

**PLANNING, PUBLIC
PROTECTION & COUNTRYSIDE SERVICES**

**APPLICATION FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR AWEL Y
MOR OFFSHORE WIND FARM**

LOCAL IMPACT REPORT

Proposal:	Application by Awel y Mor Offshore Wind Farm Limited for an Order granting Development Consent for the Awel y Mor Offshore wind farm.
Authorised by:	Planning Committee resolved for the Council to submit a Local Impact Report and formal representations to the Planning Inspectorate under delegated powers at the meeting held on 20 th April 2022.
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Approved by:	Paul Mead, Development Manager, Planning, Public Protection and Countryside Services.
Date:	24 th October 2022

CONTENTS

PART A: BACKGROUND AND CONTEXT

1. INTRODUCTION
2. DESCRIPTION OF THE PROPOSED DEVELOPMENT
3. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE AND SURROUNDINGS
4. RELEVANT PLANNING HISTORY

PART B: RELEVANT PLANNING POLICIES AND GUIDANCE

5. UK GOVERNMENT PLANNING POLICY AND LEGISLATION
6. WELSH GOVERNMENT PLANNING POLICY AND LEGISLATION
7. LOCAL PLANNING POLICY
8. SUPPLEMENTARY PLANNING GUIDANCE
9. OTHER MATERIAL CONSIDERATIONS

PART C: ASSESSMENT OF IMPACTS

STRATEGIC CONTEXT:

10. PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE

IMPACT OF OFFSHORE WINDFARM AND OTHER WORKS:

11. SEASCAPE, LANDSCAPE AND VISUAL IMPACT

IMPACT OF ONSHORE WORKS (LANDFALL, ECC AND ONSHORE SUBSTATION):

12. ONSHORE LANDSCAPE AND VISUAL IMPACT
13. SOCIOECONOMIC
14. TOURISM AND RECREATION
15. ONSHORE BIODIVERSITY AND NATURE CONSERVATION
16. GROUND CONDITIONS AND LAND USE
17. HYDROLOGY, HYDROGEOLOGY AND FLOOD RISK
18. ONSHORE ARCHAEOLOGY AND BUILT HERITAGE
19. TRAFFIC AND TRANSPORT
20. RESIDENTIAL / PUBLIC AMENITY (AIRBOURNE NOISE AND VIBRATION; AIR QUALITY; PUBLIC HEALTH)

PART D: COMMENTS ON DRAFT DCO, OBLIGATIONS AND REQUIREMENTS

21. DRAFT DCO
22. OBLIGATIONS
23. COMMENTARY ON APPLICANT'S DRAFT REQUIREMENTS

PART E: CONCLUSION

24. CONCLUSIONS

PART F: APPENDICES

- DCC LIR APPENDIX 1 – CONSTRAINTS PLAN (LANDFALL)
- DCC LIR APPENDIX 1A – CONSTRAINTS PLAN (LANDFALL 1:10,000)
- DCC LIR APPENDIX 2 – CONSTRAINTS PLAN (RHUDDLAN)
- DCC LIR APPENDIX 3 – CONSTRAINTS PLAN (BODELWYDDAN)
- DCC LIR APPENDIX 4 – CONSTRAINTS PLAN (SUBSTATION)
- DCC LIR APPENDIX 4A – CONSTRAINTS PLAN (SUBSTATION 1:10,000)
- DCC LIR APPENDIX 5 – LDP DESIGNATION PLAN (LANDFALL)
- DCC LIR APPENDIX 6 – LDP DESIGNATION PLAN (SUBSTATION)
- DCC LIR APPENDIX 7 – PLANNING OBLIGATIONS SPG
- DCC LIR APPENDIX 8 – RENEWABLE ENERGY SPG
- DCC LIR APPENDIX 9 – LUC REVIEW

PART A: BACKGROUND AND CONTEXT

1. INTRODUCTION

- 1.1 Awel y Mor Offshore wind farm limited ('the applicant' / 'the developer') have applied for an Order granting Development Consent for the Awel y Mor Offshore wind farm.
- 1.2 Onshore works are proposed to be located in the County of Denbighshire, and therefore Denbighshire County Council ('the Council') is the host authority.
- 1.3 Denbighshire County Council Planning Committee at their meeting on the 20th April 2022 resolved for the Council to submit a Local Impact Report (LIR) and formal representations to the Planning Inspectorate under delegated powers.
- 1.4 The Council's LIR has been prepared by the Planning Development Management Section with professional input from technical Officers of the Council and landscape consultants.
- 1.5 The purpose of the LIR is for the Council to advise the Planning Inspectorate on what local impacts it considers the proposed development will have on the local area by reference to specific issues. Details of how negative impacts can be overcome and mitigated for will be provided where relevant. The LIR will also appraise the proposed development's compliance with local planning policy and guidance and offer views on the Development Consent Order provisions, requirements and obligations.
- 1.6 The LIR is focused on impacts which affect the Council's interests, and therefore consideration of offshore works is limited to Seascape, Landscape and Visual Impacts with the remainder of the LIR focussing on onshore works.

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 2.1 The Awel y Môr Offshore Wind Farm is proposed to be located off the North Wales coast in the Irish Sea, to the west of the existing Gwynt y Môr Offshore Wind Farm and approximately 10.5km from Llandudno in Conwy.
- 2.2 It will comprise an array of up to 50 offshore wind turbines with an overall generating capacity of over 350 megawatts, with supporting infrastructure to connect the array to the National Grid Bodelwyddan substation in Denbighshire.
- 2.3 The onshore works comprise: the landfall where cables are brought ashore which is proposed at Ffrith beach, between the coastal towns of Rhyl and Prestatyn; the onshore Export Cable Corridor (ECC) which is approximately 12 km in length and runs generally in a north-south direction where onshore underground export circuit cables will be laid to connect the landfall to the onshore substation; the onshore substation which is proposed on agricultural land along Glascoed Road, to the west of the St. Asaph business park in the community of Bodelwyddan; and underground export cables and electrical works to connect the proposed onshore substation to the existing National Grid Bodelwyddan substation, which is located on land to the south of the St. Asaph Business Park and south of Glascoed Road in the community of Cefn Meiriadog.

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE AND SURROUNDINGS

- 3.1 The offshore works are located in the Irish Sea off the North Wales coastline, approximately 10.5km from Llandudno. There are four existing windfarms located in English and Welsh waters off the coast of North Wales (Burbo Bank, Burbo Bank Extension, North Hoyle, Rhyl Flats, and Gwynt y Mor offshore windfarms respectively), and the proposed Awel y Mor windfarm would be sited to the west of Gwynt y Mor.

- 3.2 The onshore works are proposed to be located entirely within the administrative boundary of Denbighshire County Council.
- 3.3 The applicant's Environmental Statement (Volume 3, Chapter 1, Section 1.6) divides the onshore works into seven sections:
- Route Section A: Intertidal Area;
 - Route Section B: Intertidal to B5119;
 - Route Section C: B5119 to A525;
 - Route Section D: A525 to A547;
 - Route Section E: A547 to A55;
 - Route Section F: A55 to B5381 including OnSS; and
 - Route Section G: B5381 to National Grid Connection.
- 3.4 The landfall location (Route Section A and B) includes land at Ffrith beach, along the promenade, Rhyl Golf Club and land adjacent to the North Wales Bowling Centre along Ferguson Avenue, Prestatyn. The landfall site is in close proximity to a number of residential streets to the east, south and west.
- 3.5 The Wales Coastal Path and Route 5 of the National Cycle Network (NCN) extend along the promenade crossing through the site. Public rights of way cross through the Rhyl Golf Course.
- 3.6 The landfall site lies outside of the Rhyl development boundary and in an area of Green Barrier and is designated as recreation and open space in the LDP. The site is also within a C1 Flood Risk Zone as defined by TAN15 and is therefore an area at risk of coastal flooding. A Local Wildlife site (D011 Y Ffrith - sand dunes, damp grassland and scrub with uncommon plants) immediately abuts the landfall site located to east of the Rhyl Golf Course, and the site is within the designated Liverpool Bay SPA which lies offshore.
- 3.7 The Transition Joint Bays (TRB) are proposed to be located on agricultural land, to the south of the railway line, which is land allocated as Green Barrier in the Denbighshire Local Development Plan (LDP).
- 3.8 The ECC runs close to a number of listed buildings including Grade II* Listed Church of St. Margaret (The Marble Church) and Grade II* Faenol Fawr in Bodelwyddan; Ancient and Semi-natural woodland; trees subject of a Tree Preservation Order; public rights of way and lies to the west of the Bodrhyddyn Registered Historic Park and Garden. The ECC traverses across a through two Local Wildlife Sites including:
- D001 Clwyd Estuary and Adjacent Fields (Estuary including mud flats where large numbers of birds feed; saltmarsh; a disused tip of botanical interest and supporting breeding red data birds; and adjacent fields and water bodies including Brickfields Pond and the Marine Lake which support)
 - D021 Bryn Cwnin Wetland (Mesotrophic grassland and fen)
- 3.9 The ECC crosses through land within a C1 Flood Risk Zone as defined by TAN15 to the north and west of Rhuddlan and also crosses through land which is designated as mineral safeguarded areas (sand and gravel) in the Denbighshire LDP.
- 3.10 The onshore substation site (Route Section F) is located on agricultural land, to the west of the St. Asaph business park along Glascoed Road. The substation site is outside of any development boundary allocated in the LDP and is also outside of the designated St. Asaph Business Park employment area as defined by the LDP; it is therefore considered to be in open countryside in planning terms.

- 3.11 The substation site is adjacent to the Glascoed Nature Reserve, which provides habitat for a range of flora and fauna, including Great Crested Newts (GCN), and it should be noted that the land in and around the St. Asaph Business Park is home to nationally important numbers of GCN.
- 3.12 To the immediate west of the substation site lies the Bodelwyddan Castle Registered Park and Garden. The wall around the Registered Historic Park and Garden and which abuts the substation site to the west is Grade II listed. Bodelwyddan Castle, a Grade II* Listed Building lies approximately 1km to the west of the substation site within the Registered Historic Park and Garden. There are a number of other listed buildings within 2km radius of the proposed substation.
- 3.13 The Welsh Government Agricultural Land Classification predicative mapping indicates the substation site includes both Grade 3a and 3b agricultural land, and therefore comprises agricultural land which is considered to be the best and most versatile.
- 3.14 The onshore substation is proposed to connect to the existing National Grid Bodelwyddan substation which is located to the south of Glascoed Road, and connection works would be close to Local Wildlife Site D032 Coed Cord, block to NW and Coed y Saeson (made up of 3 areas which comprise ancient / broadleaf woodland greater than 4 hectares with plant species interest).
- 3.15 There is existing energy infrastructure within the locale of the site. The National Grid Bodelwyddan Substation (which the Awel y Mor offshore windfarm proposes to connect to) lies to the south of the B5381 Glascoed Road, and is adjacent to two further substations which serve the respective Gwynt y Mor and Burbo Bank Extension offshore windfarms. The offshore windfarms are connected to their respective substations via high voltage underground export cables which extend from landfall locations at Rhyl / Prestatyn, and which may cross through the development area. There is also a Scottish Power Distribution Network Substation and a flexible gas fired power station located on land close to the St. Asaph Business Park. There are also high voltage overhead pylons and electricity lines within the vicinity of the site which connect to the respective National Grid and Scottish Power substations.
- 3.16 Constraints Plans 1, 1A, 2, 3, 4 and 4A (attached DCC LIR APPENDIX 1-4A inclusive) show the environmental constraints within the vicinity of the onshore works, including Ancient and Semi Natural Woodland, Registered Historic Parks and Gardens, Scheduled Ancient Monuments, Sites of Special Scientific Interest, Tree Preservation Orders, Local Wildlife Sites, Public Rights of Way and Listed Buildings.

4. RELEVANT PLANNING HISTORY

- 4.1 Major planning applications below which are extant or pending determination within the vicinity of the onshore works are set out below:
- 4.2 Major planning applications pending determination:

Bodelwyddan

40/2021/0825 - Erection of 108 dwellings, construction of a new vehicular access and associated works - Land opposite, Glan Clwyd Hospital, Rhuddlan Road, Bodelwyddan, Rhyl

(Planning Committee resolved to GRANT planning permission on 7th September 2022 subject to Section 106 Agreement being entered into)

Prestatyn

43/2016/0356 - Development of 2.4 hectares of land for residential development (outline application - all matters reserved
Land off, Warren Drive, Prestatyn, LL197HU

43/2020/0773 - Erection of 35 no. dwellings and associated works.
Land adjacent to, Plas Morfa Farm, Ffordd Penrhwyfya, Prestatyn, LL19 8AH

Rhuddlan

44/2021/1023 - Change of use of former foundry site from general industrial (Use class B2) to open storage and distribution (Use class B8)
Former, Rhuddlan Foundry, Station Road, Rhuddlan, Rhyl

47/2020/0593 - Development of land to form holiday park including the conversion of existing clubhouse to form reception building, erection of new clubhouse building, bunkhouse building, 7 holiday pod accommodation units, 23 two bedroom holiday lodges, 7 three bedroom lodges and 7 four bedroom lodges. Works to existing access, formation of internal pathways, 2 wildlife ponds, parking, landscaping and associated works
Former Rhyl Rugby Club, Waen Road, Rhuddlan

Rhyl

45/2020/0858 - Conversion and alterations to hotel to form 10 no. self-contained apartments.
16, East Parade, Rhyl, LL18 3AG

4.3 Major planning applications determined within the last 5 years (extant permissions):

Bodelwyddan

40/2017/1232 - Erection of 7 no. industrial units with associated parking, landscaping, access road and external storage areas.
Land north of, Unit 34, Llys Edmund Prys, St Asaph Business Park, St Asaph, LL17 0JA. GRANTED 27/07/18,

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, LL17 0JB. GRANTED 10/11/21

Dyserth

42/2018/1150 - Change of use of land to accommodate an extension to the existing wastewater treatment works including the erection of tanks, equipment, boundary fencing, extension to internal site access road and associated landscaping.
Dyserth Wastewater Treatment Works, Long Acres Road, Dyserth, Rhyl. GRANTED 04/03/19

42/2020/0619 - Erection of 34 no. dwellings and associated works (Phase 2).
Land off, Meliden Road, Dyserth, GRANTED 15/03/21

42/2018/0923 - Erection of 61 no. dwellings, single and double garages, alterations to existing vehicular access and associated works.
Land off, Meliden Road, Dyserth. GRANTED 10/04/19

Prestatyn

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 23/05/18

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 16/03/21

43/2019/0730 - Erection of 41 affordable dwellings and associated works.
Former, Plas Deva Caravan Park, Ffordd Talargoch, Meliden, Prestatyn, LL19 8NR. GRANTED 24/02/20

43/2017/0848 - Erection of a two-storey extension to the hotel.
Nant Hall Hotel, Prestatyn Road, Prestatyn, LL19 9LD. GRANTED 05/02/18

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, LL19 9DG. GRANTED 11/08/20

43/2020/0521 - Erection of 102 affordable dwellings, associated roads, open space, landscaping and infrastructure (re submission of planning application 44/2019/0629).
Land Adjacent to, Alexandra Drive, Prestatyn. GRANTED 19/01/22

43/2017/1100 - Details of access, appearance, landscaping, layout and scale of 20 no. residential units submitted in accordance with Condition 1 on outline planning permission ref 43/2015/1241/PO (Phase 1 reserved matters application); Details of the range of house sizes and types submitted in accordance with condition 10 and Details of finished floor levels of 20 no. dwellings submitted partly in accordance with condition 11.
Land adjacent to, Magistrates Court, Victoria Road, Prestatyn, LL19 7TE. GRANTED 22/02/18

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, LL19 8SS. GRANTED 12/12/18

Rhuddlan

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, Rhyl, LL18 5RL. GRANTED 15/10/20

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, Rhuddlan, Rhyl. GRANTED 13/03/19

Rhyl

45/2018/0123 - Erection of a retail unit with associated parking, access, servicing and landscaping.
Marina Quay Retail Park, Wellington Road, Rhyl, LL18 1LR. GRANTED 12/07/18

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 Road, Rhyl, LL183NB. GRANTED 06/01/21

45/2021/1248 - Development of 5 Ha of land to form Coastal Defence scheme comprising of the formation of flood embankments, ramps, outfall structures and rock armour including landscaping, habitat enhancements, works to existing culverts and associated works ('Central Prestatyn Coastal Defence Scheme').

The Coastal Frontage at Rhyl Golf Club, Rhyl Coast Road, Rhyl. GRANTED 13/07/22

45/2018/0263 - Demolition of existing building and redevelopment of land by the erection of 18 apartments and associated works.

, Victoria Business Park, Victoria Road, Rhyl. GRANTED 12/03/19

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, hard play areas, access and car parking arrangements. Land at, Blessed Edward Jones High School and Ysgol Mair Primary School, Cefndy Road, Rhyl, LL18 2EU. GRANTED 21/02/18

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, LL18 2HG. GRANTED 30/11/21

45/2020/0498 - Development of land in connection with existing hospital including the erection of a four storey community hospital building, a single storey energy centre building, a sprinkler compound including pump house and a bicycle store building. Erection of four fire escape enclosures to existing hospital. Reparation works to existing hospital building. Formation of parking, landscaping, outdoor furniture and associated works.

Royal Alexandra Hospital, Marine Drive, Rhyl, LL18 3AS, GRANTED 06/11/20

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, LL18 3HN. GRANTED 17/06/20

45/2018/0822 14-Nov-18 - 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 works.

41-42, East Parade, Rhyl, LL18 3AW. GRANTED 14/11/18

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 Defences).

The Coastal Frontage of East Rhyl, Adjacent to Garford Road, Rhyl. GRANTED 25/04/19

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
- Erection of Food and Market Hall
- Erection of multi- purpose events space

- Erection of electrical substation
- Retention and refurbishment of Queens Chambers Building fronting Sussex Street
- Retention of the existing temporary car park on Queen Street
- Provision of some temporary and permanent hard/soft landscaping

Outline:

Development of Class C3 (residential apartments), Class A1 (retail), Class A2 (financial and professional), Class A3 (food and drink), Class B1 (Offices), Class D1 (non-residential), Class D2 (assembly and leisure). All detailed matters for these elements are reserved for future applications
Queens Market, Sussex Street, Rhyl. GRANTED 13/09/21

45/2022/0271 - Construction of coastal protection scheme, incorporating; new sea wall, repair works and engineering operations including scour protection to existing sea wall. Installing new concrete step revetments. Raising and widening of promenade including new and amended accesses, landscaping and associated works. Ecological mitigation and access works at Barkby Beach (Central Rhyl Coastal Defences).

Central Rhyl Coastal Defences Scheme, Central Rhyl frontage, Rhyl. GRANTED 13/07/22

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 12/08/21

45/2020/0865 - Demolition of existing dwellings, erection of 13 no. dwellings and associated works.

3-23, Edward Henry Street, Rhyl. GRANTED 30/03/21

St Asaph

46/2021/1161 - Erection of 113 dwellings, construction of a new vehicular access, landscaping and associated work.

Land off Upper Denbigh Road, St Asaph. GRANTED 15/09/22

46/2019/0806 - Development of 0.75 ha of land for residential purposes (outline application including access).

Bod Haulog, The Roe, St Asaph, LL17 0LY. GRANTED 17/02/22

46/2021/0159 - 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, LL17 0LL. GRANTED 29/03/22

- 4.4 Of particular relevance are recent consents for new major coastal defence schemes, which includes the completed East Rhyl Coastal Defence Scheme (planning ref 45/2018/1197), the consented Central Rhyl Coastal Defence Scheme along the central Rhyl frontage (planning ref: 45/2022/0271) and the consented Central Prestatyn Coastal Embankment at Rhyl Golf Course (planning ref: 45/2021/1248). The latter two schemes were consented in July 2022 and have not yet started construction. Owing to the close proximity of these consented schemes to the landfall

location, there is the potential for cumulative effects should construction phases overlap or run concurrently, in particular on residential and public amenity.

- 4.5 It should also be stressed that the East Rhyl Coastal Defence Scheme has only very recently been completed, and which also utilised land at Garford Road and at Splash Point as construction compounds and laydown areas. The construction phase lasted around two years and as such local residents who live in the residential properties to the west of the Rhyl Golf Course have already been exposed to prolonged construction activity relating to major infrastructure development. The construction phase for the respective consented coastal defence schemes is also estimated to last two years, which, in addition to the proposed Awel y Mor windfarm onshore works would result in the same cohort of residential properties which surround the Rhyl Golf Course being exposed to construction disturbance associated with major construction activity at the coast over prolonged periods of time. The Council would therefore stress the need to carefully control construction activity at the landfall in order to protect the amenity of residential properties.
- 4.6 Accordingly, the Council cannot agree to normal working hours of 7am – 7pm, as it is unreasonable to expose residents at the landfall to prolonged, cumulative construction disturbance at unreasonable times of the day. The Council consider controls must be imposed to limit construction activity to 8am - 6pm Monday – Friday. 8am – 1pm Saturdays and no working on Sundays and Bank Holidays.

PART B: RELEVANT PLANNING POLICIES AND GUIDANCE

5. UK GOVERNMENT PLANNING POLICY AND LEGISLATION

- 5.1 The main material consideration in the determination of Nationally Significant Infrastructure Projects are National Policy Statements (NPS), with the most relevant being ENE 1 (Overarching National policy Statement for Energy – 2011) and ENE 3 (National Policy Statement for Renewable Energy Infrastructure – 2011).
- 5.2 The Council however consider Welsh Government and Local planning policies are also material considerations to be afforded weight. The policies and legislation the Council consider relevant are set out in the sections below:-

6. WELSH GOVERNMENT PLANNING POLICY AND LEGISLATION

- 6.1 The Council considers the following Welsh Government legislation, policy documents and guidance are relevant:
- 6.2 Legislation. The following Acts are considered to be material considerations:
- The Wales Act 2017
 - Well-being of Future Generations (Wales) Act 2015
 - The Environment (Wales) Act 2016
 - The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 which set an amended target of reducing carbon emissions in Wales to net zero by 2050.
- 6.3 Prosperity for All: Low Carbon Wales (2019). This Plan sets out the Welsh Government's approach to cut emissions and increase efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society. It sets out 100 policies and proposals that directly reduce emissions and support the growth of the low carbon economy.

- Focus on future skills needs to ensure we transition our workforce to maximise the opportunities presented by global clean growth.
- Promoting renewable energy developments through PPW, Future Wales 2040 and Welsh National Marine Plan (Welsh National Marine Plan).

Policy 26 – Implementing Energy Consenting, Planning & Permitting policy

States the WNMP will sit alongside and interact with existing planning regimes and will be consistent with strategic priorities set out in the National Development Framework (NDF) on land. The WNMP area will physically overlap with terrestrial planning through Local Development Plan boundaries to ensure marine and terrestrial planning work together.

Policy 27 - Removing barriers to consenting for storage by removing batteries as part of the Development of National Significance process.

To remove consenting barriers and to reflect the physical scale and impacts of storage technologies being developed, the Welsh Government sets out intention to remove storage projects from the current DNS process, for decision at a local level.

