted to normal working hours to mitigate impact on residential properties.

Cable Corridor:

The Council has concerns regarding the need to temporarily stop up or divert public rights of way along the cable corridor. Every effort should be made to minimise closures, and where they are necessary, rights of ways should be re-opened at the earliest opportunity.

As open cut trenches are proposed to lay cables, it is also noted that extensive sections of hedgerow and trees are proposed to be removed. The Council has concerns with the extent of hedgerow that would be removed, 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.

Substation:

The substation is proposed to be sited on agricultural land, which does not form part of the St Asaph Business Park and is set away from existing substations and electricity infrastructure.

The Council do not support the proposal to site a substation in this location.

Further commentary on the substation site is set out in section 3.2 below.

The substation design has not been defined at this stage and it is proposed to be either a GIS or AIS. The Council consider the type of substation needs to be confirmed at application stage, and full details of siting, scale, layout and design should be included in the application to ensure the impacts can be fully assessed.

The Council does not therefore agree to the substation detailing being subject of a requirement.

However, should the final design be subject to change, this needs to be clearly explained in the application documents and the maximum parameters for the substation must be clearly defined and upper limits for the substation site should be embedded in the requirement. I.e. maximum area, maximum height of external infrastructure and buildings, maximum number of buildings etc.

Details of landscaping, appearance of buildings, boundary treatments, vehicular access, roads, parking and turning should also be clearly defined.

It is noted at 1.7.5 that necessary enabling works at the National Grid substation would fall outside of the DCO and would be undertaken by National Grid. Whilst enabling works are not yet defined, they are nevertheless essential works to be undertaken in association with the proposed development, and the parameters of the works are at least known. The Council consider the enabling works should therefore be included in the cumulative assessment, and a worst case scenario should be assumed.

As stated under 2.10 above, at PEIR stage, it is accepted that mitigation proposals are at a relatively early stage, and therefore reduction in height of turbines and size of array cannot be discounted at this stage.

Should the design be revised to reduce the size of the array and / or height of turbines, the Council would query if the landtake required for the substation would also be reduced, and if so would alternative sites previously discounted due to site area, be reconsidered? The Council consider the site selection for the substation should not remain fixed, but should be re-assessed as the design is refined and changed.

3.2 CHAPTER 2: ONSHORE LANDSCAPE AND VISUAL

The Council accept adverse visual impacts associated with landfall and cable corridor will be restricted to the construction phase, and subject to landscaping being carried out to restore and enhance land after completion of works, this element of the onshore works will not have any permanent significant effects.

However, the Council has significant concerns with the proposed location of the substation, which is located on agricultural land to the north of Glascoed Road, and to the west of St. Asaph Business Park and immediately west of Glascoed nature reserve.

Whilst the site selected is close to the St Asaph business park, it is rural in character and it is clearly distinct from the St Asaph Business Park and is set away from existing substations and electricity infrastructure; the Council consider the rural character of the site has been underplayed in the PEIR, and that the proposal would result in industrial development encroaching into the open countryside.

It is noted that the impact on the Eastern Lowland (Cefn Meiriadog Vale Slopes) landscape area is identified as significant during construction and 1 year post construction, but not significant longer term as it is assumed landscaping would have become established by this stage.

Landscaping is put forward as necessary mitigation, and the substation site has in part been selected as it provides sufficient area around the site to allow for landscaping.

At this stage, the substation type is yet to be selected and the landscaping details have not been defined. However, from visualisations provided, owing to the likely height of substation infrastructure, it is clear that the landscaping would not fully screen the views of substation and adverse impacts cannot be fully mitigated.

Until the substation type is defined a landscaping scheme is developed, the Council cannot agree that the effects will not be significant in the longer term.

It is also not clear if operation lighting has been factored into the LVIA assessment of effect.

Significant effects are also identified for a number of visual receptors, including a number of residential properties along Glascoed Road, and again until the substation type is finalised and landscaping defined, the Council cannot agree that significance of effect upon residential receptors will be mitigated longer term.

The substation site is also opposite the Denbighshire Memorial Park and Crematorium, and the Council has concerns a substation in this location would affect the tranquil setting currently afforded to the crematorium.

