



**PLANNING, PUBLIC
PROTECTION & COUNTRYSIDE SERVICES**

**MONA OFFSHORE WINDFARM NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT**

DENBIGHSHIRE COUNTY COUNCIL

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

Author:	Paul Mead
Date:	
Agreed by:	Denbighshire County Council Planning Committee on

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. 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 Paul Mead, Development Manager:

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B. GENERAL COMMENTS ON THE PROPOSED DEVELOPMENT

The Council does not object to the principle of the development. The Council does, however, have significant concerns with regards to the cumulative impacts of onshore cabling, sub-station and other construction works in areas where similar, significant works have taken place or are likely to take place.

With respect to the proposed onshore substation, whilst the Council recognises the need to connect to the National Grid sub-station, it feels that a further large sub-station in this semi-rural part of the County will fundamentally alter the character of the area to the further detriment of its economic, social and environmental well-being. The cumulative impacts of both the extensive construction works within the County alongside another very large building on a green field site, close to other similar structures, would have an unacceptable impact on nearby communities.

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.

SCHEDULE 2

REQUIREMENTS

Requirement 5 – Sub-Station Works. The Council does 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 9 - Construction. 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 14 – Construction Hours. 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.

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 9 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 15 - Restoration. 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 17. 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

Given its limited resources and the volume of PEIR documents, the Council can, at this stage, only focus on issues of principle and relevant onshore elements of the scheme.

VOLUME 1: CHAPTER 2 – 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.

VOLUME 1: CHAPTER 3 – PROJECT DESCRIPTION

Section 3.7 – Onshore Infrastructure

Hedgerow crossings - 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.

Temporary construction compounds/haul roads – These should be designed with sustainable drainage and accommodate flight corridors of bats/birds by providing mitigation measures. In addition any lighting should be low level where possible to protect bats/birds.

Substation – The Council raises strong concerns about both of the substation location options (2 and 7). These sites are current green field outside any development boundary and could accommodate a main building with maximum parameters of 20m height and 140m length. Such buildings will be
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extremely difficult to screen and concerns are raised about the potential negative visual and neighbour impacts. As already mentioned in the general comments section, when examined in the context of other substantial substation development in the locality (National Grid, Burbo Bank, Gwynt Y Mor, Awel Y Mor (pending), Scottish Power and overhead pylons/electricity lines) the cumulative impacts on the villages of Bodelwyddan, Cefn Meiriadog and the City of St. Asaph have been underplayed in the PEIR. The potential impacts of the construction phases of the cabling and substation would be significant with the potential for major disruption to the aforementioned villages and City.

Whilst landscape and ecological impacts have been highlighted and noted in various chapters, (with mitigation measures suggested) the Council maintains that the localised impacts of the substation will have longer term negative impacts on wider landscape views and biodiversity.

VOLUME 1: CHAPTER 5 – EIA METHODOLOGY

Section 5.4 – Cumulative Effects Assessment

The following recent planning applications should be added to the cumulative impacts list in the PEIR.

<u>2018/19 = 1 application</u>	40/2017/1232 PF Erection of 7 no. industrial units with associated parking, landscaping, access road and external storage areas
<u>2019/20 = 0 applications</u>	
<u>2020-/21 = 0 applications</u>	
<u>2021/22 = 3 applications</u>	<p>46/2019/0806 PO - Bod Haulog The Roe St Asaph LL17 0LY Development of 0.75 ha of land for residential purposes (outline application including access)</p> <p>46/2021/0159 PF - Vista Site Glascoed Road St Asaph LL17 0LL 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</p>

	<p>Outline:</p> <p>Outline Planning application for the erection of 5 No. business buildings (Use Class B1 and B2) with all other matters reserved for further approval.</p> <p>40/2021/0309 PF - Plot C7 St Asaph St Asaph Business Park LL17 0JB Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission)</p>
<p><u>2022/23 = 2 applications</u></p>	<p>46/2021/1161 PF - Land off Upper Denbigh Road St. Asaph LL17 0LW Erection of 113 dwellings, construction of a new vehicular access, landscaping and associated works</p> <p>40/2021/0825 PF - Land opposite Glan Clwyd Hospital Rhuddlan Road Rhyl Bodelwyddan Erection of 108 dwellings, construction of a new vehicular access and associated works</p>

VOLUME 3: ONSHORE CHAPTERS

Section 18 – Onshore Ecology

The Council are general satisfied that the appropriate surveys and assessments have been undertaken, however it is essential that developer continues to engage with the Council' 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.

Section 21 – Traffic and Transport

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.

Section 22 – 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 and vibration needs to be fully assessed and abatement plans must be included in the Code of Construction Practice subject of proposed Requirement 9, 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.

VOLUME 4: ONSHORE AND OFFSHORE CHAPTERS

Section 26 – Seascape, Landscape and Visual Resources

26.17 – 26.18 Substation options 2 and 7

The Council has concerns about the long term landscape impact of the substation options. In particular the impact on views from the Clwydian Range AONB and Offas Dyke Path have been described as **negligible** given the 6km distance. Further justification for this should be provided and mitigation and compensation considered for impacts on the AONB, recreation and tourism.

In addition it is noted that for certain local landscape receptors the impacts from the substations are deemed to be high. This must be compounded by the previous intrusions into the landscape of other large substations. Cumulative impacts in this area cannot be underestimated.

Consideration should be given to the proximity of the Denbighshire Memorial Park and Crematorium. Disruption to the peaceful and tranquil setting will be felt both during construction work and when any building is constructed. Cumulative impacts should also be examined further given the potential for this business to be flanked by substations.

E. COMMENTS RAISED AT PLANNING COMMITTEE