Policy 34 - Maximise Welsh benefit from major infrastructure projects in Wales

States that although the Wales Act 2017 delivers increased powers to Welsh Ministers, there are still many major infrastructure decisions made by UK Government and others. Welsh Government's approach is to ensure we understand the impacts on Wales and ensure we derive the maximum social and economic benefit from the development.

- 6.4 Welsh National Marine Plan (WNMP) (2019). It sets out our Welsh Government policy for the next 20 years for the sustainable use of Welsh seas. Welsh Government have also published the implementation guidance to ensure the policies within the WNMP are implemented effectively and consistently. The guidance should be read alongside the WNMP.

- States priorities for strategic resource areas are aggregates, tidal stream energy and wave energy. SRAs may be development for offshore wind, aquaculture and tidal lagoon sectors. Relevant public authorities may produce guidance supporting marine plan implementation.

Policy ELC_01: Low carbon energy (supporting) wind

ELC_01 a: Proposals for offshore wind energy generation will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.

Proposals for wind >350MW will be considered by UK Government in accordance with relevant national policy. In determining an NSIP for a wind proposal, the decision maker will have regard to this plan. Any determination in relation to energy developments of any scale will be taken in accordance with this plan alongside any other relevant considerations.

6.5 Planning Policy Wales (Edition 11, February 2021). Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales. The following sections of PPW are considered of relevance:

- Chapter 3 – Strategic and Spatial Choices. In particular section 3.58-3.59 inclusive which relates to the best and most versatile agricultural land and section 5.60 to which relates to development in the countryside and supporting infrastructure.
- Chapter 5 – Production and Enterprising Place. In particular Section 5.7 – 5.9 inclusive, which sets out the policy framework for energy and renewable energy development and Section 5.14.7 to 5.14.9 inclusive which relates to safeguarding mineral resources and infrastructure.
- Chapter 6 - Distinctive and Natural Places. In particular Section 6.1: The Historic Environment; Chapter 6.3: Landscape; Chapter 6.4: Biodiversity and Ecological Networks; Chapter 6.6: Water and Flood Risk; Chapter 6.7: Air Quality and Soundscape; and Chapter 8: Lighting.

6.6 Future Wales: The National Plan 2040 (February 2021). Future Wales is the Welsh Government's national development framework, setting direction for development in Wales to 2040. It has development plan status and therefore forms part of the adopted development plan for the County. The following policies are considered to be of direct relevance to the proposal:

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

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.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment. Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.

Policy 21 – Regional Growth Area – North Wales Coastal Settlements

The Welsh Government supports sustainable growth and regeneration in regionally important towns along the northern Coast. Holyhead, Caernarfon, Bangor, Llandudno, Colwyn Bay, Rhyl and Prestatyn will be a focus for managed growth and they have an important sub-regional role complementing the National Growth Area of Wrexham and Deeside. Strategic and Local Development Plans should recognise the roles of these places as a focus for housing, employment, tourism, public transport and key services within their wider areas and support their continued function as focal points for sub-regional growth

6.7 Technical Advice Notes (TANs) and Welsh Government Planning Guidance. The following TANS and Welsh Government Practice Guidance are considered to be material considerations:

- Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
- Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (2010)
- Technical Advice Note (TAN) 11 – Noise (1997)
- Technical Advice Note (TAN) 13 - Tourism (1997)
- Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
- Technical Advice Note (TAN) 18 – Transport (2007)
- Technical Advice Note (TAN) 23 – The Historic Environment (2017)
- Welsh Government Practice Guidance: Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)
- Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)

7. LOCAL PLANNING POLICY

7.1 The Denbighshire Local Development Plan (LDP) 2006 – 2021 (adopted June 4th 2013) sets out the Authority's policies and proposals for future development and use of land.

7.2 Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'.

7.3 APPENDIX 5 and 6 show the LDP designations at the landfill and substation site respectively.

7.4 Whilst the LDP should be read as a whole, the following LDP policies (in order of appearance in the LDP) are considered relevant to the consideration of the proposal:

- Policy RD 1 – Sustainable development and good standard design
- Policy RD 2 – Green Barriers
- Policy BSC 3 – Securing Infrastructure contributions from development
- Policy PSE 1 – North Wales Coast Strategic Regeneration Area
- Policy PSE 15 – Safeguarding Minerals
- Policy VOE 1 – Key areas of importance

- Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
- Policy VOE 5 – Conservation of natural resources
- Policy VOE6 – Water management
- Policy VOE 10 – Renewable energy
- Policy ASA 3 – Parking standards

7.5 LDP planning policy text:

Policy RD 1 - Sustainable development and good standard design

Development proposals will be supported within development boundaries provided that all the following criteria are met:

- i) Respects the site and surroundings in terms of the siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings; and*
- ii) Makes most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare for residential development (unless there are local circumstances that dictate a lower density).*
- iii) Protects and where possible enhances the local natural and historic environment; and*
- iv) Does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; and*
- v) Incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines; and*
- vi) Does not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution etc., and provides satisfactory amenity standards itself; and*
- vii) Provides safe and convenient access for disabled people, pedestrians, cyclists, vehicles and emergency vehicles together with adequate parking, services and manoeuvring space. Proposals should also consider impacts on the wider Rights of Way network surrounding the site; and*
- viii) Does not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated and incorporates traffic management/calming measures where necessary and appropriate. A transport assessment and travel plan will be required where appropriate; and*
- ix) Has regard to the adequacy of existing public facilities and services; and*
- x) Does not prejudice land or buildings safeguarded for other uses, or impair the development and use of adjoining land; and*
- xi) Satisfies physical or natural environmental considerations relating to land stability, drainage and liability to flooding, water supply and water abstraction from natural watercourse; and*
- xii) Takes account of personal and community safety and security in the design and layout of development and public/private spaces and has regard to implications for crime and disorder; and*

xiii) Incorporates suitable landscaping measures, including where appropriate hard and soft landscaping treatment, the creation and/or protection of green and blue corridors, mature landscaping, and arrangements for subsequent maintenance. Landscaping should create a visually pleasant, sustainable and biodiversity rich environment that protects and enhances existing landscape features and also creates new features and areas of open space that reflect local character and sense of place; and

xiv) Has regard to the generation, treatment and disposal of waste.

Policy RD 2 – Green Barriers

In order to reinforce the separation of neighbouring settlements, and to preserve the character of historic towns, a number of Green Barriers have been designated, as shown on the Proposals Map. Within Green Barriers, development will only be permitted provided that the open character and appearance of the land is not prejudiced.

Policy BSC 3 – Securing Infrastructure Contributions from Development

Where relevant, development will be expected to contribute to the provision of infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development.

The Council's priorities, which will vary depending on the nature and location of development, are:-

- i) affordable housing (in accordance with Policy BSC4);*
- ii) recreation and open space (in accordance with Policy BSC11);*
- iii) sustainable transport facilities (in accordance with Policy ASA2);*
- iv) regeneration (in accordance with Policy PSE1);*
- v) Council priorities current at the time of application in line with other issues identified in the Local Development Plan, or by the local community.*

Policy PSE 1 – North Wales Coast Strategic Regeneration Area

In the North Wales Coast Strategic Regeneration Area the Council will support proposals which:

- retain and develop a mix of employment generating uses in town centres; or*
- provide new family residential accommodation; or*
- enable the retention, enhancement and development of tourism related facilities; or address existing problems of deprivation in a manner which is consistent with the principles of sustainable development.*

Policy PSE 15 - Safeguarding Minerals

High quality resources of minerals, including limestone, sand and gravel,

Denbigh Gritstones, igneous and volcanic deposits will be safeguarded from development that would result in its permanent loss or hinder future extraction. Development will only be permitted where:

- i. *it can be demonstrated that the need for the development outweighs the need to protect the mineral resource; or*
- ii. *where such development would not have a significant impact on the viability of that mineral being worked; or*
- iii. *where the mineral is extracted prior to the development.*

Policy VOE 1 – Key Areas of importance

The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:

- *Statutory designated sites for nature conservation;*
- *Local areas designated or identified because of their natural landscape or biodiversity value;*
- *Sites of built heritage; and*
- *Historic Landscape, Parks and Gardens.*

Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

In determining development proposals within or affecting the Area of Outstanding Natural Beauty (AONB) and Area of Outstanding Beauty (AOB), development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.

Policy VOE 5 – Conservation of natural resources

Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species.

Where the overall benefits of a development outweigh the conservation interest of a locally protected nature site, mitigation and enhancement measures in or adjacent to these sites should be an integral part of the scheme.

If necessary, measures required to mitigate likely adverse effects on the qualifying features of statutory designated sites should be put in place prior to the commencement of development. Measures required to offset any likely adverse effects will be secured by planning conditions and/ or planning obligations.

Planning permission will not be granted for development proposals that are likely to cause significant harm to the qualifying features of internationally and nationally designated sites of nature conservation, priority habitats, priority species, regionally important geodiversity sites, or to species that are under threat.

Policy VOE 6 – Water Management

All development will be required to incorporate water conservation measures, where practicable. Major development proposals (greater than 1,000 sqm floorspace or 10 dwellings) should be accompanied by a Water Conservation Statement.

All development will be required to eliminate or reduce surface water run-off from the site, where practicable. The run-off rates from the site should maintain or reduce pre-development rates

Policy VOE 10 Renewable energy technologies

Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

Policy ASA 3 – Parking standards

Development proposals, including changes of use, will be expected to provide appropriate parking spaces for cars and bicycles. If the use of a property or premises requires parking infrastructure for mobility impaired people, these facilities will be taken into account when determining the amount of parking space required. Consideration will be given to the following circumstances (where they apply) in determining parking provision:

- The site is located within a high-densely populated area;
- Access to and availability of public transport is secured;
- Parking is available within reasonable distance of the site;
- Alternative forms of transport are available in the area.

- 7.6 The Denbighshire LDP is available to view in its entirety on the Council website at www.denbighshire.gov.uk.

8. SUPPLEMENTARY PLANNING GUIDANCE

- 8.1 The following Supplementary Planning Guidance Notes (SPG) are of relevance to the proposed scheme:

- Archaeology SPG
- Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) SPG
- Conservation and Enhancement of Biodiversity SPG
- Listed Buildings SPG
- Parking Requirements in New Developments SPG
- Planning Obligations SPG
- Renewable Energy SPG
- Trees and Landscaping SPG

- 8.2 A copy of the Planning Obligations SPG and the Renewable Energy SPG are provided as DCC LIR APPENDIX 7 and 8 respectively.

- 8.3 Copies of all adopted SPGs are available to view on the Council website at www.denbighshire.gov.uk.

9. OTHER MATERIAL CONSIDERATIONS

- 9.1 The Council consider the following to technical and guidance documents are material planning considerations:
- Welsh Government LANDMAP: the all-Wales Geographical Information (GIS) based resource for assessing landscape character and quality. LANDMAP is the formally adopted methodology for landscape assessment in Wales and informs planning related uses and landscape baseline conditions at both local and landscape scale.
 - Cadw guidance document 'Setting of Historic Assets in Wales Guidance' (CADW, May 2017).
 - Welsh Government Predicative Agricultural Land Classification: predicative map.
- 9.2 Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

PART C: ASSESSMENT OF IMPACTS

STRATEGIC CONTEXT

10. PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE

- 10.1 The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.
- 10.2 Planning Policy Wales provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.
- 10.3 Future Wales, the National Plan 2040 forms part of the adopted development plan for all local planning authority areas in Wales.
- 10.4 Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- 10.5 Future Wales Policy 18 states proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted, subject to compliance with the policy criteria.
- 10.6 LDP Policy VOE 10 supports renewable energy proposals where they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable

impact upon the interests of natural conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity

- 10.7 The Council's adopted Renewable Energy SPG provides further guidance on renewable energy developments.
- 10.8 Denbighshire County Council declared a Climate and Ecological Emergency in July 2019 and aim to become a net carbon zero and ecologically positive council by 2030.
- 10.9 The applicants Environmental Statement Volume 1, Chapter 2 considers the Policy and Legislative context for the development.
- 10.10 The Council agree that the proposal would have strategic benefits in terms of increased renewable energy generation, contribute to the de-carbonisation of the energy supply network and towards combating the climate emergency.
- 10.11 Having regard to the above, it is considered that the principle of a new offshore windfarm of the scale proposed is considered to be in general accord with national and local planning policies.
- 10.12 Conclusion on assessment of impact:
 - Construction Phase: **NEUTRAL**
 - Operational Phase: **POSTIVE**

IMPACT OF OFFSHORE WINDFARM AND OTHER WORKS:

11. SEASCAPE, LANDSCAPE AND VISUAL IMPACT

- 11.1 The applicant's Environmental Statement Volume 2 Chapter 10: Seascape, Landscape and Visual Impact Assessment (SLVIA) considers the impact of the offshore works on seascape, landscape and visual amenity. The Environmental Statement Volume 6 contains the Seascape, Landscape and Visual Impact Assessment Annexes.
- 11.2 Land Use Consultants (LUC) have been commissioned to independently review the SLVIA and the onshore Landscape and Visual Impact Assessment (LVIA) on behalf of the seven North Wales local planning authorities.
- 11.3 Snowdonia National Park Authority are the lead authority for the commission and will be submitting the 'LUC Awel y Mor Offshore Wind Farm Examination – Review of SLVIA Documents' (The 'LUC Review') to the Examining Authority on behalf of the seven North Wales local planning authorities. For the avoidance of doubt, a copy of the LUC Review is attached as DCC LIR APPENDIX 9 and the Council fully endorse the findings and recommendations set out in the LUC Review, and would request the Examining Authority gives significant weight to it in the assessment of seascape, landscape and visual effects.
- 11.4 Overall, LUC find the SLVIA thorough, detailed and grounded in good practice. The LUC Review observations are summarised as follows:
 - *The array area, and the MDS, has been further reduced since PEIR, although turbine height remains the same. Although now outside the area of 'high sensitivity' seascape around Anglesey, the reduced MDS has not resulted in any effects being reduced from significant at PEIR to non-significant at DCO.*
 - *LUC do not support the approach taken to moderate effects, where these may be considered significant or not based on the assessor's judgement.*

There are a number of instances where effects of the same level (moderate) are assigned different significance. While the importance of professional judgement in SLVIA is accepted, and the importance of reading the detailed assessment text, LUC consider this to be a potential source of confusion and unhelpful to the non-specialist reader. The approach lacks a clear distinction between significant and non-significant, and leaves those findings of 'moderate but not significant' open to question.

- *There are some viewpoints and visual receptors where non-significant effects are found in the SLVIA, that LUC have suggested could be significant. It is accepted that these are all borderline cases and do not represent areas of substantive disagreement. The viewpoints noted are:*
 - *VP44 Beaumaris Castle, Anglesey;*
 - *VP36 Tal-y-Fan, Snowdonia National Park (this may be due to an inconsistency in the sensitivity assessment); and*
 - *VP23 Rhyl Aquarium.*
- *LUC take a more 'in the round' approach to assessing views on people within settlements. The SLVIA authors have focused on views from properties, rather than views experienced as people move around their communities. LUC consider that effects may therefore be slightly more widespread than is set out in the SLVIA. However, it is accepted that the SLVIA has recorded some significant effects in all the settlements where we consider this would be anticipated. As such, we consider that the SLVIA does not substantively under-report significant effects on settlements.*
- *LUC agree with the assessments of effects on views from the Wales Coast Path and other routes, noting that some of these have been revisited.*
- *LUC have identified some differences in interpretation of the extent of effects on landscape character. At the northern edge of the National Park, LUC suggest effects would be significant across part of LCA 01 Northern Uplands. LUC do not agree that existing development reduces the magnitude of change, as this is of a different scale and character to the proposed turbines. Elsewhere, the SLVIA offers quite precise statements of how far inland effects will extend, and while these distances may be queried, it is clear that the main areas where significant effects would occur have been correctly identified.*
- *LUC agree with the assessment of effects on special qualities of the AONBs and National Park as set out in the SLVIA.*
- *Night time effects have been assessed for a 200 candela scenario, in contrast to the 2000 candela maximum brightness scenario considered at PEIR. As such, significant night time effects are only identified at the Great Orme. LUC agree with these conclusions, assuming that the mitigation through reduced brightness is fully secured in the DCO. We note that the dimming of aviation lighting to 200 candela is not listed in Document 8.11 Mitigation Schedule. The Applicant should be asked to confirm how this mitigation is secured in the DCO.*

11.5 With respect to Denbighshire interests, the Council disagrees with the assessment of significant effects for the following receptors:

Viewpoint 23. Rhyl Aquarium

Assessment of effects on this receptor is not agreed. The SLVIA compares the perceived scale of proposed AyM OWF turbines with those of the existing GyM and Rhyl Flats developments, stating that *“The GyM WTGs are both smaller in scale than the AyM WTGs and are further away from this viewpoint than Rhyl Flats OWF so the scale comparison is greater. They are also more densely spaced”*. The baseline view shows a gap between GyM and Rhyl Flats, resulting in them being seen as distinct turbine groups. Differences in intervening distance and perceived scale are less noticeable as a result of this gap. 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. This change would be noticeable and would result in significant effects.

Settlement of Rhyl.

Assessment of effects on this receptor is not agreed. The SLVIA assesses a non-significant effect for Viewpoint 23 (Rhyl Aquarium), but the LUC Review disputes that finding. The aquarium, along with the wider promenade area, is a key location within Rhyl and the SLVIA acknowledges that the viewpoint *“provides an indication of the visibility that would be gained from properties close to the coast but also some of the visitor amenities along the seafront, which are an important component of the settlement”*. Although *“The majority of the settlement will have no or limited views of the AyM OWF due to the low-lying nature of the town and the visual screen created by the seafront properties”*, there is potential for significant visual effects to result locally.

- 11.6 It should be noted that the LUC Review identifies a number of points where there is a disagreement on assessment of significant effects, and considers that Anglesey, Gwynedd, Conwy, Snowdonia National Park and Denbighshire shall all experience adverse significant effects as a result of the offshore windfarm development which cannot be mitigated.
- 11.7 Should Development Consent be granted, the North Wales Authorities’ therefore consider it necessary to secure a package of landscape contributions secured by legal agreement, in consideration of the harm caused by the significant adverse effects identified.
- 11.8 The Council also consider a requirement should be imposed to restrict aviation lighting to 200 candela lighting only, on the basis that this is what has been assessed in the SVLIA and higher candescence lighting may give rise to unidentified significant effects.
- 11.9 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

IMPACT OF ONSHORE WORKS (LANDFALL, ECC AND ONSHORE SUBSTATION):

12. ONSHORE LANDSCAPE AND VISUAL IMPACT

- 12.1 PPW 11 Section 6.3.3 states ‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and

enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.

- 12.2 LDP Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.
- 12.3 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.
- 12.4 Section 8 of the Council's Renewable Energy SPG provides advice and guidance on renewable energy development.
- 12.5 The applicant's Environmental Statement Volume 3 Chapter 2: Landscape and Visual Impact Assessment (LVIA) considers the impact of the onshore works on landscape character and visual amenity. The Environmental Statement Volume 6 contains the LVIA Annexes.
- 12.6 Landscape mitigation is set out in the draft Landscape and Ecology Management Plan.
- 12.7 Land Use Consultants (LUC) have been commissioned to independently review the SLVIA and the onshore Landscape and Visual Impact Assessment (LVIA) on behalf of the seven North Wales local planning authorities. Snowdonia National Park Authority will submit the LUC Review to the Examining Authority on behalf of the North Wales local planning authority and a copy of the LUC Review is attached as DCC LIR APPENDIX 9.
- 12.8 With respect to the LVIA, the LUC Review states the following:

Methodology, scope and process:

The approach to the LVIA has not changed substantively since PEIR, however the LVIA methodology does differ from PEIR in that levels of effect are introduced (previously effects were simply stated as significant or non-significant). As with the SLVIA, the LVIA allows 'moderate' effects to be judged as either significant or non-significant. LUC find this approach unhelpful as the difference it is not always clear to the reader.

Baseline information:

There do not appear to have been any substantive changes in the landscape and visual baseline that would alter the findings of the LVIA.

In response to consultee comments, an additional assessment viewpoint and visualisation has been included at Y Foel to represent views from within the Clwydian Range and Dee Valley AONB.

LUC accept the LVIA authors' comments in relation to LUC's suggestions about viewpoints within St Asaph and Bodelwyddan Gardens. These viewpoints have not been changed.

Mitigation and design:

Further refinement of the substation design has taken place, and there is now a clearer picture of what is proposed to be built on the site. Two options are being progressed, within an overall 'maximum parameter extents'. The maximum parameters are defined by the larger footprint size (50,000m² for the AIS option), and by the maximum height, which is given as 15.8m above the finished platform level of 34.175m. The maximum height of the largest building is therefore just under 50m above Ordnance Datum.

Mitigation measures have been developed further. Around the substation, this includes proposed woodland planting, ecological mitigation areas and SuDS. Figure 2.16 shows the indicative landscape plan, which is described in more detail in the outline Landscape and Ecology Management Plan (OLEMP) (application reference 8.4). The landscape proposals as briefly outlined in Section 2.9 include suggested species, and strategies such as advance planting to speed up the effectiveness of the screen planting. The potential for earth bunding is also mentioned. The DCO application is also supported by a Design Principles Document (application reference 8.8). These and other supporting documents are considered in Appendix C.

Visualisations:

ZTVs have been updated to reflect the maximum parameters of both the AIS and GIS options, as set out in Section 2.5.7.

Visualisations for viewpoints 1-5 have been produced to Accurate Visual Representation (AVR) Level 4 in line with Landscape Institute guidance. Both the AIS and GIS options are depicted in each view; these are described as "example 3D block models" in Section 2.5.8, indicating that they do not necessarily represent the final design. As well as the example block model, each visual also shows the outline of the maximum parameters, within which the final design would be contained. Year 15 views are included, showing the addition of maturing mitigation planting at an appropriate height.

Visualisations for viewpoints 6-9 are shown with the maximum parameter outline only, due to distance or lack of visibility.

In reviewing the visualisations, LUC consider that the combination of the worst-case maximum parameters outline with the indicative 3D models provides a helpful illustration of the likely appearance of development at the substation. While the mitigation planting is shown at an appropriate size, it is depicted in full leaf when the photographs have been taken in winter. This is notable in viewpoint 1, for example, where bare existing trees stand alongside the proposed trees in full leaf. The difficulties of accurately depicting planting in this type of illustration is accepted however.

LUC note that the maximum parameter outline is not clearly visible on Figure 2.18j (Viewpoint 1) although the label indicates its extent (and it is clearly depicted on Figure 2.18h).

Assessment of effects on physical landscape:

An assessment of effects on elements of the physical landscape is presented in Section 2.10. Effects on agricultural land and hedgerows generally are found to be non-significant, due to the lower value placed on these elements. A separate assessment of 'taller hedgerows and hedgerow trees' finds a moderate (significant) effect. A list of hedges is provided, but it is not clear what proportion of hedges this represents. Reference to the Hedgerow and Protected Tree Plan (application reference 2.12) may have been useful here. It is not clear if there is a relationship between the 'taller hedgerows and trees' in the LVIA and the 'important hedgerows' shown on the Hedgerow and Protected Tree Plan.