The Council therefore do not support the proposal to site a substation in this location, and instead consider the substation should be re-located to a site which better relates to the Business Park and existing substations and electricity infrastructure.

In terms of impact on the Clwyd Range and Dee Valley AONB, the onshore proposals do not directly affect the AONB but the Council would emphasise the need to reinstate and enhance all landscape features removed (trees/woodlands/hedges) to accommodate the export cables and/or compensatory planting with a view to retaining and strengthening the characteristic Vale of Clwyd landscape when viewed from the higher ground of the AONB.

3.3 CHAPTER 3: SOCIOECONOMICS

No specific observations to make.

3.4 CHAPTER 4: TOURISM AND RECREATION

The turbines proposed in the array are significantly bigger than those in the existing Rhyl Flats, North Hoyle and Gwynt y Mor windfarms, and owing to the scale and siting, the AyM windfarm would be viewed as an entirely new offshore windfarm, rather than an extension to existing.

The Council considers the windfarm would have a significant effect on views from Rhyl along the promenade. Rhyl is a coastal visitor destination, and the proposal would detriment coastal views currently enjoyed by visitors to Rhyl.

The proposal could have an adverse impact on North Wales as a region and its ability to attract tourists to the area, as a further windfarm development would detriment the quality of the seascape currently experienced, and may deter visitors from the area.

The Council therefore considers the assessment on the tourism economy must be scoped in.

As referred to under 3.1 above, the Council have significant concerns with the potential impact of the landfall works on Rhyl Golf Course, and in particular the siting of a construction compound on the eastern section of the golf course and the permanent siting of Transition Joint Bays on the fairway.

The Council consider the works proposed would have a significant, detrimental impact on the golf course during construction and operational phases, and may result in the golf course having to permanently close.

A full assessment of impact on the viability of the golf course needs to be undertaken, and the Council would strongly object to any works which have a detrimental impact on the functionality or viability of the golf course.

3.5 CHAPTER 5: ONSHORE BIODIVERSITY AND NATURE CONSERVATION

The Council are generally satisfied that the appropriate surveys and assessments have been undertaken, however it is essential that the developer continues to engage with the Council's Ecology Officer and NRW on the development of necessary mitigation and compensation measures to ensure they are sufficient to offset identified significant and adverse effects.

The Council also wish to stress that, Planning Policy Wales (PPW 11) makes clear that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

In addition to mitigation and compensation measures, the proposal is also required to demonstrate a net biodiversity gain, and therefore enhancement measures should also be embedded into the development.

As open cut trenches are proposed to lay cables, it is noted that extensive sections of hedgerow and trees are proposed to be removed. The Council has concerns with the extent of hedgerow that would be removed, 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.

It is noted that the substation site would result in the direct loss of Great Crested Newt habitat. Any loss of habitat must be fully compensated for and the Council would defer to NRW with respect to impact on protected species.

3.6 CHAPTER 6: GROUND CONDITIONS AND LAND USE

No specific observations to make.

3.7 CHAPTER 7: HYDROLOGY AND FLOOD RISK

The Council would defer to NRW as statutory flood risk authority in terms of flood consequences assessment.

In terms of flood defence infrastructure, the landfall site is close to existing sea defences and the cable would need to be installed underneath it via HDD. The installation of the underground cable must not compromise sea defences.

The Council is also progressing a programme of sea defence improvements along the Denbighshire Coast line, which includes a proposed new coastal embankment at Rhyl Golf Course.

The works at the landfall location as currently proposed would be incompatible with the proposed new coastal embankment, and the developer should therefore fully engage with the Council's Flood Risk Engineer as the proposal is refined to ensure the proposal does not compromise existing and planned for coastal defences.

3.8 CHAPTER 8: ONSHORE ARCHAEOLOGY AND CULTURAL HERITAGE

The Council have concerns regarding the siting and scale of the proposed substation development on the nearby historic assets.

Whilst impact on Bodelwyddan Castle has been considered, an assessment of effect on the Bodelwyddan Castle Registered Historic Park and Garden does not seem to have been undertaken.

The fields where the substation is proposed to be located immediately abuts the Bodelwyddan Castle Registered Historic Park and Garden, and an assessment of impact upon the Historic Park and Garden in its own right needs to be undertaken.