Effects on 'trees within the OnSS site area' are also found to be significant, as 'around 20-26 mature trees' would be lost. It is noted that hedges can be replanted over the ECC. This committed mitigation should be carefully secured through the DCO requirements. We accept that trees cannot be planted over the ECC for operational reasons, though woodland planting is proposed at the OnSS.

Assessment of effects on landscape character and designations:

Landscape effects are set out in Section 2.11. LUC agree with the scoping of receptors as set out in the preliminary assessment (Table 9). It is agreed that there would be significant effects on LCA A1 (the host landscape) during construction and operation at Year 1. It is also agreed that effects would reduce to non-significant at Year 15. However, it is noted that effects at Year 1 and Year 15 are both assessed as 'moderate'. This is an example of how the methodology can be unclear, as it appears that the level of effect is unchanged at Year 15, whereas the significance is reduced. As noted elsewhere, LUC do not consider this to be a helpful approach. The LVIA finds that there would be no significant effects on LCA C4 during construction or operation, and this is agreed.

Effects on Bodelwyddan registered historic park and garden (designed landscape) are found to be moderate and non-significant during construction and operation. Effects are considered to be localised in the south-east area of the parkland. It is not clearly stated whether effects on the designed landscape as a whole would be less. LUC note that the viewpoint from Bodelwyddan shows no visibility of the OnSS from the core area close to the house. The ZTV does indicate visibility across the southern edge of the designed landscape, but we agree that this is unlikely to alter the character of the designated landscape.

Assessment of effects on visual receptors:

Visual effects are assessed in Section 2.12. Tables 11 and 12 present the preliminary assessments and appear to include all relevant receptors. For the OnSS, reference is made to the AONB, and the new viewpoint 9 (Figure 2.26). LUC agree that there is no potential for significant effects on the AONB.

Effects on visual receptors as a result of the ECC and landfall (Table 13) are found to be limited and localised. All effects of the ECC and landfall will be short term and reversible. LUC agree with the assessments made.

Table 14 presents the assessment of effects of the OnSS on visual receptors. In general LUC agree with the assessments made, which include a number of significant but localised effects. LUC note the following:

- Response to PEIR suggested that Faenol Brodor farmhouse should be included as a receptor for the OnSS. Although assessed for the ECC and Landfall, residents at Faenol Brodor are not considered in the OnSS assessment (operation and construction), either preliminary or detailed. LUC note that a major effect is assessed here for the ECC and Landfall, during construction.

- *Response to the PEIR suggested that visitors to Glascoed Nature Reserve should be included as a receptor for the OnSS. This is included in the preliminary assessment (Table 12), and said to be “assessed in detail from viewpoint 2”. Although there is mention of visitors to the reserve in the evaluation of susceptibility, it is not clear how their views would differ as they enter or move around the nature reserve, in comparison with the static location of VP2.*
- *Visitors to the Denbighshire Memorial Park and Crematorium are additionally considered as a discrete receptor, in response to consultee comments. Significant effects at year 1 are assessed, reducing to non-significant by year 15.*
- *Significant effects at VP2, VP5 and the Memorial Park are stated to reduce to non-significant by year 15. This is reliant on the agreement of a detailed landscape plan prior to construction, early establishment of planting where possible, and reliable maintenance to ensure successful screening.*
- *At VP5, LUC again note that effects at Year 1 and Year 15 are both assessed as ‘moderate’, though the significance is reduced at Year 15. The cumulative assessment reviews a number of nearby developments and proposals, and concludes that there is no potential for cumulative landscape and visual effects as a result of the interaction between the proposed development and any one of these. Based on the findings that significant effects of the proposed development will be localised LUC agree with the conclusions reached.*

Cumulative Effects:

The cumulative assessment reviews a number of nearby developments and proposals, and concludes that there is no potential for cumulative landscape and visual effects as a result of the interaction between the proposed development and any one of these. Based on the findings that significant effects of the proposed development will be localised LUC agree with the conclusions reached.

- 12.9 Appendix C of the LUR Review includes a review of other documents submitted with the application, including Document 8.4 Outline Landscape and Ecological Management Plan; Document 8.11 Schedule of Mitigation Document 8.13 Outline Code of Construction Practice (document 8.13 including: Appendix 1, Outline Construction Method Statement; and Appendix 4, Outline Soil Management Plan); and Document 2.12 Hedgerow and Protected Tree Plan.
- 12.10 The Council wish to bring to the attention of the ExA the following comments from the LUC Review with respect to the Outline Landscape and Ecology Management Plan and the Hedgerow and Protected Tree Plan:

Outline Landscape and Ecology Management Plan (OLEMP)

The OLEMP sets out ‘in-principle’ mitigation, from which the detailed Landscape and Ecological Mitigation Plan will be developed post-consent. This ‘Final LEMP’ will be submitted to the Council for approval in line with Requirement 13. It combines mitigation measures derived from the LVIA with those arising from the Biodiversity and Nature Conservation chapter of the ES.

Section 2 of the OLEMP sets out landscape mitigation. Reference is made to mitigation embedded in site selection, as well as cross references to the CoCP for construction-stage mitigation.

At paragraph 16, reference is made to “existing woodland to the west and north of the OnSS” as providing screening. It is not made clear if this woodland is within the

Order Limits or not. If the woodland is within or at the edge of the Order Limits then it should be clearly stated that protection measures will be installed at the outset of construction. It is stated within Section 5 of the OLEMP that “all retained trees located directly adjacent to working areas will be protected by fencing around Root Protection Areas”. The OLEMP should make clear that this applies in particular to woodland along the west edge of the Order Limits at the OnSS, as the adjacent woodland is within Bodelwyddan designed landscape.

There is a woodland area near the OnSS within the Order Limits, centred approximately on grid reference SJ 01011 74597. The woodland is adjacent to the bridle path to the north of the OnSS. Figure 2 does not confirm whether the woodland will be retained. Given the importance of the woodland and its proximity to the construction compound, the final LEMP should include clear statements that protection will be applied to this woodland.

Although general statements on protection of trees are included in Section 5, as noted above, there is no detail on how this will be applied. This is of particular relevance to the OnSS. A number of hedgerows and two ponds are identified for retention in Figure 2. Notes on this Figure also refer to ‘retained trees’. The OLEMP should clearly state how retained features shown on Figure 2, including ponds and hedges, will be protected during the works.

Further areas of uncertainty are noted on Figure 2. As well as the woodland noted above, there is an area of farmland between the OnSS and the construction compound with no hatching. Section 4.4 states that the land used for the construction compound “will be reinstated to its previous state”. This suggests the land will then be returned to agricultural use. If the strip of land between the OnSS and the construction compound is also to be returned to agriculture, this should be made clear.

Paragraph 17 introduces the types of landscape treatment proposed around the OnSS, including woodland, hedgerow and native grassland. This is cross-referenced to Figure 2 and the Year 15 visualisations that show maturing woodland (see review of the LVIA in Chapter 4 of this report).

The extent of proposed planting shown in Figure 2 appears appropriate to achieve the aims listed in paragraph 19. Species are discussed at paragraph 20. Having not undertaken site visits we are not familiar with the prevalent species in the local area, but the native species listed appear to be appropriate. The approach of using ‘nurse species’ and ‘core species’ is also appropriate.

Spacing is mentioned at paragraph 21, though it is stated that this will be agreed in the Final LEMP, and it is agreed that this does not need to be set out in detail at this stage. Paragraph 23 states early establishment will be carried out ‘where it is practical to do so’. Accepting that there are unknowns, the Applicant should be asked to specify areas where advance planting can be committed at this stage. The area north of the Crematorium may be an example of a location that is removed from the focus of construction, and where advance planting could be committed.

Paragraphs 26 and 27 discuss the onshore cable corridor. Mitigation measures include the reinstatement of ground cover or agricultural use and reinstatement or replacement of removed hedges. Details of the nature of the replanted hedges are not given. Paragraph 26 refers to “protection of all retained trees during the construction phase where practicable”. There should be a clear commitment to a) retain all trees not required to be removed for construction, and b) to adequately protect all retained trees.

Section 4 sets out mitigation proposals, with particular reference to areas of biodiversity interest, and in all other areas at Section 4.4. This Section provides

clearer commitments than are provided in Section 2, and cross-references between the sections would be beneficial. For example, paragraph 58 clearly states that replanted hedgerows “will comprise a locally appropriate mixture of at least seven woody species and including heavy standard trees at a 3:1 ratio for any lost.”

This section also refers to a three-year aftercare period, which is not mentioned in Section 2. The three-year aftercare period is referred to in other places in the OLEMP (e.g. paragraph 131). DCO Requirement 9 refers to “a period of five years after planting”, and it follows that the aftercare period should be extended accordingly.

Section 5 covers protection of retained habitats. As noted above, this section makes clear that “all retained trees will be protected by Root Protection Orders” (paragraph 76). Again, better cross-referencing would make the document clearer.

Section 7 discusses biodiversity enhancements that include measures shown on Figure 2. Again details are presented here that are not included in Section 2, for example “locally sourced black poplar” is specified for woodland at the OnSS (paragraph 134).

In conclusion, the OLEMP presents a suite of mitigation measures that will benefit both landscape and biodiversity. The OLEMP does not include any measures which in LUC’s view are not appropriate, and appears sound as a basis for development of the Final LEMP. However, the document lacks clarity in places. Many of the comments above could be addressed simply by adding further cross referencing and checking for consistency between sections. We recommend seeking further detail from the Applicant with reference to protection of existing features, and advance planting at the OnSS.

Hedgerow and Protected Tree Plan

Document 2.12 Hedgerow and Protected Tree Plan presents a plan of all the hedgerows and important hedgerows to be removed, alongside woodland areas and Tree Preservation Orders (TPO) within and close to the Order Limits. The sections of hedgerow, including important hedgerows that are to be removed as part of the works are cross-referenced to Schedule 10 of the DCO. No TPOs are shown within the Order Limits.

It is noted that aerial photos indicate an area of woodland within the Order Limits that is not identified as such on the Plan. This woodland, discussed above, is in the vicinity of the OnSS, centred approximately on grid reference SJ 01011 74597. It is noted that this woodland is relied on for mitigation in the OLEMP and the importance of securing the retention and protection of this woodland is stressed. Assuming retention of this woodland can be clearly secured in the OLEMP, there may be no risk in its omission from this Plan

- 12.11 Whilst the landscape and visual effects of the onshore substation on the Clwydian Range and Dee Valley AONB are unlikely to be significant, adverse effects should nevertheless be minimised as far as practical and the materials and colours of the proposed buildings and infrastructure should be designed to minimise visual impacts, with construction and operational lighting being kept to the minimum and directional, sensor controlled lighting utilised to protect dark skies.
- 12.12 The Council also note that adverse harm to the setting of heritage assets (Grade II* listed Bodelwyddan Castle and its Registered Historic Park and Garden) and other visual receptors would not be fully mitigated, however the Council accept that new planting proposed in the draft landscaping details would soften views of the substation. As the fully effects of the planting would not be realised until the longer term (year 15), the Council consider that controls must to applied to ensure long term

management and maintenance of landscaped areas over a minimum period of 15 years.

- 12.13 The long term management of landscaped areas should therefore be fully set out in the final Landscape and Ecology Management Plan and Requirement 9 should be redrafted to ensure that any tree or shrub planted as part of the approved landscaping which subsequently fails within a 15 year period should be replanted, and not restricted to a 5 year period.
- 12.14 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

13. SOCIOECONOMIC

- 13.1 The applicant's Environmental Statement Volume 3 Chapter 3 considers the socio-economic impacts.
- 13.2 Future Wales acknowledges that large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities and that developers should explore how infrastructure improvements associated with a development be utilised by the host communities to bring additional, non-planning related benefits.
- 13.3 The Council notes the confirmation that the opportunity to maximise local socio-economic benefits will be explored and presented in more detail post- consent. It is noted that this should include the need for approval of a 'Skills and Employment Strategy'.
- 13.4 The proposal would generate supply chain and employment opportunities, and the ES concludes the proposal would have direct and indirect benefits for employment and GVA, including in Wales and North Wales.
- 13.5 However, with respect to local sourcing, at 121 of the ES Volume 3 Chapter 3 notes there is considerably less evidence on sourcing for local impact areas (in this case North Wales and Wales), however assumptions are drawn from experiences from the construction of the Gwynt y Mor offshore windfarm.
- 13.6 The Council would however stress that Gwynt y Mor was constructed under very different market conditions and a different political climate, and assumptions are made in the ES from previous experience may not be comparable. As such, there are currently no guarantees that goods and services would be procured from the local supply chain and the socio-economic benefits may not be realised without intervention and local weighting.
- 13.7 The Council would encourage efforts to ensure North Wales businesses are made aware of the potential supply chain opportunities that will be made available during all stages of the project to allow them to plan accordingly and ensure that they can capitalise on the opportunities presented. The Council would also promote the development of a Supply Chain Action Plan, and the use of geographic weighting criteria being applied in tender processes to ensure the regional economic benefits are realised.
- 13.8 The Council would note that DCO Requirements as drafted do not include a suitable worded requirement to secure provision of a 'Skills and Employment Strategy'. This

may be an oversight, but the Council consider it necessary for a Requirement to be imposed requiring a Skills and Employment Strategy to be submitted to and approved by the local planning authority, in consultation with key consultees, prior to the commencement of any development.

- 13.9 It is best practice to prepare and submit an outline of such plans as part of the DCO application documentation in order to ensure that such discussions take place early and during the consenting process, with engagement taking place with key stakeholders and that the final plans to be approved under condition is based on the outline plans.
- 13.10 Key stakeholders including Welsh Government, North Wales Regional Skills Partnership, Ambition North Wales, local education providers, chambers of commerce and relevant Local Authorities (including Economic and Business Development Teams). It is noted from the assessment that the jobs which are likely to be generated include port related activities, chartered and operation of non-specialist vessels and civil works related to installation of onshore infrastructure. The Council would encourage the applicant to consider these opportunities now and to identify how much of these skills are available locally in order to enable local people and companies to train or upskill to capitalise on these.
- 13.11 Conclusion on assessment of impact:
- Construction Phase: **POSITIVE**
 - Operational Phase: **POSITIVE**

14. TOURISM AND RECREATION

- 14.1 The applicant's Environmental Statement Volume 3 Chapter 4 considers the impact on tourism and recreation.
- 14.2 The works at the landfall would result in access to the beach and promenade being restricted.
- 14.3 At PEIR stage, a construction compound and the TRB's were proposed to be located on Rhyl Golf Course. The Council are supportive of the proposal to remove the construction compound away from the golf course and to relocate the TRBs to land to the south of the railway line. The changes made would reduce the impact on the golf course, however there would inevitably still be some disruption to the functionality of the Golf Club during the construction phase, however the Council accept this would be temporary.
- 14.4 The use of land adjacent to the North Wales Bowling Centre along Ferguson Avenue, Prestatyn however was not identified as a construction compound location at PEIR stage.
- 14.5 The Council consider a construction compound along Ferguson Avenue would adversely impact on businesses at Ffrith Beach, including the Caravan Park and North Wales Bowl Centre. This, along and disruption along the Promenade could have wider implications for businesses reliant on seasonal trade as a result of reduced footfall.
- 14.6 The working areas on the beach and sections of the promenade will be closed to the public during construction, which will reduce accessibility to the coastline and may detrimentally impact on tourism during construction phase. Public rights of way and

permissive routes would also be disrupted during the construction phase, with some rights of way are proposed to be temporarily stopped up during construction.

- 14.7 Temporary closures of public rights of way during construction phase would detrimentally impact on recreation. The Council acknowledge that detrimental effects on recreation arising from onshore works will be limited to the construction phase.
- 14.8 It is also noted that a Public Access Management Plan is proposed as mitigation to management public access during construction phase.
- 14.9 However, the tourism offer is a key component of the Rhyl and Prestatyn economy and as noted in section 4 above, there is a number of coastal defence scheme projects in close proximity to the landfall, including the completed East Rhyl Coastal Defence Scheme and the consented Central Rhyl and Central Prestatyn coastal defence schemes.
- 14.10 The cumulative effect of ongoing construction disturbance on tourism and recreation in combination with completed and consented coastal defence projects in close proximity to the landfall has not been fully taken into account in the ES. Therefore, the Council consider the cumulative impact on tourism and recreation at the landfall could be significant during the construction phase.
- 14.11 As stated in Section 11 above, the Council also disagree with the assessment of significant effects in the SLVIA for Viewpoint 23 (Rhyl Aquarium) and the Settlement of Rhyl, and the Council consider that the operational offshore windfarm would have a significant effect on views from the Rhyl Aquarium and from views along the seafront in the settlement of Rhyl. The operation effects of the offshore windfarm may therefore also adversely impact on the attractiveness of Rhyl as a tourism destination.
- 14.12 Rhyl has experienced significant decline in recent years and the regeneration of Rhyl is a strategic priority for Denbighshire and Welsh Government, as reflected in Future Wales Policy 21. Adverse effects to the tourism offer could undermine the significant investment made by both the Council and Welsh Government into projects to regenerate and rejuvenate the tourism economy in Rhyl.
- 14.13 To offset harm arising for cumulative construction activity at the landfall, the Council consider it reasonable for the coastal communities hosting the project to be compensated through a tourism compensation package.
- 14.14 The Council however would concur with the conclusions in the ES with regards to the impact of the operational windfarm, in that it would not significantly impact on tourism and recreation offer in Denbighshire.
- 14.15 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEUTRAL**
- 15. ONSHORE BIODIVERSITY AND NATURE CONSERVATION**
- 15.1 LDP Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation

proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests

- 15.2 This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.
- 15.3 Planning Policy Wales (PPW 11) sets out 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).
- 15.4 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.
- 15.5 The Council considers the species surveys and ecological assessment carried out to be satisfactory and would be in general agreement with the conclusions set out in Volume 3, Chapter 5 of the Environmental Statement, subject to adequate ecological mitigation and compensation measures being secured through imposition of Requirements. Furthermore, in order to ensure compliance with Planning Policy Wales and the duties set out in the Environment (Wales) Act, the development is also required to incorporate biodiversity enhancements measures into the schedule of works in addition to the necessary ecological mitigation and compensation, in order to achieve a net gain to biodiversity interests.

Trees and hedgerow:

- 15.6 With respect to loss of trees and hedgerow, the onshore ECC comprises of a swathe of land, typically between 40m and 60m wide, extending from the coast to St. Asaph. Additional land either side of the proposed cable route is identified within the Order Limits for access and other expected operational reasons, further extending the land that could be affected.
- 15.7 The Hedgerow and Protected Tree Plan (Revision B) plots the trees, hedgerows and woodland areas on or adjacent to the Order Limits and more detailed surveys are proposed at the pre-commencement stage. This would be expected to include a BS5837 Tree Survey to inform more detailed aspects of the project's design. The Tree Survey would comprise of an Arboricultural Impact Assessment (AIA) and, where trees are impacted, Arboricultural Method Statements (AMSs) for the final design. The AMSs could be included in the final Code of Construction Practice (CoCP). These steps are important to precisely identify the trees and lengths of hedgerows it is necessary to remove, and how those that are proposed for retention will be safeguarded.
- 15.8 To avoid direct harm to the Ancient Woodland north west of Bryn Cwnin and the woodland to the west of Pengwern College it is proposed to use trenchless techniques to pass underneath them. Paragraph 67 of the Outline Landscape and Ecology Management Plan (OLEMP) identifies 128 hedges to be crossed. On a case

by case basis, the Council considers trenchless techniques should also be considered as a means of retaining lengths of hedgerow wherever practical, especially where they are important in terms of the qualifying criteria in the Hedgerow Regulations and/or are longer lengths, as per the strategy set out in paragraph 26 of the OLEMP.

- 15.9 The proposed footprint of the Onshore Substation (OnSS) would necessitate the removal of two surveyed trees (not subject to Tree Preservation Orders) and a section of important hedgerow. Taking into account the scale of the OnSS development these direct losses are considered to be minimal in solely arboricultural terms, however the ecological loss would need to be mitigated. It is also recognised that there may be a need to remove additional trees and lengths of hedgerow adjacent to the OnSS not yet been identified.
- 15.10 Paragraph 67 of the OLEMP states that 33 trees could be lost as part of the onshore ECC, an assessment presumably based on the Maximum Design Scenario, these losses are not considered to be significant considering the geographical extent of development and will be further reduced at a later stage when taking into account the above design and assessment process, however any loss of trees would need to be mitigated in ecological terms.
- 15.11 The Council consider the imposition of Requirements would an acceptable mechanism to secure necessary ecological mitigation, compensation and enhancement.
- 15.12 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEUTRAL**

16. GROUND CONDITIONS AND LAND USE

Best and most versatile agricultural land

- 16.1 Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification (ALC). PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.
- 16.2 Having regard to Welsh Government agricultural land classification predictive map, the landfall includes Grade 3b land; the ECC is predominately 3b land, however the corridor also crosses through sections of grade 2 and 3a agricultural land; and the onshore substation (including construction compounds, roads / accesses, landscape areas etc.) is made up of a mix of 3a and 3b agricultural land.
- 16.3 Open trench techniques are proposed for the majority of the ECC which could detrimentally impact on soil quality, and mitigation measures would need to be deployed to ensure soil is safely stored and used to backfill trenches.
- 16.4 The development of the substation site and associated roads, landscaping & ecological mitigation areas etc. would result in a permanent loss of best and most versatile agricultural land.
- 16.5 Loss of best and most versatile land cannot be mitigated.

- 16.6 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

Mineral Safeguarding

- 16.7 Policy PSE 15 of the Denbighshire LDP safeguards minerals from development that would result in its permanent loss or hinder future extraction. Policy PSE 15 states that development will only be permitted where it can be demonstrated that the development outweighs the need to protect the mineral resource, or would not have a significant impact on the viability of that mineral being worked or where the mineral is extracted prior to the development.
- 16.8 Whilst the ECC crosses through land within a Mineral Safeguarding Area for Sand and Gravel, it is considered that Policy PSE15 would not preclude the proposed development on the basis that laying underground high voltage cables would not have a significant impact on the viability of the mineral being worked in the future. The proposal therefore would not give rise to significant effects on mineral reserves.
- 16.9 Accordingly, the Council would not raise an objection to the proposal on minerals safeguarding grounds.
- 16.10 Conclusion on assessment of impact:
- Construction Phase: **NEUTRAL**
 - Operational Phase: **NEUTRAL**

17. HYDROLOGY, HYDROGEOLOGY AND FLOOD RISK

- 17.1 Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.
- 17.2 Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:
- new development can be justified in that location, even though it is likely to be at risk from flooding; and
 - the development proposal would not result in the intensification of existing development which may itself be at risk; and
 - new development would not increase the potential adverse impacts of a flood event

Flood Risk:

- 17.3 The landfall site and sections of the ECC fall within a C1 flood risk area, and a Flood Consequences Assessment (FCA) has been submitted in support of the application.
- 17.4 The Council would respectfully defer to comments from Natural Resources Wales, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.

Land Drainage:

- 17.5 From a local flood risk and land drainage perspective, the Council is satisfied the provisions set out within the Supplemental Powers contained in Part 4 of the DCO provide sufficient assurances, and therefore the Council have no objection to the supplemental powers sought.

Surface Water Drainage:

- 17.6 Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m².
- 17.7 New developments of more than a single dwelling or a construction area more than 100m² must have:
- Sustainable drainage systems to manage on-site surface water;
 - Surface water drainage systems designed and built in accordance with mandatory Welsh Government standards for sustainable drainage;
 - Approval of the surface water drainage systems by the SuDS Approving Body (SAB).
- 17.8 It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act 2010. As such, separate, formal approval from Denbighshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.
- 17.9 As the planning process should not duplicate other legislative controls, the Council does not wish to make any observations on the provisional surface water drainage strategy for the site as it will be controlled through the SuDS approval process.
- 17.10 Conclusion on assessment of impacts:
- Construction Phase: **NEUTRAL**
 - Operational Phase: **NEUTRAL**

18. ONSHORE ARCHAEOLOGY AND BUILT HERITAGE

- 18.1 LDP Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.
- 18.2 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.
- 18.3 Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

- 18.4 Technical Advice Note 24 (TAN24) at 1.23 states “Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.” Impact on setting is therefore a material consideration to be afforded weight.
- 18.5 The Environmental Statement Volume 3 Chapter 8 sets out the onshore archaeology and built heritage assessment.

Archaeology

- 18.6 The Council are satisfied with the archaeological survey effort carried out to inform the Environmental Statement and understand the applicant’s archaeological consultants have been in regular consultation with the Clwyd-Powys Archaeological Trust (CPAT).
- 18.7 The Council consider the mitigation set out in the Environmental Statement to be sufficient to protect archaeological interests, subject to it being adequately secured through imposition of Requirements.

Built Heritage

- 18.8 The ECC and wider substation site are close to a number of listed buildings including Grade II* Listed Church of St. Margaret (The Marble Church), Grade II* Faenol Fawr and Garden II* Listed Bodelwyddan Castle which are all located in Bodelwyddan. To the immediate west of the wider substation site lies the Bodelwyddan Castle Registered Historic Park and Garden, and the wall around the Registered Park and Garden and which abuts the wider substation site to the is Grade II listed.
- 18.9 The Council in response to the PEIR raised concerns regarding the impact of the proposal on Bodewlyddan Registered Historic Park and Garden as an assessment did not appear to have been carried out. It is noted however the ES now recognises the statutory protection afforded to Register of Historic Parks and Gardens and an assessment of this asset has been carried out. The assessment concludes the Bodelwyddan Registered Historic Park and Garden would experience a temporary minor adverse effect, which the ES considers to not be significant (paragraph 177).
- 18.10 Mitigation is proposed in the form of landscaping including planting to soften the form of the onshore substation structure and reduce its visibility from the parkland and castle. It is however noted that the planting will take time to mature, so that the mitigation will become more effective over time. Upon completion, the residual effect on the heritage significance of the Bodelwyddan Castle and its Registered Historic Park and Garden Hall would be minor adverse which is not considered to be a significant effect in EIA terms.
- 18.11 The Council are satisfied with the conclusions of the assessment, however note that adverse harm to the setting of the Grade II* listed building and the Registered Historic Park and Garden would not be fully mitigated through landscaping, but the Council accept that planting would soften views of the substation. As the fully effects of the planting would not be realised until the longer term (year 15) The Council consider that controls must to applied to secure the long term management and maintenance of landscaped areas and new tree planting for a minimum of 15 years.
- 18.12 The long term management of landscaped areas should therefore be fully set out in the final Landscape and Ecology Management Plan and requirement 9 should be redrafted to ensure that any tree or shrub planted as part of the approved landscaping which subsequently fails within a 15 year period should be replanted, rather than the 5 year period proposed.

- 18.13 The Council would also respectfully defer to the comments made by CADW, the Gwynedd Archaeological Planning Service and the Clwyd Powys Archaeological Trust (CPAT) on matters relating to Archaeology and Built Heritage.
- 18.14 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

19. TRAFFIC AND TRANSPORT

- 19.1 The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.
- 19.2 LDP Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

- 19.3 The Denbighshire Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Traffic and Transport

- 19.4 The Council would agree with the conclusions of the Traffic and Transport section in the ES and agree that, subject to imposition of mitigation, adverse impacts to highway network would be limited to the construction phase and would not be significant.
- 19.5 However, the Council as Local Highway Authority would object to the street works powers proposed in Part 3 of the Order for the reasons below:
- The high number of major developments in the north of County which may overlap with the project.
 - The Highway Authority need to maintain strategic control over the highway network to avoid conflict with other planned works.

Public Rights of Way

- 19.6 Having considered the DCO and the impact of the scheme on the management of the network of paths in the North of the County which represent a significant low density when considering the population levels and need for recreation and access to the countryside in the Council do not support the powers laid out in Part 3 (11) relating to the temporary stopping up of a right of way.
- 19.7 Firstly the Council have experience of managing rights of way closures for other major infrastructure projects in the county such as Clocaenog Windfarm and other power lines, and are able to deliver the necessary Orders required by the developer

on time and for the appropriate length of period for the works program to be undertaken and completed.

- 19.8 There are a number of major projects being proposed and the Council would prefer to have a more strategic oversight to allow the Council to consider the implications of all major schemes and the cumulative impact of closures on the network of paths they each require, rather than allowing an individual developer to only consider their own development needs.
- 19.9 Therefore the Council would prefer that the DCO does not provide the means for the developer to initiate and make the necessary orders to close the paths so that the Council are able to have fuller control and awareness of what parts of the public access network are available and likely period of any closure. The Council are confident it can arrange the necessary orders and ensure closures do not over-run when no longer needed to the frustration of users on other schemes where the Council had no such control.
- 19.10 If however the decision is made to give these powers to the developer, the Council would request amendments are made to the Part 3 powers to ensure closures will only take effect for a period of 6 months, and should closures be needed in excess of 6 months, the timescale for the extension of the closure shall require approval of the local highway authority in order for the Council to scrutinise the reasons for the extension and ensure they are not being made un-necessarily, thereby depriving the public of access when the paths could have been left open and other means to control access used.
- 19.11 The Council has provided comments on the draft Outline Public Access Management Plan (CoCP Appendix 8) which have been submitted to the applicant, and which are summarised in the table below:

Outline Public Access Management Plan Section	Comments
Table 1 DE/206/5	Path 1 & 8 on either side provide alternatives if closed but is a popular path for eastern Rhyl. Combination and wicket gate installed by DCC
Table 1 DE/206/3	Path 3/1 is a main access from Bruton Park into the Countryside. It is also presently subject to a temporary closure and permanent diversion order in connection with the Anwyl Homes - Aberkinsey development, Temporary closure should be avoided or at least minimised
Table 1 DE/206/44	Byway 44/3 - Gypsy Lane although a Byway subject to public vehicle rights the northern end of 44 is subject to a Traffic Regulation order prohibiting vehicles as the route is now part of a formal cycle route also open to agricultural traffic. Closure is not acceptable
Table 1 DE/206/18	Powerline passes over path 18 not 17. Path is often waterlogged in winter making impassable however appears to be popular route with locals serving a fishing pond nearby so access is needed although not always as a through route, alternative routes are byway 44 and A525 pavement
	The powerline passes between Bryn Cwybr and Cwybr Bach and 206/46 is a busy access point to local access (ancient kissing

Table 1 DE/206/46	gate shows the route has been important for a long time) from a principle road. Access should be retained or closure to the shortest period possible if the need to do so is effectively evidenced and that no alternative work procedure is possible 206/20 is then essential to provide access to the 'North Wales Path'
Table 1 DE/206/23	Path 23 provides an important link from the Rhuddlan Bypass for residents of Rhuddlan heading towards the paths of Rhyl. Whilst path 22 is not mentioned and path 24 has a crossing. Either 22 or 23 should be kept open. If this is not possible the closure must be for the shortest period possible
Table 1 DE/206/24	Path 206/22 is also clearly impacted on by the powerline but is not recorded on map or listed here.
Table 1 DE/206/29	06/29 is a significant and major local cycle path linking Rhyl to Rhuddlan and closure should not be an option.
Table 1 DE/206/14, DE/206/40 and DE/206/4	There is no 206/14. Should be 201/14 201/14 leads into 206/40 This path leads off a busy road with no verge or pavement so is not well used however although there is an alternative in 206/41 to the east from the west 201/6 is unlawfully obstructed and awaiting a diversion order. 206/4 which should be 201/4 should remain open as it provides a link to Pengwern Lane which leads onto St Asaph Business Park and is the main walking route in the area whilst path 201/8 is subject to a legal dispute. If 206/40 and 201/4 have to be closed then 206/41 and 201/8 must remain open otherwise the whole network of limited routes is significantly reduced
Table 1 DE/201/17	201/7 has a traffic free alternative via Nant y Faenol Rd and a cycletrack to the St Asaph Business Park overbridge

19.12 Conclusion on assessment of impact:

- Construction Phase: **NEGATIVE**
- Operational Phase: **NEUTRAL**

20. RESIDENTIAL / PUBLIC AMENITY (AIRBOURNE NOISE AND VIBRATION; AIR QUALITY; PUBLIC HEALTH)

- 20.1 The Environmental Statement Volume 3 Chapter 10 considers Airborne Noise and Vibration; Chapter 11 considers air quality; and Chapter 12 considers Public Health).
- 20.2 The Council's main concern with regards to these topics is with respect to the impact on residential and public amenity.
- 20.3 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Air Quality:

- 20.4 The Council would agree with the conclusions contained in the Environmental Statement with regards to air quality, and agree potential impacts would be limited to the construction phase and would not be significant. Measures to mitigate harm to air quality such as dust abatement can be contained in the code of construction practice (CoCP).

Operational Noise and vibration:

- 20.5 The Council have no objection to the proposed noise limits for the operational substation, however considers the wording of proposed Requirement 18 needs to be amended to ensure it provides protection to all residential property in the vicinity of the substation, not just the stated properties (see comments against draft Requirement 18 in Section 23 below). The Council also consider requirements need to be imposed to set out the procedures to be followed should noise complaints be received. The Council has suggested additional requirements to augment Requirement 18 in Section 23 below.

Construction impacts (incl noise, vibration and disturbance):

- 20.6 ES Vol 3 Chapter 12 summarise the impact of the project on public health. Significant effects are likely to arise from construction noise and vibration.
- 20.7 Volume 3, Chapter 10: Noise and Vibration concludes that impacts from noise emissions during construction, with the standard best practice mitigation measures applied; will be of Minor to Major adverse significance, which is significant in EIA terms. The identified temporary Moderate or Major Adverse noise impacts would relate to:
- Construction activities at Landfall during weekday daytime and on Saturday afternoons;
 - Trenchless crossing activities at landfall during the evening and night-time;
 - Construction activities along the onshore ECC during weekday daytime and on Saturday afternoons;
 - Trenchless crossing activities along the onshore ECC during the evening and night-time;
 - Construction of access roads during weekday daytime and on Saturday afternoons; and
 - Construction traffic accessing the construction working area and haul road during weekday daytime, on Saturday afternoons and at night-time in a limited number of places
- 20.8 Additional construction mitigation measures are proposed to be informed by detailed design post consent and included within a final Noise and Vibration Management Plan (NVMP) which would be submitted for approval by DCC as part of the final CoCP that is secured by Requirement 10. Chapter 10 predicate the additional construction mitigation would reduce magnitude, and therefore significance of effect to Minor adverse and 'not significant' in EIA terms.
- 20.9 Volume 3, Chapter 10: Noise and Vibration concludes that impacts from vibration emissions during construction, with the standard best practice mitigation measures applied; will be of Minor to Major adverse significance, which is significant in EIA terms. As noted in Chapter 10, the identified temporary Moderate or Major Adverse vibration impacts would relate to:
- Trenchless crossing activities (including vibratory piling) at major road crossing locations during the daytime; and

- Trenchless crossing activities at Landfall and major road crossing locations during the night time
 - Trenchless crossing activities along the onshore ECC during evening and night-time;
- 20.10 The ES considers that as the drilling would be temporary in nature and based on worst case vibration levels that could be tolerated if prior warning has been given. These measures are anticipated to reduce magnitude, and therefore significance of effect to Minor adverse and 'not significant' in EIA terms.
- 20.11 Other adverse impacts are considered in Chapter 12, but no significant effects are noted.
- 20.12 With respect to public health, the ES appears to be silent on glare / nuisance associated with construction lighting. The Council considers both construction and operational lighting can adversely impact on residential amenity and public health and consider it necessary all external lighting to be controlled by Requirement.
- 20.13 Whilst it is noted the significant adverse effects could be mitigated through a range of measures, it has to be acknowledged that, even with mitigation measures in place, the construction phase will still nevertheless adversely impact on residential and public amenity during the construction phase.
- 20.14 The potential for adverse impacts on residential and public amenity is a consideration to be given significant weight. However, it is noted the assessment is based on a worst case scenario, and due to the nature of the proposal, nuisance generating construction activities will not be continuously carried out throughout the construction phase, and accordingly activities which are likely to generate adverse noise could be strictly controlled and time limited to ensure residents aren't exposed to unacceptable noise and vibration over prolonged period of times.
- 20.15 Adverse impacts are to be controlled through adherence to the CoCP which Requirement 10 states requires approval by the Council as relevant planning authority.
- 20.16 The ES states all construction work will be undertaken in accordance with a Noise and Vibration Management Plan (NVMP) to be contained in CoCP
- 20.17 Mitigation measures are set out in Table 50 of ES Vol 3 Chapter 10. All stated mitigation measures must be clearly stated and included in the CoCP.
- 20.18 Acoustic fencing is proposed as a mitigation measure, and the Council consider that details of acoustic fencing should be controlled through the CoCP as the Council wish to have control over the specification and siting of the acoustic fencing.
- 20.19 The Council also consider the Construction Communication Plan required to be submitted as an appendix to the CoCP should commit to a single point of contact for public enquiries and clearly set out a complaints management protocol to be applied, and timescales which responses will be received.
- 20.20 The Council are therefore satisfied that impositions of Requirements are sufficient to manage impacts on residential and public amenity.
- 20.21 However, the Council do not agree to the proposed construction hours set out in Requirement 15. As set out in Section 4 above, residential properties close to the landfall have already been exposed to prolonged periods of construction disturbance as a result of construction of the East Rhyl coast defence scheme, and there are further consented major coastal defence schemes which are likely to be constructed in the next 1-2 years.

- 20.22 In addition to the proposed Awel y Mor windfarm onshore works, the same cohort of residential properties which surround the Rhyl Golf Course will be exposed to construction disturbance associated with major construction activity at the coast over prolonged periods of time, and the Council stress the need to careful control construction activity at the landfall in order to protect the amenity of residential properties.
- 20.23 The Council therefore cannot agree to normal working hours of 7am – 7pm, as it is unreasonable to expose residents at the landfall to prolonged, cumulative construction disturbance at unreasonable times of the day. The Council consider controls must be imposed to limit construction activity to 8am - 6pm Monday – Friday. 8am – 1pm Saturdays and no working on Sundays and Bank Holidays.
- 20.24 The Council do acknowledge that certain activities cannot be restricted to within normal working hours. The Council however consider proposed Requirement 15 (2) is too vaguely worded and could allow for any work at the landfall and any works the applicant considers to be ‘time-critical’ to be carried out without any restriction on hours of working.
- 20.25 The Council therefore consider criteria (a) – (d) in Requirement 15 (2) needs to be more specific, and should more precisely identify construction activities that are time sensitive, and not provide blanket powers to the applicant.
- 20.26 The Council also consider a 1 week notice period should be embedded in Requirement, which obliges the developer to notify the planning authority and residential neighbours in advance of out of hours working commencing. The notice should include details of what works are to be carried out, why they need to be carried out outside of the approved hours of working and how long they will be carried out for.
- 20.27 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

PART D: COMMENTS ON DRAFT DCO, OBLIGATIONS AND REQUIREMENTS

21. DRAFT DCO

- 21.1 Article 2 needs to be re-drafted to provide better clarity and a clear definition of what is meant by ‘onshore site preparation works’ which can be carried out without constituting commencement of development. The local planning authority will be responsible for the enforcement post consent, and for compliance purposes, clarity is needed as to what works do and do not constitute development to avoid any ambiguity and unnecessary intervention from the local planning authority.
- 21.2 PART 3 Street works and rights of way powers. The Council as Local Highway Authority would object to the Street works powers proposed in Part 3 of the Order being conveyed to the developer through the Order and would prefer the powers to be retained by Denbighshire County Council as the local highway authority for the following reasons:
- The high number of major developments in the north of County which may overlap with the project.

- The Highway Authority need to maintain strategic control over the highway and rights of way network to avoid conflict with other planned works.

21.3 **PART 4** Supplemental powers (discharge of water). From a local flood risk and land drainage perspective, the Council is satisfied the provisions set out within the Supplemental Powers contained in Part 4 of the DCO provide sufficient assurances, and therefore the Council have no objection to the supplemental powers sought.

22. OBLIGATIONS

22.1 As set out in Section 11 above, should Development Consent be granted, the North Wales Authorities' consider it necessary to secure a package of landscape contributions secured by legal agreement, in consideration of the harm caused by the significant adverse effects identified by the offshore works.

22.2 As set out in Section 12 above, the Council considers cumulative effects as a result of the Awel y Mor construction phase in combination with recently completed and consented coastal defence scheme projects could give rise to adverse impacts on tourism and recreation at the coast, and the ES has not fully considered in-combination effects should construction phases overlap or run consecutively. The Council consider the host coastal communities should therefore be compensated for impacts of ongoing construction disturbance.

23. COMMENTARY ON APPLICANT'S DRAFT REQUIREMENTS

23.1 The Council has reviewed the applicant's Draft Planning Requirements set out in Schedule 2 of the DCO, and has the following observations to make:

Draft DCO Requirement	Observations
1	No observations
2	<p>Table 3 provides the maximum parameters for the offshore works.</p> <p>However, as currently worded it would all for a maximum of 50 turbines to be installed, each with a maximum height of 332m, which does not correlate to the Maximum Design Scenarios (MDS) used for the purposes of EIA.</p> <p>Table 3 should be redrafted to ensure it allows for either MDS-A (i.e. Construction of 34 WTGs - 332m above MHWS to tip, 306m rotor diameter) or MDS-B (i.e. Construction of 50 WTGs - 282m above MHWS to tip, 250m rotor diameter) to be implemented, and not to allow maximum parameters across the board.</p> <p>The height of the Offshore Substation Platform also appears to exceed the maximum parameter stated in the ES. Table 3 given as a maximum of 77.3m above MHWS, however the SLVIA considers a maximum height of 62m above MHWS (see Table 3 of the SLVIA).</p> <p>The Council do not consider it is likely that the additional height of the offshore substation platform would give rise to materially different effects to those identified in the SLVIA, but would query why the height has been increased without assessment of effects.</p>
3	No observations

4	No observations.
5	No observations
6	<p>Requirement 6 is essentially a reserved matters condition and the Council consider details of appearance should be included in the Requirement.</p> <p>Criterion (e) should be re-drafted to make it explicit it relates to buildings: (e) dimensions, colour and materials to be applied to the external surfaces of buildings.</p> <p>Details of operational lighting also need to be included in the list of criteria.</p> <p>The trigger for submission of details is prior to construction of Work No 31A, however the wider substation working area (including vehicular access, roads and splays, construction compound and landscaping, ecological and environmental works) includes Work No 29 – 35 inclusive, and therefore the Council consider the trigger should be:</p> <p>Commencement of Work No. 29 – 35 inclusive shall not commence until details of:-</p>
7	<p>Table 4 provides the maximum parameters for the onshore works.</p> <p>Similar to the comments made against requirement 2 above, the Table as currently worded allows for all maximum parameters to be installed, rather than the maximum design scenario assessed in the EIA.</p>
8	<p>The trigger for submission of details is prior to construction of Work No 31A, however the wider substation working area (including vehicular access, roads and splays, construction compound and landscaping, ecological and environmental works) includes Work No 29 – 35 inclusive, and therefore the Council consider the trigger should be:</p> <p>Commencement of Work No. 29 – 35 inclusive shall not commence until details of:-</p>
9	<p>The Council disagree with the period of five years for replanting in Requirement 9 (2).</p> <p>The adverse landscape and visual impacts associated with the onshore substation site would not be mitigated / reduced until new planting reaches maturity at year 15. If trees fail after year 5 and are not replanted then it would not result in the successful delivery of mitigation planting long term.</p> <p>The time period specified in 9 (2) for the requirement for failing trees or shrubs to be replanted should therefore be extended to cover a period of 15 years after planting, not five.</p> <p>The replacement should also not replace the size of the plant as originally planted, but shall replace the size of the plant at the point of failure (i.e. if a 10 year old tree dies, it should be replaced with a heavy standard of equivalent species, not a sampling).</p>
10	<p>The Council has concerns with the phased approach to the approval of the CoCP as it will result in significant workload for the local planning authority as a result of multiple submissions, and may create confusion as to which version of the CoCP applies for which section of the onshore works.</p> <p>A number of the supporting documents should also be standalone documents which apply to all phases of development.</p> <p>The Council consider the Requirement should be redrafted so that it states</p>

	<p>no stage of the onshore works shall commence until the CoCP has been submitted to and approved in writing by the local planning authority.</p> <p>The Council also consider Arboricultural Impact Assessment (AIA) and Arboricultural Method Statements (AMSs) should be included within the CoCP. This is considered necessary in order to precisely identify the trees and lengths of hedgerows it is necessary to remove, and how those that are proposed for retention will be safeguarded.</p> <p>The Construction Communications Plan should also commit to the provision of a single point of contact for the public, and establish a complaint management process with expectations and timescales for investigations and responses clearly set out.</p>
11	No observations
12	No observations.
13	<p>The Council has concerns with the phased approach to the approval of the LEMP as it will result in significant workload for the local planning authority as a result of multiple submissions, and may create confusion as to which version of the LEMP applies for which section of the onshore works.</p> <p>The Council consider the Requirement should be redrafted so that it states no stage of the onshore works shall commence until the final LEMP has been submitted to and approved in writing by the local planning authority.</p>
14	<p>Again, the Council has concerns with regards to the phased approach to the approval a scheme of protection and mitigation measures for EPS.</p> <p>The Council consider the Requirement 14 (2) should be redrafted so that it states:</p> <p>If following the final survey work stated in (1) above, European Species are found to be present, no stage of the onshore works shall commence until the a scheme of protection and mitigation measures for EPS has been submitted to and approved in writing by the local planning authority.</p> <p>The Council also would query the interrelationship of this requirement with EPS licensing requirements and would stress that planning controls should not duplicate other legislative controls.</p>
15	<p>The Council do not agree to the hours of operation stated in 15 (1)</p> <p>Construction activity, particularly at the landfall location is in very close proximity to residential properties, and it should be stressed that residents at the landfall have already been exposed to construction disturbance from major coastal defence works over a prolonged period of time.</p> <p>To protect the amenity of occupiers or residential properties which are close to onshore works, the Council consider the hours of works should be restricted to:</p> <p>8am – 6pm Monday – Friday</p> <p>8am – 1pm Saturdays</p> <p>No working on Sundays and Bank Holidays.</p> <p>15 (2) and (3) includes a clause to allow for construction works to be undertaken outside of the hours subject to agreement with the LPA.</p> <p>The Council accept that certain work activities are time sensitive and therefore do not object to out of hours working where necessary, but the</p>