The Council also consider the impact on other heritage assets, including listed buildings in close proximity to the substation site has been underplayed, and the Council consider the substation would have a detrimental visual impact on the setting of the Listed Bodelwyddan Castle and in particular its Registered Historic Park & Garden.

There are also other Listed Buildings and structures within reasonably close proximity to the proposed sit which it will also affect.

With respect to archaeological impacts, CPAT have provided a copy of their comments to the Council.

For completeness, the Council have copied CPAT's observations below and the Council fully endorse and support comments made:

CPAT have advised the following:

Comments

1) DBA and walkover survey – The methodology presented in the PEIR is broadly OK. The results so far present little that is new to us and this is largely due to the fact that the majority of the onshore cable corridor and substation location are within agricultural pasture or arable fields where surface archaeology has been largely erased with the exception of some better preservation in small woodland areas.

We have concerns about the lack of complete coverage of the cable route corridor during the walkover survey with approximately 70% coverage completed. There is time between now and the submission of the ES to complete the walkover coverage of the missing 30% and this should be done so that we have a complete and accurate evidence base to work from in terms of suggesting mitigation and assessing the significance of any identified impacts.

It is unclear whether features which can clearly be seen in the inter-tidal area on the DBA photographs (possible tree stumps, timber uprights, patches of stone) have been accurately described and mapped. If not then this should be completed with a re-visit and accurate mapping. We raised this issue at the 4/8/21 meeting and pointed to new evidence from surveys for the Central Prestatyn Coastal Defence Scheme (CPAT for JBL Consultants on behalf of Denbs CC) including a foreshore survey in April 2021 for JBL Consulting which identified significant archaeological deposits on the beach including potential prehistoric footprints, prehistoric tree stumps and lenses of peat deposits with artefact and paleoenvironmental potential. There is a high potential for significant direct impacts in the inter-tidal area during construction and the nature and extent of the archaeology is poorly understood. In 8.4.2 Fig. 6 it seems clear that the non-designated assets shown do not include the CPAT foreshore survey results or the features which can be seen in the DBA foreshore photographs. It is clear in 8.6 (41, 42) that the DBA is predictive only and that the condition and distribution of assets is poorly defined. In 8.7 (45) it is incorrectly stated that there are no recorded assets in the inter-tidal area of Section A – B.

Recommendations – Clearly the DBA and particularly the walkover survey are currently lacking in detail for the inter-tidal area, and this should be addressed with regard to the points raised above. It would be preferable if any current surface features with archaeological potential could be mapped and described as features which may show now could be different to those recorded in April 2021 due to the rapidly shifting sand cover in this area. It would be preferable if the sub-surface potential of the inter-tidal area could be evaluated now by a geo-archaeological specialist using a transect of boreholes and/or sample pits to recover a core profile of deposits and samples for dating and content appraisal. This would help to understand the potential impact here and provide more information leading to informed mitigation rather than the current best-guess scenario.

The completion of the walkover survey over the rest of the 30% of the corridor which was not accessible for various reasons should be attempted. Where access is still not possible the locations should be identified and mapped and the reasons should be clearly stated.

2) Geophysics – The methodology for the geophysics survey is fine. We have concerns about the lack of complete coverage of the agricultural pasture and arable fields with approximately 65% covered so far. We will be wholly dependant on the results of the geophysics for identifying any sub-surface archaeological potential and it is therefore of critical importance that we obtain as near to 100% coverage as possible of accessible fields. The current coverage of 65% is not acceptable and will not allow a fully informed assessment of the potential direct impacts.

In the meeting on 4/8/21 it was stated that potential legal powers of entry would be needed to access fields where access has currently been denied by landowners and this should be explored further to achieve maximum geophysics coverage.

We are concerned that the geophysical survey will not be followed up by appropriate pre-consent ground-truthing of the results by investigative trenching to identify features which have archaeological or perhaps geological/geomorphological, or more recent origins. Both TAN 24 (May 2017) and Planning Policy Wales (Feb 2021) are quite clear about pre-determination evaluation (including investigative trenching) being required where direct archaeological impacts are predicted or identified. Intrusive investigation will allow us to quantify the nature, extent, date, level of preservation, importance and relationship of features identified in the geophysics results and provide an informed mitigation response. We have reservations about leaving this intrusive phase of assessment until the post-consent construction stage and do not consider that we have reliable guarantees that there will be no construction timing issues at the post consent stage which lead to a less thorough investigation and mitigation phase.