	<p>Council would request that the condition includes a minimum notification period should be set out in the requirement, and a duty to notify both the planning authority and neighbouring residential properties.</p> <p>The Council's consider a notice period of 1 week should be applied, and the notification should include details of the nature and duration of the out of hours works proposed, and outline mitigation measures proposed to minimise disruption.</p> <p>The Council also consider criteria 15 (2) (c) 'for the landfall works' and (d) 'for any other time-critical element of the onshore works' are too vaguely worded.</p> <p>Whilst some works at the landfall would be dependent on the tide and weather conditions, the Council do not accept that all landfall works should be permitted to be carried out outside of the approved working hours. Similarly other 'time critical' elements of the onshore works should be better defined as it would give the developer blanket approval to carry out any works they consider to be time critical outside of the approved working hours.</p> <p>The criteria contained in 15 (2) should therefore be more precise and clearly state the construction activities which are necessary to be carried out outside of approval working hours, so that it can be clearly interpreted and enforced.</p>
16	<p>The trigger for submission of details is prior to construction of Work No 31A, however the wider substation working area (including vehicular access, roads and splays, construction compound and landscaping, ecological and environmental works) includes Work No 29 – 35 inclusive.</p> <p>In particular Work No. 30 includes drainage works associated with the substation development, and therefore as the requirement is currently worded, Work No. 30 could commence without approval, despite condition 16 requiring details of drainage to be submitted and approved by the LPA, which appears contradictory.</p> <p>To overcome this, the Council consider the trigger should be Commencement of Work No. 29 – 35 inclusive shall not commence until details of.....</p>
17	No observations
18	<p>The Council has no objection to the noise limits proposed, however as currently drafted, the Requirement only sets noise limits for the 4 residential properties, and is silent on any other property in the vicinity of the site.</p> <p>There are however a number of other properties close to the substation which may experience noise. e.g. Gwelfryn is the first of 8 properties fronting Glascoed Road to the south-west of the substation site, with further residential properties along Glascoed Road to the west. There are also further residential properties to the north and north-west.</p> <p>As currently worded, Requirement 18 only provides protection to the 4 properties specifically referred to in (1) a) – d), and no specific protection is conveyed to properties not specifically listed.</p> <p>To remedy this, the Requirement needs to provide protection for other residential property, and the Council would suggest an additional clause to be inserted in Requirement 18 as follows:</p>

	<i>18 (3) Noise limits for any dwelling(s) which lawfully existed or had planning permission at the date of enactment of this Order and which are not listed in (1) above are to be those of the physically closest location listed in (1) above, unless otherwise agreed with the local planning authority.</i>
Suggested new noise compliance requirements which are necessary to augment Requirement 18	<p>The Council consider additional Requirements are necessary to augment Requirement 18 to establish the procedure to be followed should noise complaints be received.</p> <p>The suggested Requirements below are similar to Requirements and conditions which have previously been imposed on windfarm and substation consents:</p> <p>Requirement 18 – accompanied compliance requirements</p> <p>XX. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the substation, and after initial investigation by the Authority to assess that there is justification for such complaints -</p> <p>a) The Authority shall notify the applicants in writing of the complaint; and</p> <p>b) Within one month of notification by the Authority, the applicants shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to:</p> <ul style="list-style-type: none"> i) establish whether the terms of Requirement 18 are being met; ii) to identify the source of any noise which may be giving rise to complaint; and iii) to put forward measures for addressing/mitigating noise so that the levels set in Requirement 18 are met, including the timing of implementation of the measures. <p>c) A copy of the noise assessment undertaken in accordance with b) above shall be submitted to the Authority no later than two months from the date of notification in a) above.</p> <p>YY. In the event that a noise assessment carried out in accordance with Requirement XX identifies noise exceeding the levels set in Requirement 18 :-</p> <p>a) Specific mitigation measures as set out in the assessment, or such other alternative means of addressing the source(s) of noise as are submitted for the consideration and approval of the Local Planning Authority, shall be implemented in accordance with a timescale to be agreed in writing with the Authority; and</p> <p>b) Unless otherwise agreed in writing with the local planning authority the same acoustic consultants who undertook the noise assessment referred to in Requirement XX shall undertake monitoring of noise levels at an agreed noise sensitive facade for a period to be agreed with the Authority, once the approved mitigation measures have been implemented, to determine whether the requirements of Requirement 18 are being met; and</p> <p>c) A copy of the findings of the further noise monitoring undertaken in accordance with b) above shall be submitted to the Authority within 7 days of completion unless otherwise agreed in writing with the local planning authority.</p>
19	Requirement only relates to Work No. 31A, however it is not clear if

	<p>operational lighting would also be installed along the permanent haul road (Work No. 33), or at any other location in the wider substation area (Work No. 29 – 35 inclusive).</p> <p>As it is currently worded, the local planning authority would not have any control over any external lighting outside of the substation compound.</p> <p>The requirement also refers to 'artificial light emissions' however it is not clear if this relates only to external lighting, or if it also relates to light spill from internal artificial lighting.</p> <p>The Requirement should therefore be re-worded so that it is explicit that no external operational lighting shall be permitted to be installed anywhere within the red line boundary without the prior written approval of the local planning authority.</p> <p>E.g.</p> <p>(1) No external operational lighting shall be permitted to be installed or operated, including emergency / security lighting, until the written approval of the Local Planning Authority has been obtained to the details thereof to include a written scheme of management and mitigation of artificial light emissions.</p> <p>(2) The external operational lighting shall be implemented and maintained strictly in accordance with the approved details.</p>
20	No observations.
22	<p>The requirement does not include a time period for compliance with the written scheme of decommissioning, only a trigger for when it should be submitted for approval.</p> <p>The Council consider a timescale should be imposed for decommissioning works to be carried out (e.g..decommissioning works should be carried out within 12 months of cessation of generation of energy / cessation of use).</p>
23	No observations.
New Requirement required	<p>The Council consider a new Requirement is necessary to secure submission of a Skills and Employment Strategy, which should be submitted and approved prior to the commencement of both offshore and onshore development.</p> <p>XX (1) No offshore or onshore works shall commence until a Skills and Employment Strategy has been submitted to and approved in writing by the Local Planning Authority.</p> <p>(2) The Skills and Employment Strategy shall be produced in consultation with North Wales regional stakeholders including, but not limited to, Welsh Government, North Wales Economic Ambition Board, chambers of commerce, local education providers and local authorities.</p> <p>(3) The development shall proceed in accordance with the approved details.</p>
New requirement	A new requirement is needed to limit the candescence of aviation lights to

required	<p>be installed on the offshore wind turbines to 200 candela lighting only.</p> <p>This is on the basis that the night time effects assessment in the SLVIA has only assessed a 200 candela scenario. Higher candescence lighting has not be assessed and may give rise to unidentified significant effects, and on that basis a requirement is considered necessary to ensure aviation lighting does not give rise to significant effects on landscape character and visual amenity.</p>
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PART E: CONCLUSION

24. CONCLUSIONS

24.1 The proposed impacts are summarised in the table below:

Material Consideration	Conclusion on assessment of impact	
	Construction phase	Operational phase
PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE	NEUTRAL	POSTIVE
SEASCAPE, LANDSCAPE AND VISUAL IMPACT	NEGATIVE	NEGATIVE
ONSHORE LANDSCAPE AND VISUAL IMPACT	NEGATIVE	NEGATIVE
SOCIOECONOMIC	POSTIVE	POSITIVE
TOURISM AND RECREATION	NEGATIVE	NEUTRAL
ONSHORE BIODIVERSITY AND NATURE CONSERVATION	NEGATIVE	NEUTRAL
GROUND CONDITIONS AND LAND USE	NEGATIVE	NEGATIVE
HYDROLOGY, HYDROGEOLOGY AND FLOOD RISK	NEUTRAL	NEUTRAL
18. ONSHORE ARCHAEOLOGY AND BUILT HERITAGE	NEGATIVE	NEGATIVE
TRAFFIC AND TRANSPORT	NEGATIVE	NEUTRAL
RESIDENTIAL / PUBLIC AMENITY	NEGATIVE	NEGATIVE

PART F: APPENDICES

DCC LIR APPENDIX 1 – CONSTRAINTS PLAN (LANDFALL)

DCC LIR APPENDIX 1A – CONSTRAINTS PLAN (LANDFALL 1:10,000)

DCC LIR APPENDIX 2 – CONSTRAINTS PLAN (RHUDDLAN)

DCC LIR APPENDIX 3 – CONSTRAINTS PLAN (BODELWYDDAN)

DCC LIR APPENDIX 4 – CONSTRAINTS PLAN (SUBSTATION)

DCC LIR APPENDIX 4A – CONSTRAINTS PLAN (SUBSTATION 1:10,000)

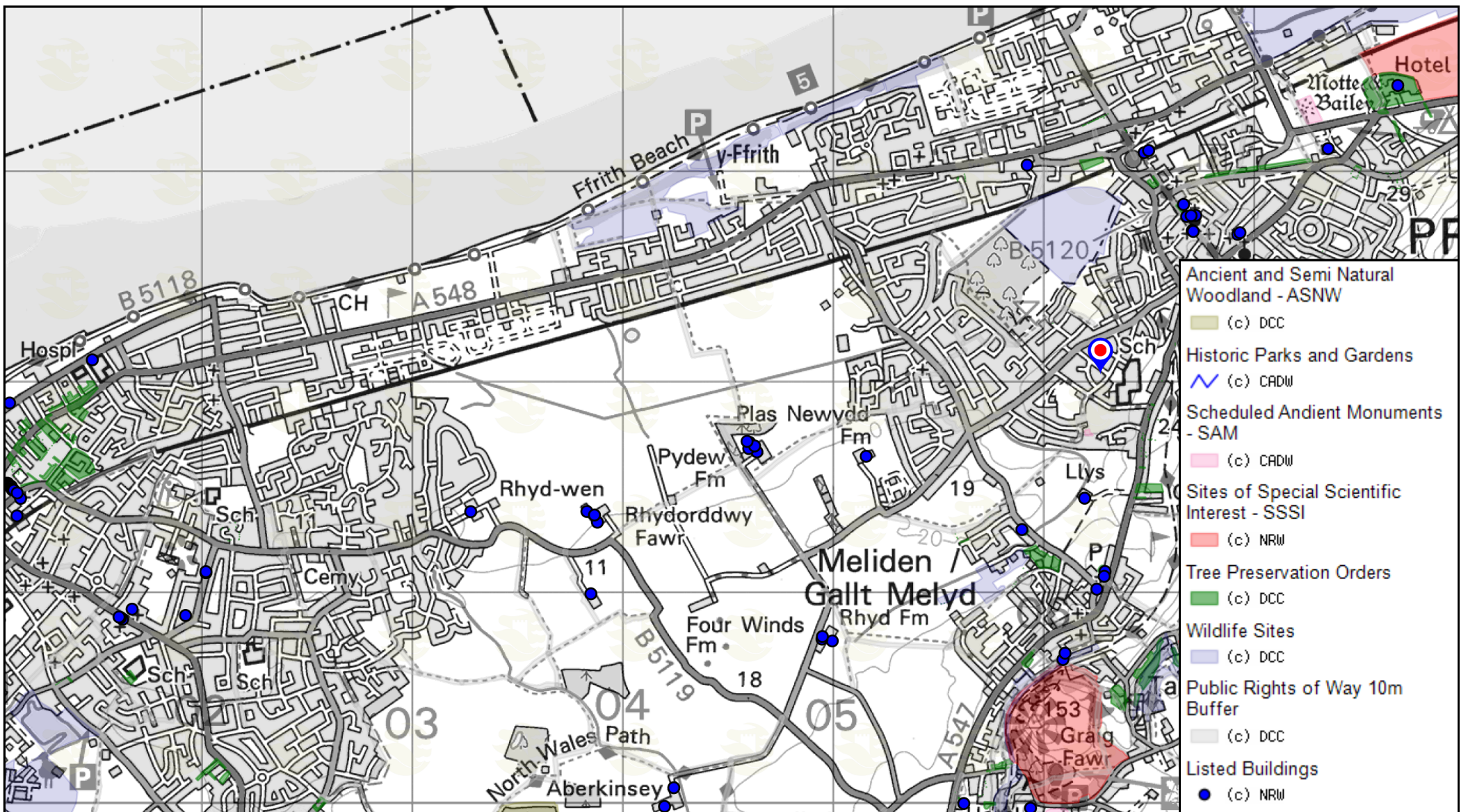
DCC LIR APPENDIX 5 – LDP DESIGNATION PLAN (LANDFALL)

DCC LIR APPENDIX 6 – LDP DESIGNATION PLAN (SUBSTATION)

DCC LIR APPENDIX 7 – PLANNING OBLIGATIONS SPG

DCC LIR APPENDIX 8 – RENEWABLE ENERGY SPG

DCC LIR APPENDIX 9 – LUC REVIEW

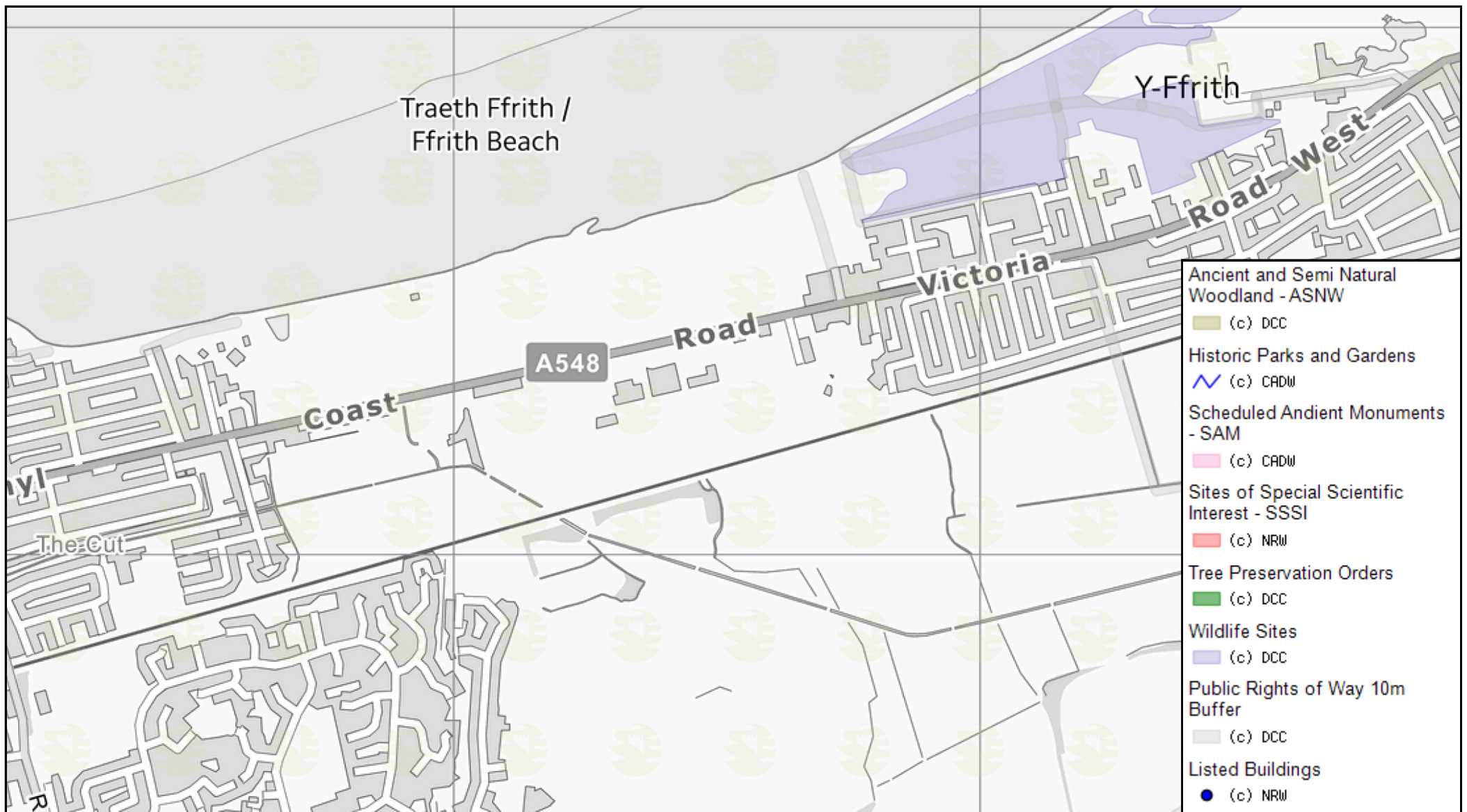


Landfall - constraints plan



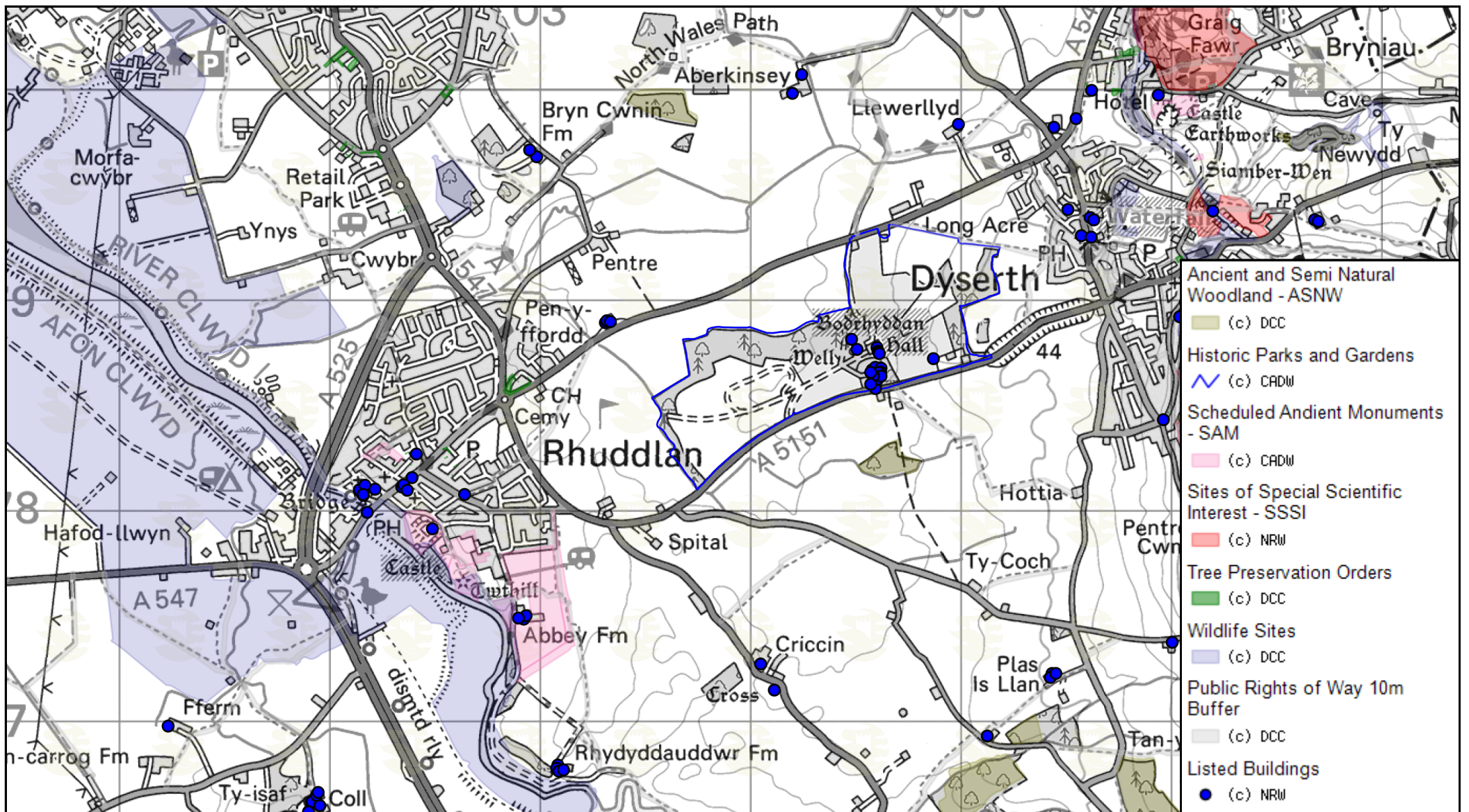
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Landfall - constraints plan (1:10000)

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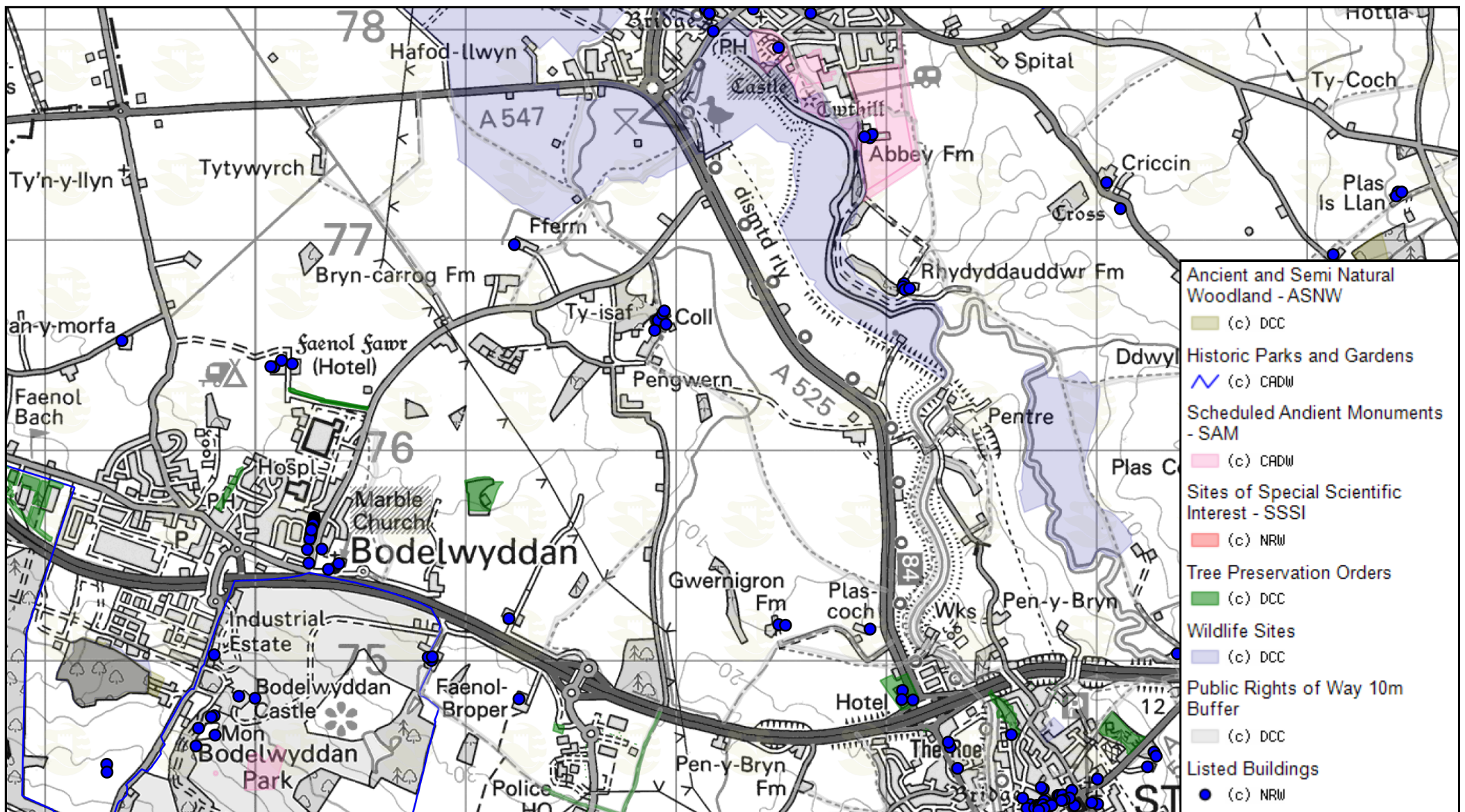


ECC 1 - constraints plan



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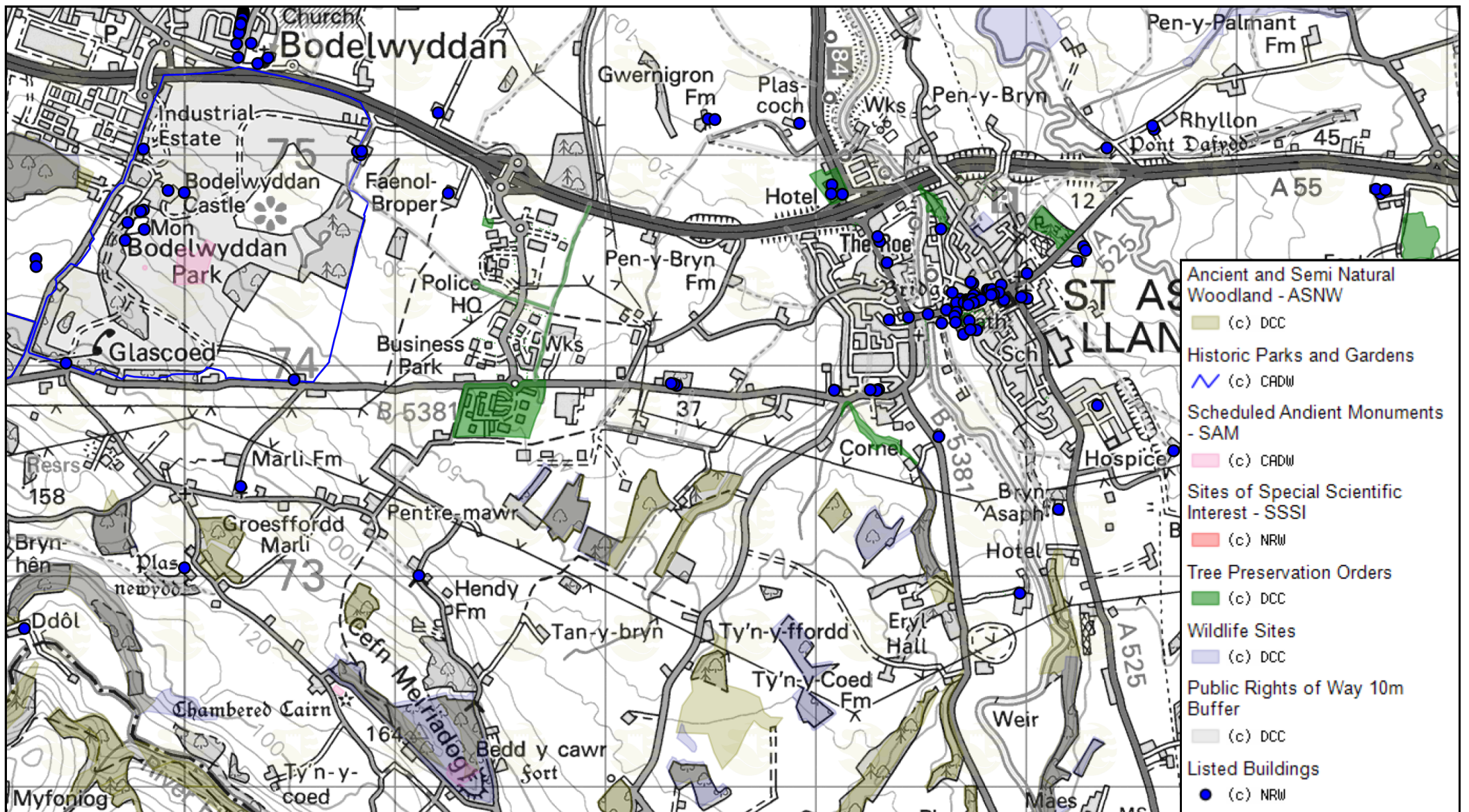




ECC 2 - constraints plan



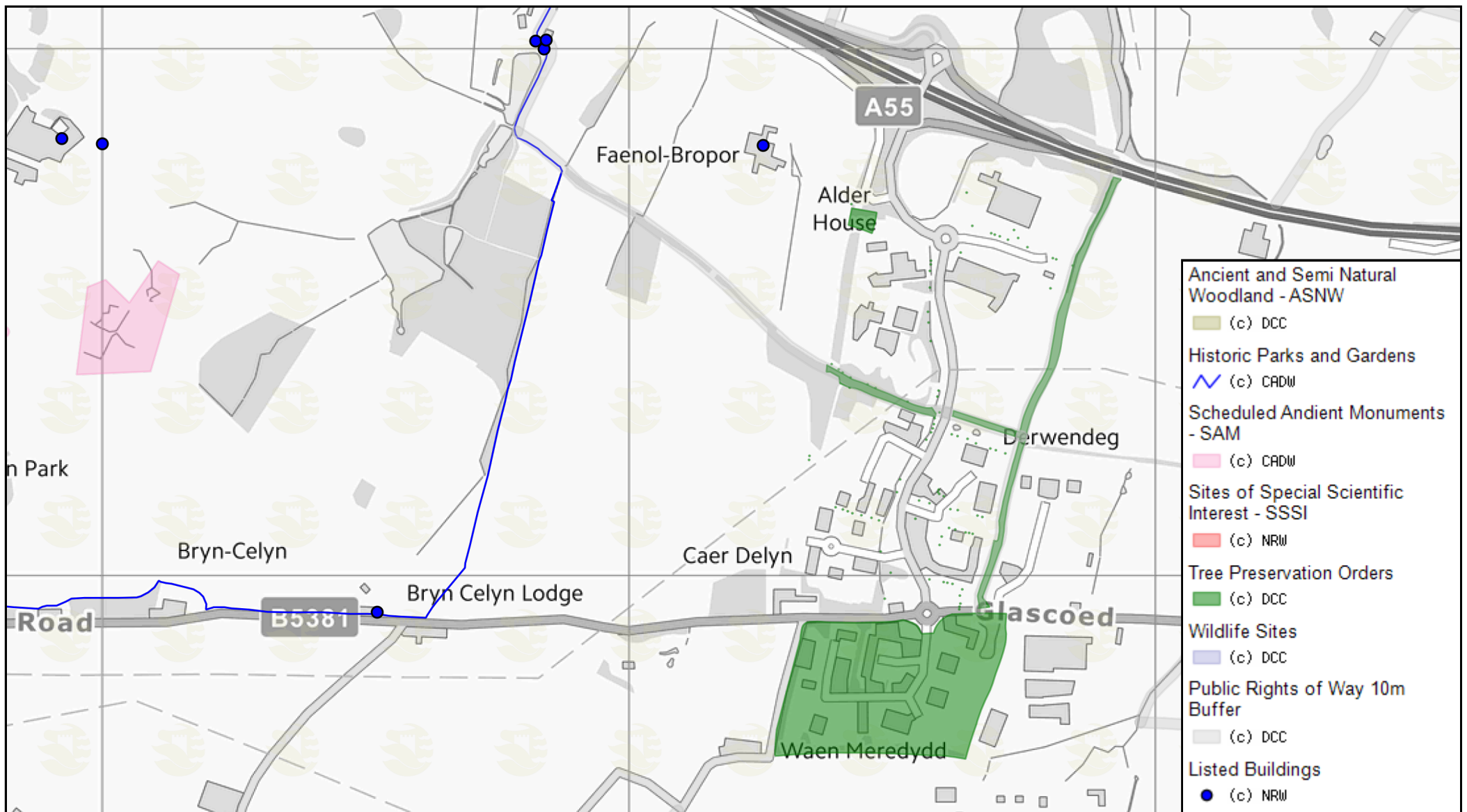
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Substation - constraints plan

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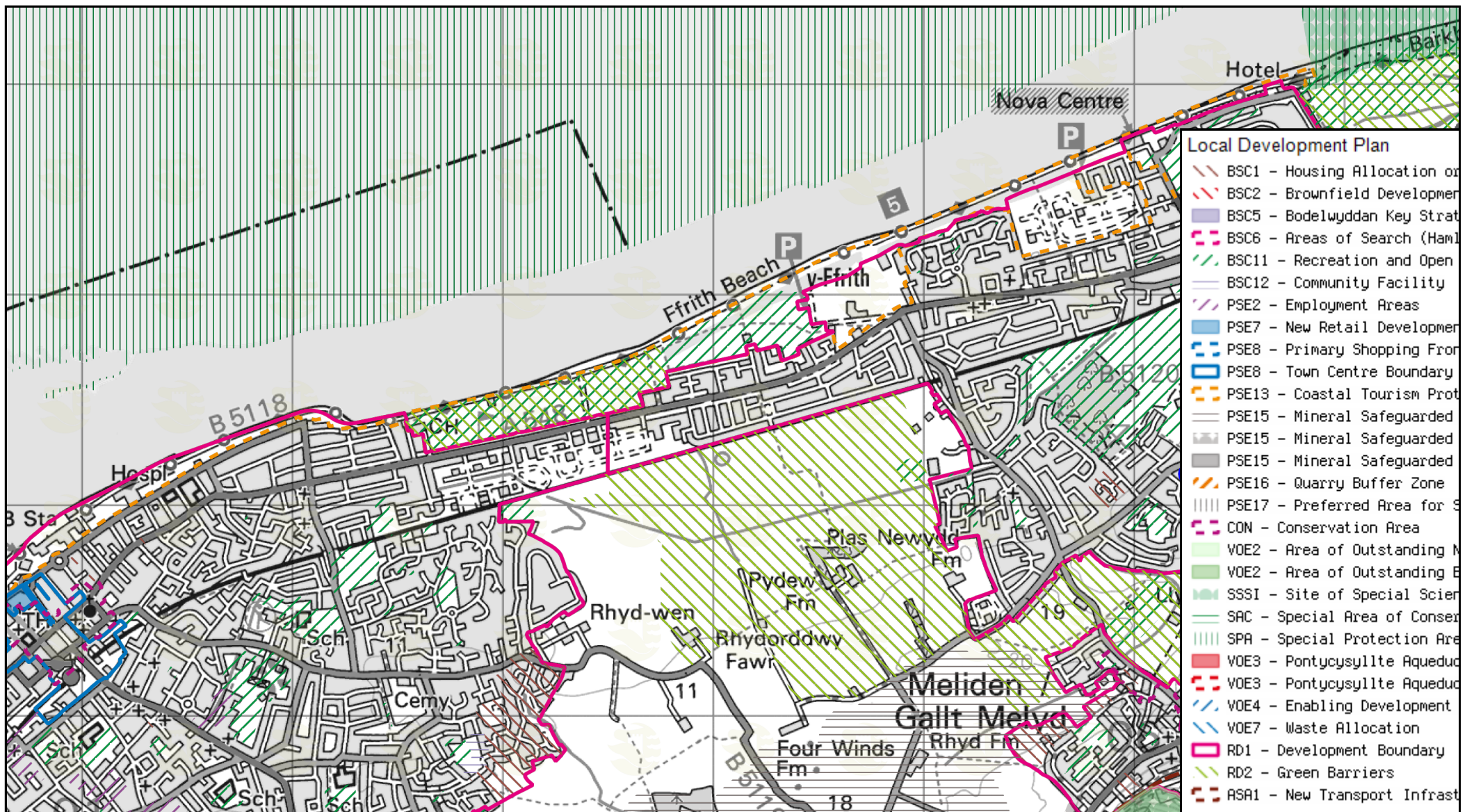




Substation - constraints plan (1:10000)

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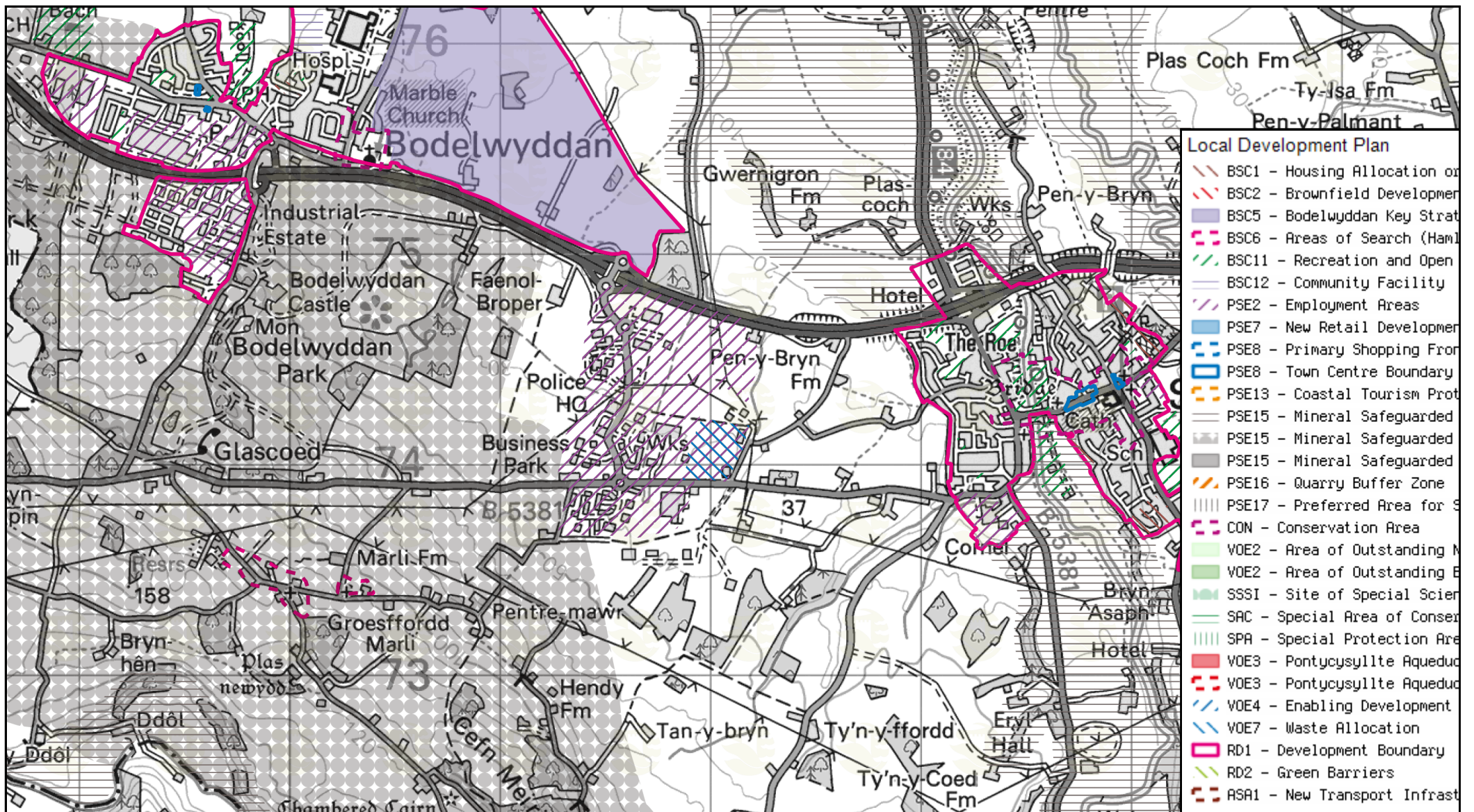




Landfall - LDP designations



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Substation - LDP designations



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Supplementary Planning Guidance Note

Planning Obligations



Denbighshire County Council
Strategic Planning and Housing
November 2016

Contents Page

1. Purpose
2. Background
3. Community Infrastructure Levy
4. National Policy Context
4. Local Policy Context
6. Denbighshire's Approach
7. Drafting of Legal Agreements
8. Modifying / Discharging a Legal Agreement
9. Infrastructure Provision & Contributions
- Part Two – Subject Specific Infrastructure Provision
10. Affordable Housing
11. Recreation and Open Space
12. Sustainable Transport
13. Education
14. Natural and Built Environment
15. Community Development and Leisure
16. Training and Employment
17. Community Safety
18. Streetscape Improvements and Public Art
19. Welsh Language and Culture

Appendices

- Appendix 1 – Viability Checklist
- Appendix 2 – Contacts & Further Information

1. Purpose

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying the Denbighshire Local Development Plan 2006 – 2021 (LDP) policies in a format which aims to guide the process, design and quality of new development. The Council's SPG notes are not part of the adopted LDP.
- 1.2 The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) document adoption, SPGs can be treated as a material planning consideration when LPAs, Planning Inspectors and the WG determine planning applications and appeals.
- 1.3 The purpose of this document is to provide detailed guidance and advice to assist members of the public and the Council, prospective applicants and Officers in discussions prior to the submission of and, consequently, in determination of future planning applications. It was formally adopted by Denbighshire County Council's Planning Committee on 16th November 2016.

2. Background

- 2.1 The adopted Local Development Plan (LDP) includes proposals for new development allocations including housing and employment across Denbighshire. The LDP as well as allocating land for development also seeks to ensure that development makes an appropriate contribution to the provision of infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development. This guidance has been produced to provide clarity, reasoning and justification for the provision of new infrastructure in association with new development.
- 2.2 Development often creates a need for specific measures to mitigate impact, without which there could be a detrimental impact on local amenity and the quality of the environment. This Supplementary Planning Guidance (SPG) will help to ensure that development contributes towards the provision of the necessary measures required to mitigate its impact, resulting in a high quality sustainable environment, where people choose to live, work and play.
- 2.3 Planning Obligations are legally binding agreements entered into between a Local Authority and a developer and/or landowner. There are two types of planning obligations:
 - Section 106 Agreement entered into by the Local Authority & the developer
 - Unilateral undertaking – commitment by the developer only

2.4 Planning obligations usually run with the land rather than the person entering into the agreement and are therefore enforceable against subsequent owners of the land. They provide a mechanism by which measures are secured to mitigate the impact of development on local facilities that are geographically or functionally related to it. Planning conditions are also increasingly used as a way of securing mitigation measures. The use of planning obligations is an effective tool through which the Council will seek to ensure that development mitigates its impacts and meets the policy objectives of the Local Development Plan. Planning obligations can take the form of:

- In Kind Contributions – The developer carries out required works directly.
- On Site / Off Site Contributions – The developer contributes financially towards the provision of measures that would mitigate the detrimental impacts of development.
- Maintenance Contributions – The developer contributes financially towards the physical upkeep of facilities that they have funded or provided.

2.5 This SPG is essentially in 2 parts. The first part of the SPG sets out the Council's overall approach to planning obligations. It shows how the SPG complies with national and local policy, how planning obligations are prioritised, and provides details on procedural matters relating to the drafting, monitoring and enforcement of Section 106 Agreements. The second part of this SPG sets out the types of mitigation measures that the Council may seek to secure from development. It identifies the relevant policy basis, types of development to which the obligation will apply, thresholds over which the obligation may be sought and it sets out, where possible, the basis on which the level of obligation will be calculated.

3. Community Infrastructure Levy

3.1 At the present time no decision has been taken to charge a Community Infrastructure Levy (CIL) in Denbighshire. If the Council does decide to develop a CIL it would be necessary to review this SPG to ensure that those matters which would be the subject of a CIL are not also the subject of future Section 106 agreements thereby double charging developers and adversely impacting development viability in the County.

4. National Policy Context

4.1 The legislative framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Further legislation is set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL)

Regulations 2010, and subsequent CIL Amendment Regulations. The use of planning conditions in planning consents is controlled by Welsh Government Planning Circular 16/2014.

- 4.2 Regulation 122 sets out the following tests that must be satisfied in order for planning obligations to be required in respect of development proposals:
- The obligation must be necessary to make the proposed development acceptable in planning terms;
 - The obligation must be directly related to the proposed development;
 - The obligation must be fairly and reasonably related in scale and kind to the proposed development.
- 4.3 Local authorities are advised that planning obligations should not duplicate planning conditions. If there is a choice between the use of a condition and an obligation, preference should be given to a planning condition as this provides the applicant with the right of appeal and a simple basis for amendment or removal. A planning obligation may be modified or discharged by agreement between the planning authority and the person against whom the obligation is enforceable or by application to the authority after the expiration of a prescribed period of time, or if no period is prescribed, after 5 years from the date when the obligation is entered into.
- 4.4 Current land use planning policy is contained in Planning Policy Wales (PPW) which provides the strategic policy framework for the effective preparation of Local Development Plans. PPW is supplemented by a number of topic based Technical Advice Notes (TANs). PPW refers to planning obligations, and reflects the legislative framework set out in Circular 13/97 and the CIL Regulations 2010.

5. Local Policy Context

- 5.1 The Denbighshire Local Development Plan sets out the Council's policies and proposals for the development and use of land until 2021. It provides the local planning context and the principle justification for seeking planning obligations with new development. Local Development Plan (LDP) Policy BSC3 "Securing Infrastructure Contributions from Developments" makes it clear that where relevant and necessary the Council will seek contributions for the following priorities:
1. Affordable Housing (LDP Policy BSC4) – Also see separate SPG "Affordable Housing"
 2. Recreation and Open Space (LDP Policy BSC11) – Also see separate SPG "Open Space"

3. Sustainable Transport Facilities (LDP Policy ASA2)

4. Regeneration (LDP Policy PSE1) – Also see separate SPG “West Rhyl”

5. Council Priorities current at the time of the application in line with other issues identified in the LDP or by the local community (for example, education, Welsh Language & Culture, natural and built environment).

5.2 Policy BSC3 is the starting point for considering the approach of the Council to securing planning obligations. Supplementing the Council’s approach are plans, strategies and supplementary planning guidance, including specific site development briefs which will collectively identify Council priorities. For example the Affordable Housing SPG provides guidance for onsite and offsite provision and contributions.