Recommendations – Complete coverage of 100% geophysics of all accessible fields along the cable corridor should be attempted. Where access is still not possible the locations should be identified and mapped and the reasons should be clearly stated.

Ground-truthing of the geophysics results should be attempted in accordance with Tan 24 and PPW guidance to provide an accurate and informed evidence base for a mitigation framework. The trenching should target all significant anomalies with a predicted archaeological origin and some of those where the origin is uncertain.

Consideration should be given to extending the period between the receipt of the PEIR consultation replies and the submission of a finalized ES with the DCO application so that the further assessments recommended above are given enough time to be properly completed, the results discussed and an informed set of mitigation statements included in the ES.

3) Indirect Impacts – We would agree that, based on current information, there are no significant indirect visual impacts to non-designated archaeology within the cable construction corridor.

4) Post consent – In relation to discussions and suggestions made at the meeting on 4/8/21 with Wessex Archaeology we would agree that with regard to post-consent mitigation outline WSI's for further mitigation must be included in the ES and DCO commitments and archaeological methods and practices should be included in a Code of Construction Practice (CoCP) to ensure time for the full implementation of mitigation as set out in the WSI's.

3.9 CHAPTER 9: TRAFFIC AND TRANSPORT

Impact on Public Rights of Way

Based on the Works Plan, the following paths would be directly impacted by the proposal:

- Footpaths 3, 4, 5, 7, 11, 13, 15, 18, 20, 22, 23, 29, 40, 41, 46 Rhuddlan;
- Footpaths 7, 12 Bodelwyddan;
- Bridleways 15a Rhuddlan;
- Bridleways 9 Bodelwyddan;
- Byway 44 Rhuddlan.

It is not clear from the plans if any paths are to be stopped up permanently. The Council would object to any proposal to permanently stop up any right of way.

The area of Denbighshire affected by the proposal suffers from the lowest density by area and population of public paths in the whole County despite having the highest population density, and therefore the few paths there are in the north of the County are very important. Even temporary closures will have a significant effect of the local network, although it is accepted the indicative onshore cable corridor proposed seems to have done its best to avoid public paths, the construction phase will still impact on some key rights of way. This is of particular significance with the bridleways which are in extreme short supply in this area and stopping up even temporarily should be avoided or kept to the shortest possible period.

As such, the Council has concerns with the proposed streetworks powers proposed to be embedded in the DCO, as it would remove control from the Council to carefully manage right of way closures at a strategic level.

One of the biggest issues that have arisen in the County in the past with such works is when grass land is reinstated within field parcels, fences are then erected to protect re-seed growth, which has resulted in the temporary closure being applied much longer than the Council consider necessary. The Council would want to see the paths reinstated as soon as possible after any excavation and kissing or hand gates to be erected with no stiles on any temporary boundaries crossed by the cable corridor and that authorisation for any such new fences receives consent from the highway authority under S147 of the Highways Act 1980 or will be treated as unlawful and removed once any temporary traffic restriction order closing the path expires.

The Council has concerns that, streetworks powers proposed in the draft DCO would not require rights of way to be brought back into use as soon as practical to do so, and paths may remain closed until all construction works have been completed, which will have a significant impact on the users during the construction phase.

Were powers to remain with the local highway authority, the Council do not consider any disruption or delay would be arise by the need for the Council to make the orders under the provisions in the Highway Act, and it would enable the Council to retain strategic oversight over the wider public rights of way which would have clear benefits to rights of way users.

The Wales Coastal Path and National Cycle Network Route 5 run along the coastal promenade which is not a public highway. Whilst there appears no obvious mechanism in the DCO to suspend these routes, it should be avoided and it appears to be the case as the cable will be thrust bored through the sea front under the defence structure and that access along the top will not need to be controlled by restriction other than in exceptional circumstances.

Preference would be for rights of way to not be used for construction or operational site access, and instead easements with private landowners away from rights of way should be pursued.