5.3 Policy BSC3 is therefore a key policy for seeking infrastructure provision and contributions for a wide range of matters but it is clear that in justifying the need for these planning requirements there should be an evidence based approach to demonstrate relevance and need for the planning requirements identified. In this manner Policy BSC3 is applied on a case by case basis. The contents of this SPG provide further guidance for planning obligations in general and details of how contributions will be calculated for a range of infrastructure items where the evidence demonstrates need. Developers seeking clarification of the expected infrastructure needs of a development should contact the Council early prior to the submission of a planning application to discuss the need for infrastructure provision and contributions.

6. Denbighshire’s Approach to Identifying, Negotiating and Securing Planning Obligations

6.1 Historically, planning obligations have in the main been sought to support Affordable Housing and Open Space. Affordable Housing is dealt with in detail by separate SPG, but for ease of reference the principle requirements and calculations are repeated in this SPG.

6.2 There will be instances following the assessment of specific development proposals where other types of infrastructure provision are required. The justification for these other types of infrastructure is provided by Policy BSC3 and this justification will be supported by further appropriate evidence as and when required. In such instances we will consider first whether such infrastructure can be delivered through planning conditions, this will always be the preferred option. Alternatively where it is necessary to the fulfilment of the infrastructure requirement, the Council will seek to secure planning obligations in accordance with the Regulation 122 and Circular 13/97 tests (see paragraph 4.2) for onsite or offsite works and infrastructure provision and/or financial contributions.

- 6.3 Evidence of title and details of the solicitor acting for the applicant must be supplied to the Council as early as possible in the process. As all parties with an interest in the land will need to be signatories to any S106 agreement relating to it, applicants must also inform and involve landlords and anyone with an interest in the land, such as a bank with a charge/interest or mortgage, who must consent to and be a party to any agreement. The Council will require full details of all parties who are to be subject to the agreement.

Transfer of Land

- 6.4 In some cases there will be a need for obligations requiring the transfer of land to the Council. In such cases developers will be required to pay the Council's legal costs in respect of land transfer.

Financial Contributions

- 6.5 Financial contributions may be payable at specific stages in the development process, usually on commencement or on first occupation of the development. For larger scale development it may be more appropriate for contributions to be phased in order to match the proportional impact of each phase of the development.
- 6.6 Trigger dates for the payment of financial contributions will be included in the planning agreement, as will any time periods by which the contribution is to be spent.
- 6.7 The Council will require security provisions, where appropriate, to act as a guarantee where large contributions or in-kind infrastructure have been negotiated through the S106 process. Any costs associated with this provision must be covered in full by the development and not deducted from any S106 monies.
- 6.8 Security will be used to protect the Council where it forward funds infrastructure in advance of a scheduled S106 payment, or in the event that the land owner defaults against a payment or fails to deliver infrastructure. **Bonds are the Council's preferred form of security.** Other measures, such as occupational restrictions or charges against land, may be considered when the Council is satisfied that Bonds are demonstrated not to be a reasonable option. It will be for the applicant to justify, in each case, why security in the form of a bond is not reasonable and the Council will need to consider the risks to the provision of infrastructure in each case.

- 6.9 All financial contributions are to be index linked from the date of the agreement using the All in Tender Price Index published by BCIS, or the Retail Price Index. Following receipt by the Council, financial contributions will be held in interest bearing accounts and will be individually identifiable. Any contributions remaining unspent at the end of the time period specified within the legal agreement will be returned to the payee on written request in accordance with the terms of the agreement, unless otherwise agreed in writing.
- 6.10 In accordance with national planning guidance, planning obligations will be sought to mitigate the impacts of development (ie to make the proposed development acceptable in planning terms). Requirements will be fairly and reasonably related in scale to the development and its resulting impact.
- 6.11 However it is anticipated that there will be challenges to identified planning requirements and there may be exceptional circumstances where the fulfilment of all the reasonable development requirements may affect the viability of the scheme. In such instances it will be necessary for the applicant to demonstrate in writing why the requirements are inappropriate. The Council will require the applicant to submit a viability assessment as part of their evidence and it is important that the applicant provides the information identified in Appendix 1 to allow the Council to assess the value and associated costs of the scheme.
- 6.12 It is assumed that land purchase costs are negotiated on the basis of taking on board known planning obligations and known planning constraints. The Council considers that developers may reasonably be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for their development.
- 6.13 All applicants and their agents are encouraged to discuss their development proposal with the planning authority before they submit a formal planning application, so that the likely impact of the development, potential mitigation measures and planning obligations can be discussed at an early stage.

7. Drafting of Legal Agreements

- 7.1 Applicants are encouraged to discuss and agree draft S106 Heads of Terms at the pre-application stage whenever possible, so that the obligations can be drafted at an appropriate stage after submission of a planning applications. Any discussions or draft agreements will be without prejudice to the final decision of the Council on any application proposal. Alternatively, infrastructure requirements will be identified when applications are submitted and where possible draft Heads of Terms for planning obligations should be submitted alongside the planning application. Where Section 106 Agreements are drafted and checked by the Council's Legal Services Team or by solicitors acting on the Council's behalf, applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the

agreement. The Council's Legal Team currently operates two charging approaches depending upon the complexity and scale of the development proposals.

a. One off standard charge

b. Standard charge plus officer time

- 7.2 The County Council will look to the landowner/developer to meet its reasonable costs incurred in negotiating and completing any required Section 106 agreement(s) and will require a solicitor's undertaking before any work is carried out in this respect.
- 7.3 Reasonable costs will include, but will not be limited to, the County Council's reasonable professional adviser costs, such as legal and surveyors' costs.
- 7.4 The County Council reserves the right to charge landowners/developers for its reasonable costs in respect of the monitoring and administration of completed Section 106 Agreements/planning obligations.
- 7.5 For straightforward obligations that contain only financial obligations, the Council encourage the use of Unilateral Undertakings, which are a simplified form of S106 agreement. It is advised that contact is made with the Council and written advice secured to identify the suitability of a Unilateral Undertaking as opposed to a S106 Agreement. Where Unilateral Undertakings are submitted with development proposals a charge will still be applied at a rate commensurate with the time required for the Legal Officer to check and if necessary amend the Unilateral Undertaking. We recommend that legal advice is taken before entering into a planning obligation.

Monitoring and Enforcement of Obligations

- 7.6 Monitoring of obligations and planning conditions will be undertaken by the Council's Planning Service to ensure all obligations entered into are complied with by both the developer and the Council.
- 7.7 The Council will work with developers to find solutions in cases where they have difficulty in making payments at the trigger set out in the Agreement. This could be through agreeing payment of obligations at a later stage of the development process, or agreeing payments by instalments. However where it is imperative that the relevant measure is in place prior to a development being occupied, the obligations to fund it will always become payable on commencement of the development.
- 7.8 The Council will enforce obligations through the relevant legal channels once all other reasonable approaches to remedying a failure to comply with the obligations have been exhausted. In such cases, the Council will seek to recover its legal costs in taking action against the party that is in breach of its obligations. Breaches may result in a legal injunction and/or debt recovery proceedings.

8. Modifying a S106 Planning Agreement

- 8.1 A legal agreement may be modified or discharged by agreement between the Local Planning Authority and the person(s) against whom the obligation is enforceable. However timing is key. Prior to the implementation of a planning permission the LPA will consider applications to modify or discharge an agreement. Otherwise modification or discharging of an agreement will only be considered after the expiration of a set period as set out in the agreement, or if no period is prescribed then after five years beginning from the date on which the obligation was signed. Applicants seeking to modify / discharge agreements should submit Planning Statements to explain the change in circumstances since signing the agreement. In these circumstances early discussion with the Council is advised.

9. Infrastructure Provision and Contributions

- 9.1 The subsequent sections consider in turn the various infrastructure needs that could potentially arise as a result of future development. It should be noted that the guidance within this SPG is not intended to be comprehensive and there will be a need to consider the policies of the adopted Denbighshire LDP and associated plans, strategies and guidance (including SPGs and site development briefs) when considering infrastructure needs arising from development proposals. With regard to potential infrastructure requirements not included in this SPG which could arise, it will be a matter of negotiation between the applicant, the Council and infrastructure providers to establish the relevance of the required infrastructure and the appropriate scale of the requirement with regards the scale of the proposed development.
- 9.2 An up to date list of the Council's adopted SPGs and site development briefs is available on our website.

SPG Part Two

Detailed Planning Obligations Guidance

10. Affordable Housing

- 10.1 Affordable housing is housing provided to meet the needs of those who cannot afford general market housing and is retained as affordable for the first and any subsequent occupiers. Further information on the different types of affordable housing is set out in the Council's SPG: Affordable Housing. There is a significant need to provide additional affordable housing in the County and as highlighted in the Council's Housing Strategy, delivery of affordable homes is a key priority for the Council. The LDP identifies a need to ensure that 2250 - 3000 new homes are provided to meet local needs between 2006 & 2021. The unmet and demonstrable need for affordable housing is a material planning consideration to be taken into account when planning applications are determined.

Justification

- 10.2 The detailed policy basis and justification for seeking developer provision or contributions in respect of affordable housing is set out in:
- National planning policy guidance –
 - a) Planning Policy Wales
 - b) TAN 2 – Planning and Affordable Housing
 - Denbighshire LDP, notably Policies BSC4 – Affordable Housing; BSC6 – Local connections affordable housing in hamlets; BSC8 – Rural exceptions; BSC9 – Local connections affordable housing within small groups or clusters; PSE4 – Re-use and adaptation of rural buildings in open countryside
 - Denbighshire County Council - SPG: Affordable Housing
 - Denbighshire County Council - Housing Strategy 2015
 - Denbighshire Local Housing Market Assessment 2015

Threshold for provision

- 10.3 All residential developments of 3 or more dwellings will be expected to make a contribution to affordable housing. On sites of 10 dwellings or more, this will be a minimum of 10% of the development. Our priority is that these should be provided on site as part of the development. For developments of 3 – 9 dwellings, a financial contribution towards the provision of affordable housing will be required. Developments of 1 or 2 dwellings will not be expected to make a contribution towards affordable housing. Policy BSC4 includes provision to increase the amount of affordable housing required as house prices increase. House sale prices will be monitored through the

Annual Monitoring Report, and this guidance will be updated and amended if required. In order to support and create sustainable and balanced communities, we would expect affordable housing to be fully integrated into the new development, be of at least an equal or similar quality of design and external appearance, meet necessary design and space standards, remain affordable and remain occupied by eligible households. All permitted development rights for extensions to new affordable properties will be withdrawn in order to prevent the affordable properties becoming unaffordable.

- 10.4 The Council will consider in each case whether the proposal forms part of a larger parcel of land that is being subdivided into smaller areas or piecemeal proposals, which would cumulatively meet or exceed the policy thresholds. Should the Council be satisfied that there is an attempt to circumvent the policy requirements, planning permission will be withheld until the larger and complete scheme has been determined.
- 10.5 LDP Policies BSC6 (Local connections affordable housing in hamlets), BSC9 (Local connections affordable housing within small groups or clusters), BSC8 (Rural exceptions) and BSC4 (Re-use and adaptation of rural buildings in the open countryside) also provide policy framework for the requirement for affordable homes and further guidance is set out in the Councils SPG: Affordable Housing and SPG: Re-use and adaptation of rural buildings.
- 10.6 The mechanism for securing affordable housing will normally be a legal agreement between the Council and developer, or through an appropriate planning condition

Mitigation of development

- 10.7 On-site provision will always be the priority option for providing affordable housing. Financial contributions will be required from developments of 3-9 dwellings, using the formula set out below. Financial contributions will also be required in lieu of whole dwellings on developments of 11-19, 21-29, 31-39 etc. dwellings, unless the developer prefers to provide an additional whole unit on site instead. For example, on a development of 18 dwellings, one dwelling would be provided on site and a financial contribution would be required in lieu of the remaining 8. The contribution will be calculated using the formula set out below.

Calculation of financial contribution (developments of 3-9 units):

The commuted sum payable is based on the average gross internal floorspace of the proposed market housing units multiplied by median build cost per square metre as published by the Royal Institute of Chartered Surveyors (RICS), multiplied by the number of units proposed:

The build cost figure to be applied will be as published through the RICS Build Cost Information Service (BCIS) Online service, and can be provided by the Council. This figure will be updated on a regular basis.

For example, a development of 9 units, with an average gross internal floorspace of 90 square metres. Assuming the median RICS build cost (available on request from the Council) is £1000/sqm, the financial contribution required would be:

$$((90 \times £1000) \times 10\%) \times 9 = \textbf{£81,000}$$

Calculation of financial contribution (developments of 11-19, 21-29 etc. units):

This calculation is similar to that above but applies to the number of units falling between the thresholds for on-site provision of whole units:

For example, a development of 18 units, with an average gross internal floorspace of 90 square metres – the affordable housing requirement would be one unit on-site and a financial contribution from the remaining 8 units. Assuming the median RICS build cost (available on request from the Council) is £1000/sqm, the contribution required would be:

$$((90 \times £1000) \times 10\%) \times 8 = \textbf{£72,000 plus one unit on-site}$$

- 10.8 With regard to the tenure of affordable homes, there is a clear Council preference for social rented accommodation, as meeting the most acute need in the County. However, given the range of local needs and circumstances, we would recommend early discussion to clarify requirements.
- 10.9 Occupants of affordable homes should meet the Council's Local Connections policy and this is set out in the Council's SPG: Affordable Housing. The calculation for the value of affordable units is also set out in Appendix 2 of the SPG: Affordable Housing.
- 10.10 There may be circumstances when off-site provision (either through an alternative site or financial contribution) can be justified. Such circumstances include:
- When it can be shown that on-site provision is unsuitable or inappropriate
 - When alternative provision would better meet the overall local housing needs
 - When planning, housing and/or regeneration objectives would be better served by having alternative provision
- 10.11 Off-site provision on an alternative site will only be allowed where the principle of residential development has already been agreed on both the application site and the alternative site(s).
- 10.12 The payment of a financial contribution in lieu of affordable dwellings provided on-site will only be acceptable in exceptional circumstances and with the agreement of the Council. In such instances, the calculation of the financial contribution will be based on the full cost of provision of affordable housing elsewhere, including land acquisition. The contribution will be calculated using the formula set out below:

**Calculation of commuted sum in lieu of an on-site affordable unit
(developments of 10+):**

The commuted sum payable is based on the number of affordable units which would have been required, multiplied by the per-dwelling maximum Acceptable Cost Guidance (ACG) figure for that area: ACG figures are published by Welsh Government and reflect different houses sizes and locations in the County. The appropriate figure can be provided by the Council.

For example, a development of 20 houses in St Asaph - the affordable contribution would have been for 2 units. Assuming the need (following discussion with the Council) is for 2 bedroom houses, the commuted sum required would be:

$$£134,500 \times 2 = \textbf{£269,000}$$

10.13 The Council will only consider no affordable housing provision in exceptional circumstances, and only once all other options have been exhausted, where:

- The planning history of the site makes it unreasonable to require affordable housing e.g. previous planning commitments.
- The proposal meets an identified, acknowledged and over-riding approved regeneration aim or project in accordance with an approved Council regeneration strategy, and where the provision of affordable housing would seriously prejudice this.
- The applicant is able to demonstrate to the Council that there is no affordable housing need in the locality currently or within 5 years.

Delivery Trigger

10.14 The timescales for delivery of affordable units or payment of commuted sums will be agreed with the Council and will form part of the legal agreement. We would normally require delivery of affordable housing alongside market housing. In cases where this is not considered possible, sufficient justification must be provided by the developer. Provision must normally be made in a phased manner and always before the completion of the last market unit.

11. Recreation and public open space

- 11.1 Public open space and recreation facilities are important to the overall quality of life. They contribute to the general well-being of the community in respect of providing for sport and recreation and in contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater. They also provide the opportunity to exercise, with potential positive health and well-being impacts. Open space can include formal sports pitches, parks, allotments, play areas, and informal natural green and amenity space.
- 11.2 Developers will be required to provide appropriate landscaping within new developments in addition to recreational open space, with the aim of contributing to the delivery of high quality, well-designed developments. Further guidance is set out in the Council's SPG: Residential Development. The cumulative effect of even small scale residential developments can create a significant additional demand for recreational open space.
- 11.3 The Council will, where appropriate, seek planning obligations or impose planning conditions to ensure provision or improvement of public open space and recreation facilities in association with new developments.

Justification

- 11.4 The detailed policy basis and justification for seeking developer provision or contributions in respect of public open space and recreation facilities provision and is set out in:
- Planning Policy Wales
 - TAN 16 – Sport, Recreation and Open Space
 - Denbighshire Local Development Plan Policies RD1 “Sustainable Development & Good Design”; BSC3 “Securing Infrastructure Contributions from Development”; & BSC11 “Recreation and Open Space”
 - Fields in Trust (FIT) – “Planning and Design for Outdoor Sport and Play”

Threshold for Provision

- 11.5 LDP Policy BSC11 requires developments to contribute to open space provision. New residential development can place additional demands on existing open space and we will therefore require open space to be provided on site or contributions made to improve existing local facilities. Policy BSC11 sets out the Council's standard for open space provision, which

reflects the Fields in Trust ‘benchmark’ standards. The Council is currently undertaking a comprehensive open space assessment for the County and the County Standard will be reviewed following completion of the assessment.

Standards for open space provision	
Type of open space	Standard
Outdoor sport, including playing pitches	1.6 hectares per 1000 population
Children’s equipped playspace	0.25 hectares per 1000 population
Children’s informal space	0.55 hectares per 1000 population
Overall total	2.4 hectares per 1000 population

- 11.6 The minimum standard for open space provision is therefore 24m² per person. The expected occupancy of dwellings is estimated based on the current average household size of 2.3 persons in Denbighshire to provide the requirement per dwelling set out below.

Requirements for open space provision	
Type of open space	Requirement per dwelling
Outdoor sport, including playing pitches	36.8 m ²
Children’s equipped playspace	5.75 m ²
Children’s informal space	12.65m ²

- 11.7 Where the number and type of dwellings are unknown (for example, outline applications), the requirement for open space will be reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made.
- 11.8 In order to ensure usable recreation space is provided, for residential developments of 30 or more dwellings the Council will require children’s playing space to be provided on-site and a contribution to sports facilities. Areas of open space should be sufficiently large to be usable for recreation. Financial contributions will be required for developments of less than 30 dwellings and we will not expect on-site provision to be made. On-site provision for outdoor sport would only be required for developments of 200 or more dwellings.

Requirements for open space provision		
Type of open space	Threshold for on-site provision	Threshold for financial contributions
Outdoor sport, including playing pitches	200 or more dwellings	1- 200 dwellings
Children's equipped playspace	30 or more dwellings	1 – 30 dwellings
Children's informal space	30 or more dwellings	1 – 30 dwellings

- 11.9 Developments comprising sheltered, extra care, elderly housing and other specialist forms of development where children will not be resident will not be expected to provide children's playspace, however, alternative open space should be provided on site for residents. This could include gardens, sitting areas, etc.
- 11.10 There is on-going demand for allotment plots within the County, particularly in St Asaph, Ruthin, Denbigh, Llangollen, Rhyl and Prestatyn and provision of allotments, community orchards, community growing areas etc on site or contributions towards providing off site facilities could be considered as part of the contribution to open space requirements.
- 11.11 Where appropriate, non-residential development should also incorporate open space and landscaping to ensure that high quality development is achieved, which contributes to the environment.

Mitigation of development

- 11.12 Wherever practicable and where residential developments exceed the threshold outlined above, open space should be provided on site. In certain circumstances provision could be made off-site where it can be demonstrated that this would improve the quality of both the development and the open space provided can better meet the needs of the local area.
- 11.13 It is vitally important that all play areas are well designed and laid out in appropriate locations to ensure that they are well used. Poorly designed and located play areas, often small left over areas on the edges of the development, can create amenity problems for residents or be under used and fall into disrepair and neglect. Sites should make full use of existing features such as public footpaths and trees and ensure wherever possible these are retained on site. Developers are encouraged to provide safe to use open space on site that caters for the needs of different users and age

groups. Layout and design features should be drawn up to be as inclusive and accessible for all, providing a pleasant environment for relaxation as well as a safe environment for children's play. Siting to allow for natural surveillance and road safety must be considered as part of the design process. There may be scope to combine open space and landscaping provision with sustainable drainage schemes and habitat creation to enhance biodiversity.

- 11.14 Financial contributions are calculated using the estimated number of residents and current costs of providing recreation space. Please use the Council's on-line open space calculator at:

http://www.denbighdp.co.uk/english/spg_new.htm

- 11.15 Contributions collected will be used to improve existing recreation facilities, improve access to existing facilities or to provide new facilities within the local area affected by the development. Only those areas affected by the development will receive the benefit of the financial contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, Denbighshire may combine contributions as necessary to negate the cumulative effect.

- 11.16 Contributions received by Denbighshire will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose specified in the legal agreement or planning condition. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest.

Management of Development

- 11.17 Where open space is to be provided on site, the Council will require developers to make appropriate arrangements for the future maintenance of the open space. Proposals should be discussed with the Council at an early stage. We will need to be satisfied that appropriate arrangements have been made for long term maintenance; for example by the establishment of a sufficiently resourced management company, residents association or Community, City or Town Council responsible for their upkeep, prior to approval of the planning application. If the space is to be adopted by a City, Town or Community Council, a commuted sum should also be provided for the maintenance of the facility for an agreed period. In most circumstances this will be for a period of 25 years, however there may be situations where a different maintenance period is required. The Council may require applicants to enter into a financial bond in order to secure financial contributions required. Please use the Council's on-line open space calculator at http://www.denbighdp.co.uk/english/spg_new.htm to calculate the maintenance requirement.

Delivery Trigger

- 11.18 The timescales for delivery of the required works will be agreed with the Council and form part of the Legal Agreement or planning conditions. Proposals should be discussed at an early stage to ensure that where necessary, appropriate provision is provided in a planned way and forms an integral part of the design of the development. The timing of contributions will depend on both the nature of the development and type of contribution required. On site open space should normally be provided in a phased manner and always before the completion of the development.

12. Sustainable transport

- 12.1 New developments often change and/or increase the pattern of trip making from a site. This can include trips by pedestrians and cyclists, as well as by public transport, car and service delivery vehicles. To accommodate this increase in demand and to facilitate a change to more sustainable modes of transport, additional infrastructure may need to be provided. In these circumstances, the developer may need to undertake highway works to secure access and address the short term impacts and/or provide financial contributions to mitigate the longer term cumulative impact of the development.
- 12.2 For major developments, the extent of any facilities required to ensure the safe and efficient operation of the development and the local highway network will be determined by the agreed Transport Assessment (TA), which should accompany the application.
- 12.3 For smaller developments and those not situated within locally sensitive areas, where a Transport Assessment will not be required, the Council will determine the extent of the works or contribution required based on the level of impact of the new development. Highway improvements will only be required where they are essential for the operation of the development and in the vicinity of the highway network.
- 12.4 Local authorities are required to have regard to the Active Travel (Wales) Act 2013 design guidance when creating or improving active travel routes. The Act requires the creation of an integrated network map (INM), which will set out the local authority's plans for active travel infrastructure for the next 15 years. Denbighshire County Council's INM is currently being developed and will be finalised in September 2017. Denbighshire County Council will utilise the INM, where appropriate, as a means to ensure that new developments incorporate the appropriate active travel routes/facilities into their design. However this guidance will also be used for planning active travel more widely and as such the Active Travel (Wales) design guidance will be applied to all new developments where appropriate. The principles of the guidance will help provide safe and suitable infrastructure that is appropriate, thus avoiding over-engineering or wasting resources on facilities of little value.