3.10 CHAPTER 10: AIRBOURNE NOISE AND VIBRATION

Due to the proximity of construction compounds and working areas to residential areas and individual properties, the Council has concerns the construction phase has the potential to generate adverse noise and vibration.

Noise is stated to be minor to major significance, and vibration from HDD is a particular concern, particularly at the landfall which is in close proximity to residential areas.

Noise and vibration needs to be fully assessed and abatement plans must be included in the Code of Construction Practice subject of proposed Requirement 11, which should be devised in consultation with the Council's Public Protection department.

The Council do not agree to the working hours of 7am -7pm in locations close to residential properties, and working hours should instead be restricted to 8am – 6pm where working areas are close to residential receptors, with no working on Sundays or Bank Holidays.

Where exceptional circumstances require construction works to be carried out outside of approved hours of operational, this should be agreed in writing by the local planning authority at least 48 hours in advance and such provision should be embedded in the Requirements (please see comments above on draft DCO Requirements).

The Council also consider community engagement should be a priority throughout the construction phase. A communications plan should be required to be submitted as part of the Code of Construction Practice, which should set out a protocol for communicating with affected local communities throughout the construction phase, including proposals to notify affected residents in advance of noise / vibration generating works commencing, and a complaints management and resolution procedure should be established. A single point of contact should be provided for the local community to contact throughout the construction phase.

In terms of operational noise from the substation, the noise levels at the closest noise sensitive receptors need to be clearly assessed, and maximum noise levels needs to be clearly defined and embedded in requirements.

3.11 CHAPTER 11: AIR QUALITY, HEALTH AND CLIMATE CHANGE

The Council agree that the proposal would not generate significant effects with respect to air quality, however localised adverse effects may arise during the construction phase, and therefore the Council agree that a dust assessment is necessary and that a dust abatement plan should be included in the Code of Construction Practice.

3.12 CHAPTER 12: PUBLIC HEALTH

Potential harm to human health would arise during the construction phase, and in particular noise is identified to be of minor to major significance.

As stated under 3.10 above, the Council do not agree to 7am – 7pm hours of working where working areas are close to residential areas. Where works are close to residential receptors, hours of working should be restricted to 8am – 6pm with no working on Sundays or Bank Holidays.

Public health assessment should also have regard to cumulative effects from exposure to multiple major construction activities on a locality, particularly at the landfall, which is close to coastal defence improvement schemes which are under construction and proposed, and other planning and consented major developments in the vicinity of the landfall.

The substation is also close to proposed and consented major development schemes in and around St Asaph Business Park and Bodelwyddan, and an assessment needs to be undertaken to ascertain if construction activities are likely to overlap with other major schemes, and resultant cumulative effects on public health, residential and public amenity needs to be fully considered.

3.13 CHAPTER 13: ONSHORE CONCLUSIONS

Please refer to topic specific comments above.

E. COMMENTS RAISED AT PLANNING COMMITTEE

The draft consultation response was presented to Denbighshire County Council Planning Committee on 6 October 2021 and the resolution of Committee was for the draft comments to be submitted, subject to amendments being made to the response to emphasis significant concerns with the impact of the proposed landfall works on Rhyl Golf Club and the size, scale and siting of the proposed onshore substation.

Committee recognised the environmental benefits of wind energy generation and the contribution the proposed development will make to tackling climate change, and therefore did not object to the principle
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of a new offshore windfarm, however, the Committee raised particular objection to the siting of Transition Joint Bays on land at Rhyl Golf Course and with regarding the siting of the substation on agricultural land.

The Committee felt the Transition Joint Bays should be located on land to the south of the North Coast railway line, and not within Rhyl Golf Course.

The Committee also felt the substation site should be re-considered, and it should be re-located to a site which is better related to existing electrical infrastructure and commercial development. For example, on land to the south of Glascoed Road close to the existing National Grid and windfarm substations.

The Council also resolved to contribute to a joint regional response to be submitted on behalf of the North Wales Planning Authorities to collectively raised concerns with the scale of the development proposed and the impact it will have on regional interests.

The Committee also noted the short time period for consultation comments to be made given the volume of documents which need to be reviewed, and concern was also raised with the size of consultation documents, with some Members experiencing difficulty in downloading them from the project website.