Justification

- 12.5 The detailed policy basis and justification for seeking developer provision or contributions in respect of traffic, transport and highway initiatives is set out in:-
- Planning Policy Wales
 - TAN 18 – Transport

- North Wales Regional Transport Plan (2009)
- Denbighshire LDP, notably Policies RD1 “Sustainable Development & Good Design”; BSC3 “Securing Infrastructure Contributions from Development”; & ASA2 “Provision of Sustainable Transport Facilities”

Threshold for Provision

- 12.6 No set threshold is required as contributions will be required to mitigate the identified development impacts regardless of the type or size of development.

Mitigation of Development

- 12.7 Planning applications for major developments will usually need to be accompanied by a Transport Assessment (TA) which should identify the potential impacts of the proposed development on traffic and travel movements on the existing highway network. In line with PPW and TAN 18 – Transport, the output of the TA should be a Transport Implementation Strategy (TIS) that addresses relevant transport objectives for the site, guided by the development plan and the issues identified in the analysis of people movements.
- 12.8 Planning Policy Wales (PPW) sets thresholds for developments which will require the submission of a TA. This includes:-

Transport Assessment Thresholds for Development	
Use	Threshold
Housing	> 100 dwellings
Retail and Leisure Facilities	> 1,000m ² gross floor area
Business	> 2,500m ² gross floor area
Industry	> 5,000m ² gross floor area
Distribution and warehousing	> 10,000m ² gross floor area

- 12.9 The TA will therefore form the basis of any required contributions with regards to traffic, transport and highway initiatives. The types of works to mitigate impacts from the proposed development may include:-
- Traffic management/calming;
 - Traffic engineering/highway works, temporary or permanent;

- Cycle routes, management, safety;
- Pedestrianisation, pedestrian crossings; and,
- Provision/improvement of footpaths or pathways
- Public transport initiative or improvements

12.10 Developers will be normally be required to fund the design and construction of both on site and off site infrastructure works, such as junction improvements and the provision of links to a local pedestrian/cycle system and other sustainable transport forms.

12.11 Pooled contributions may be required for larger highway schemes and contributions to these will be based on the proportionate increase in vehicular movements generated by the new development.

Management of Development

12.12 Technical Advice Note 18 “Transport” states that in order to determine the necessity and effectiveness of the Travel Plan, it is preferable that a TA is undertaken and the Travel Plan developed as a component of the Transport Implementation Strategy. It is therefore likely that only major traffic generating schemes will be expected to prepare and implement Travel Plans. Travel Plans will be expected to promote sustainable methods of travel and aim to reduce travel and car use. Obligations and contributions covered by Travel Plans may include:-

- The provision of public transport infrastructure / initiatives in order to serve the development.
- The provision of information and schemes to promote cycling, walking and car sharing.
- The provision of car parking to serve the development. Parking provision will be assessed against the adopted maximum parking standards as set out in the Parking Standards SPG.

12.13 An off-site contribution for public car parking may be appropriate for developments proposed within or on the edge of town centres or for developments with insufficient car parking provision to meet its own needs.

12.14 Levels of contributions will be calculated on a site by site basis to reflect the impact of the development and the need for improved transport facilities, as well as the requirement to ensure that necessary and adequate maintenance is provided.

Delivery Trigger

12.15 The timescales for delivery of the required works will be agreed with the Local Planning Authority and form part of the Legal Agreement. The timescales for payment of contributions will depend on both the nature of

the development and type of contribution required. However, some works may be required prior to the commencement of development, particularly when necessary for safety reasons. Costs will be worked out on a site by site basis depending on the issues involved and the mitigation or management measures required.

- 12.16 In terms of obligations coming from the Travel Plan, public transport contributions may be required before the development is occupied. Additional measures such as parking provision and cycle links can be phased throughout the development period.

13. Education Provision

- 13.1 Denbighshire County Council is committed to modernising education and to ensuring our schools provide the best possible learning environments. This is a key corporate priority for the Council. Education infrastructure is an integral part of new residential development and has a crucial role to play in achieving and maintaining sustainable communities.
- 13.2 Due to the geographical nature of Denbighshire there are some areas which have surplus places and there are other areas, predominantly in the north of the County, which are facing significant capacity issues. Denbighshire's admissions policy grants parental preference where there are sufficient places available. In some instances 'empty places' in a school do not equate to there being capacity in the school due to these places being restricted to certain year groups. A contribution towards the upgrading and/or extension of existing educational facilities will be sought if the implementation of the development will result in the generation of additional pupil numbers in excess of existing or planned capacity at local schools.
- 13.3 Contributions may be used for:-
- The provision of new classrooms to accommodate an increase in pupil places within existing schools;
 - Replacement and/or improvement of existing school facilities to adequately facilitate an increase in pupil places;
 - Provision of land for a new school where required and related to the scale of the development;
 - Provision of additional facilities (for example, playing fields) necessitated by an increase in pupil numbers.

Justification

- 13.4 The detailed policy basis and justification for seeking developer provision or contributions in respect of educational facilities is set out in:-
- Planning Policy Wales
 - National Assembly for Wales Circular 09/2006 'Measuring the Capacity of Schools in Wales'
 - Denbighshire Local Development Plan Policy BSC3 "Securing Infrastructure Contributions from Development"

Threshold for Provision

- 13.5 Contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools. This will be for primary and secondary provision where a capacity issue has been highlighted by

Education Services, Denbighshire County Council. The Council will use the most recent school roll figures available. It should be noted that empty places does not necessarily equate to there being sufficient capacity at that school. Investment may be needed to bring it up to the required standard to make it suitable for the pupils generated from the proposed development.

Exceptions

13.6 The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not seek contributions:

- Housing specifically designed for occupation by elderly persons (ie restricted by planning condition or agreement to occupation by those over aged 55 years or more).
- 1 bed dwellings or 1 bed apartments or flats.

Mitigation of Development

13.7 Contributions towards additional or improved school facilities will be based on the following factors:

1. **The number of qualifying dwelling units in the development.** The policy will apply to developments with 5 or more dwelling units or over 0.2 hectares.
2. **The number of school age children likely to be generated by each residential unit.** This is based on the data gathered by local authorities to estimate likely pupils arising from developments. This would generate a figure of 0.24 as the primary school formula multiplier and 0.174 as the secondary school formula multiplier. This will be reviewed by the local authority.
3. **Cost Guidelines.** For new build and extensions the Council will require a sum of £16,000 per pupil place for a primary school and a sum of £15,000 per pupil for a secondary school. For remodelling the Council will require a sum of £8,000 per pupil place for a primary school and £7,500 per pupil place for a secondary school. These sums are based on average cost/m² data sourced from the Building Cost Information Service. The Council's Education Service will advise on what type of improvements are required.

Calculation of commuted sums for primary education contribution:

The commuted sum payable is based on the likely number of pupils generated by the development. This is assumed to be an average of 0.24 pupils per house for primary education. The cost per pupil place for primary education is £16,000.

For example if school capacity was 240 and if actual number of pupils 230:
Development of 140 houses $140 \times 0.24 = 33.6$ additional pupils (round up to 34).
This would lead to a total of 264 pupils, 24 in excess of the school capacity.
Therefore contributions would be required for 24 additional pupils.

Contributions for 24 pupils. $24 \times £16,000 = £384,000$

Calculation of commuted sums for secondary education contribution:

The commuted sum payable is based on the likely number of pupils generated by the development. This is assumed to be an average of 0.174 pupils per house for secondary education. The cost per pupil place for secondary education is £15,000.

For example if school capacity was 1400 and if actual number of pupils 1395:
Development of 140 houses $140 \times 0.174 = 24.36$ additional pupils (round to 24).
This would lead to a total of 1419 pupils, 19 in excess of the school capacity.
Therefore contributions would be required for 19 additional pupils.

Contributions for 19 pupils. $19 \times £15,000 = £285,000$

- 13.8 In assessing whether a proposed development or a site is eligible for seeking the provision of, or contributions towards, education facilities, the number of dwellings specified in this guidance will apply to, or take into account, the cumulative area to be developed for housing. For example, where a development is made up of two or more phases, or is the subject of two or more separate planning applications, the total number of dwellings will be the basis for determining whether provision will be sought. Thus developers should be aware that if it is considered that a contribution is justified, the requirement cannot be avoided by dealing with a site through more than one planning application.

Management of Development

- 13.9 Contributions collected will be used to increase capacity at education facilities affected by the development. Only those schools affected by the development will receive the benefit of the financial contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, Denbighshire may combine contributions as necessary to negate the cumulative effect.
- 13.10 Contributions received by Denbighshire will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose

specified in the obligation. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest.

Delivery Trigger

- 13.11 The timescales for delivery of contributions will be agreed with the Council and will form part of the legal agreement. We would normally require contributions to be made in a phased manner alongside completion of the new homes, depending on both the nature of the development and type of contribution required and always before the completion of the last home. In cases where this is not considered possible, sufficient justification must be provided by the developer.

14. Natural and Built Environment

- 14.1 Denbighshire enjoys a rich and diverse environment and there is a need to protect and enhance the character of the countryside, landscape and built environment. There are many elements that can fall into the term ‘environment’ so contributions under this area can be wide ranging.

Justification

- 14.2 The detailed policy basis and justification for seeking developer provision or contributions in respect of the natural and built environment is set out in:-
- Planning Policy Wales
 - TAN 5 – Nature Conservation and Planning
 - TAN 15 – Development and Flood Risk
 - Denbighshire LDP, notably Policies RD1 “Sustainable Development and Good Standard Design”; VOE1 “Key Areas of Importance”; VOE2 “Area of Outstanding Natural Beauty & Area of Outstanding Beauty”; VOE3 “Pontcysyllte Aqueduct & Canal World Heritage Site”; VOE4 “Enabling Development”; VOE5 “Conservation of Natural Resources”.
 - Denbighshire County Council SPG: Conservation & Enhancement of Biodiversity
- 14.3 Planning Statements accompanying a planning application should identify any potential impacts of the proposed development and the ensuing mitigation or management required.

Threshold for Provision

- 14.4 Obligations and contributions in respect of the natural or built environment will be required where there is a need to improve, maintain, protect or enhance conservation objectives. This is not necessarily related to the size of the site and it is therefore not appropriate to apply a set threshold for the negotiation of planning obligations in this instance. Costs will be worked out on a site by site basis depending on the issues involved and the mitigation or management measures required.

Delivery Trigger

- 14.5 The timescales for delivery of obligations and contributions will be agreed with the Council and will form part of the legal agreement, and will be dependent on both the nature of the development and type of contribution required. Mitigation measures may be required before development starts on site but this will be depend on the nature of the potential impact and mitigation proposed.

15. Health care provision, Community Development and Leisure

- 15.1 Community facilities play an important role in meeting the needs of society and lend support to building a cohesive community. Community facilities comprise facilities used by local communities for leisure and social purposes and include community centres and meeting places, libraries, health care provision (i.e. Doctor/Dentist surgery), nursery/child care facilities and leisure centres.
- 15.2 For the purposes of this SPG, community facilities do not include privately run facilities, including members only clubs or schools, religious buildings.

Justification

- 15.3 The detailed policy basis and justification for seeking developer provision or contributions in respect of the natural and built environment is set out in:-
- Planning Policy Wales
 - Denbighshire LDP, notably Policies RD1 “Sustainable Development and Good Standard Design” & BSC3 “Securing Infrastructure Contributions from Development”.
- 15.4 Where residential development is likely to increase the need for community facilities, the Council will be justified in seeking a contribution towards either building more facilities or improving existing facilities.

Threshold for Provision

- 15.5 The level of contribution will depend on the type of facility required, which will in turn be dependent on the type and size of the development proposed. For example, the impact on local health services will be affected by the likely health care dependency of the new population and the amount, if any, of spare capacity in local GP practices and other health facilities.
- 15.6 Financial contributions may be used to improve existing community facilities or to provide for new facilities, where a need will be generated by the proposed development. In certain situations, where the existing community facilities are adequate enough to accommodate the level of additional capacity created by a development, a contribution may not be required. On-site provision may be required for large developments e.g. 200 dwellings or more.

Mitigation of Development

- 15.7 Where a contribution towards community facilities is sought, the total will be derived from the current average build costs specified by the Building Cost Information Service (BCIS). Contributions may be sought to enhance existing

community facilities either in terms of increasing capacity of such facilities or expanding the range of functions that can be delivered through these existing facilities; or contributions to provide new community facilities ie purchase of land, construction costs, fitting out etc.

Management of Development

- 15.8 Where a financial contribution is sought, only those areas affected by the development will receive the benefit of the contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional or enhanced facilities, Denbighshire may combine contributions as necessary to negate the cumulative effect.
- 15.9 Contributions received by the Council will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose specified in the obligation. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest
- 15.10 In those instances where the developer has provided a new community facility, the Council will require developers to make appropriate arrangements for the future maintenance of the facility. Proposals should be discussed with the Council at an early stage. We will need to be satisfied that appropriate arrangements have been made for long term maintenance; for example by the establishment of a sufficiently resourced management company, residents association or Community, City or Town Council responsible for their upkeep. If the building is to be adopted by a City , Town or Community Council, a commuted sum should also be provided for the maintenance of the facility for an agreed period. In most circumstances this will be for a period of 25 years, however there may be situations where a different maintenance period is required.

Delivery Trigger

- 15.11 The timescales for delivering the obligations and contributions will be negotiated with the Council but will be required prior to the completion of the development Timing of contributions will depend on both the nature of the development and type of contribution required.

16. Training and Employment

16.1 The Council has identified ‘Developing the Local Economy’ as one of its Corporate Priorities and seeks to promote the application of ‘Community Benefits’ in all new developments. New developments can make significant contributions to the future economic well-being of a local community through the provision of appropriate local training and employment opportunities. An emphasis on ensuring local people and businesses are involved early on in the development of an area will ensure the benefits of development are more fully realised. Various training and employment measures may be sought through planning obligations to provide for the following as examples:

- Local supply chain initiatives
- Local construction training
- Provide work experience and apprenticeship opportunities
- General employment and training contributions that enable local residents to improve their skills and secure jobs created
- Local employment / training strategy
- Site visits for students

Justification

16.2 The detailed policy basis and justification for seeking developer provision or contributions in respect of employment and training is set out in:-

- Planning Policy Wales
- Technical Advice Note 23 Economic Development
- Denbighshire LDP Policies RD1 “Sustainable Development and Good Standard Design”; BSC3 “Securing Infrastructure Contributions from Development”; PSE1 “North Wales Coastal Regeneration Area”;
- Denbighshire Economic and Community Ambition Strategy 2013 – 2023

16.3 New development places additional demands on the skills base of a local area and it is considered that financial contributions can make a significant positive impact on delivery of initiatives to upgrade local workforce skills to meet these demands.

Threshold for Provision

- 16.4 There is no specific local formula for seeking contributions with regard to local training and employment. Where appropriate, developers will be encouraged to engage with the Department for Work & Pensions - Job Centre Plus at an early stage, preferably prior to the submission of an application to maximise opportunities for local training and employment and additional contributions will be assessed by the council on a case by case basis. Contributions will largely be sought from major commercial and industrial developments and developers of significant housing developments may be required to provide or support local apprenticeships, training and employment opportunities.
- 16.5 The Council's Economic and Business Development Team will be consulted on relevant applications to identify opportunities for links to local supply chains and to identify links between the development and measures, projects or programmes that contributions will support.

Delivery Trigger

- 16.6 Obligations and contributions in respect of training and employment may be required prior to commencement of development and may continue throughout the development period. The opportunities could be provided either throughout the construction phase of a development or for the end use of (non-residential) development.

17. Community Safety

- 17.1 There will be instances, particularly within town centres, where the nature of development will create the requirement for management measures to be put in place to tackle risks of access and security in the area of a development. Often such measures will be incorporated in the development itself. Social exclusion exists in places that suffer problems where groups are segregated from other parts of society, usually low-income groups where there are problems with unemployment, poor housing and other aspects that increase exclusion. Design solutions can help to integrate groups better. By creating a better-connected environment that is inclusive and accessible will enhance the sense of safety and security within a development and out to surrounding areas.
- 17.2 Measures to improve community safety in the vicinity of developments may include:-
- Improved street lighting
 - CCTV camera installation, coverage, and monitoring arrangements
 - Pedestrian improvements required to address community safety
 - Signage with regards to security and community safety.
- 17.3 Contributions will be determined in consultation with the Designing out Crime Officer, North Wales Police.

Justification

- 17.4 The detailed policy basis and justification for seeking developer provision or contributions in respect of community safety is set out in:
- Planning Policy Wales
 - TAN 4 “Retailing and Town Centres” & TAN 12 “Design”
 - Denbighshire RD1 “Sustainable Development and Good Standard Design”; PSE8 “Development within Town Centres”; & BSC3 “Securing Infrastructure Contributions from Development”

Threshold for Provision

- 17.5 The level of contribution will be considered on a case by case basis. Contributions are most likely to be sought from developments that are in high profile public areas, such as town centres, are in a high crime area or are for a use that is considered to be of high risk. They will apply to both new developments and to changes of use, extensions, applications for extensions to opening hours.

18 Streetscape improvements and public art

- 18.1 Streetscape and public art is an important contributor to the achievement of high quality urban design and can help to raise the quality of development. Therefore, where appropriate the Council will encourage public art features to be included within a new development, depending on its relationship to the public realm, the physical environment and its setting.
- 18.2 Our town centres are facing challenging times and the quality and condition of the public realm has a significant impact on the way in which an area is perceived and experienced. High quality public realm is important for attracting investment as well as providing an enjoyable experience for residents, businesses and visitors. This is recognized in the Council's Vibrant and Viable High Streets Plan, which sets out actions which aim to improve the appearance of town centres and public spaces.
- 18.3 Streetscape and public art can be diverse in form and function and does not only encompass sculptural or monumental features, but also work that is integrated into a development, such as street furniture, lighting, brickwork, pedestrian railings, access ramps and signage. Streetscape improvements could also include improvements to shop frontages and actions to address 'eyesores'.
- 18.4 When assessing a contribution, developers will be expected to demonstrate how streetscape and public art will be incorporated into their scheme that reasonably relates to the scale, location and use of the site as well as any consultation with the local community, for example where commissioned artists are involved.

Justification

- 18.5 The detailed policy basis and justification for seeking developer provision or contributions in respect of public art is set out in:
- Planning Policy Wales
 - TAN 12 – Design
 - Denbighshire RD1 "Sustainable Development and Good Standard Design"; PSE7 "Proposals for New Retail Development"; PSE8 "Development within Town Centres"; & BSC3 "Securing Infrastructure Contributions from Development"
- 18.6 The requirement must be necessary to make development acceptable in planning terms, through either compensation or mitigation which may include loss of habitat or built fabric, socio-economic or physical appearance changes to an area and which could only be delivered outside of the application site. Public art can therefore seek to mitigate against such impacts through:

- Providing works which re-establish local identity, a sense of place and thereby contributing to local distinctiveness;
- Creating a stimulating environment to live, work, invest or visit;
- Enhancing important public spaces;
- Helping to integrate new development within the existing built fabric; and,
- Involving the community directly in new developments, creating a sense of local pride and ownership.

Threshold for Provision

- 18.7 The determination of whether public art and/ or streetscape enhancements should be provided on or off-site will be determined on a case by case basis and will be dependent upon the size and nature of the development, its location and proximity to key public and civic spaces.

19. Welsh Language and Culture

- 19.1 The future of the language in the County and across Wales will depend on a wide range of factors, particularly education, demographic change, community activities and a sound economic base. The land use planning system can assist in providing a framework to enable sustainable communities to grow and thrive, protecting the social and cultural use of language.

Justification

- 19.2 The detailed policy basis and justification for seeking developer provision or contributions in respect of linguistic and cultural fabric is set out in:-
- Planning Policy Wales
 - TAN 20 - Planning and the Welsh Language
 - Denbighshire LDP, policy RD5: The Welsh language and the social and cultural fabric of communities.
 - Denbighshire County Council SPG: Planning and the Welsh Language
- 19.3 Where residential or commercial development could cause significant harm the character and language balance of a community the Council will seek obligations and/or contributions to mitigate those impacts.

Threshold for Provision

- 19.4 LDP Policy RD5 requires the needs and interests of the Welsh language to be taken in to account in the determination of planning applications. To enable an informed decision to be made on applications which may have an effect on the future of the Welsh language within communities, the policy sets out thresholds for the requirement for Community Linguistic Statements and Community and Linguistic Impact Assessments to be submitted with planning applications, also set out below. These should identify any potential impacts of the proposed development and mitigation measures required. Further guidance on the content required is provided in Denbighshire County Council SPG: Planning and the Welsh Language.

Thresholds for requirements for linguistic submissions		
Development proposed	Community Linguistic Statement required	Community & linguistic Impact Assessment required
Housing – 5 - 20 units in village,	✓	

hamlet or open countryside		
Commercial, industrial, leisure/tourism development 1000m ² – 3000m ² floorspace in village, hamlet or open countryside	✓	
Development leading to loss of community facilities or employment opportunities in village, hamlet or open countryside	✓	
Housing – 20 or more units in any location		✓
Commercial, industrial, leisure/tourism development 3000m ² or more floorspace in any location		✓
Large scale infrastructure projects with long term community impacts		✓

Mitigation of Development

19.5 Mitigation measures should be related to the proposal and relevant to planning and fairly and reasonably related in scale and kind to the level of harm to Welsh language and culture caused by the development. Each proposal will be treated on its own merits and therefore mitigation measures will vary between different types of development. Certain proposals such as for sufficient affordable housing will have in-built mitigation and it is unlikely that further measures will be required. Examples of mitigation include:

- Affordable housing provision (secured on-site through a legal agreement or commuted sum, whichever is appropriate);
- Phasing of housing proposals (secured on-site through legal agreement or planning condition);
- Education provision and places (commuted sum contributions);
- Signage and place names (including marketing name, street names and other signage) (secured on-site through legal agreement or planning condition);
- Employment initiatives and training (commuted sum contributions);
- Contribution to community facilities and groups (commuted sum contributions);;
- Funding for Welsh courses or other related initiatives active in the Community (commuted sum contributions).

19.6 The Council will work closely with partner organisations, such as Menter Iaith to identify local issues and potential mitigation measures. Where a financial contribution is sought, only those areas affected by the development will

receive the benefit of the contribution. Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities or initiatives, Denbighshire may combine contributions as necessary to negate the cumulative effect.

- 19.7 Contributions received by the Council will be held in interest bearing accounts with a unique finance code which is to be used only for the purpose specified in the obligation. If this contribution is not spent within an agreed timescale the contribution will be reimbursed with interest

Delivery Trigger

- 19.8 The timescales for delivery will be agreed with the Council and form part of the Legal Agreement or planning conditions. Proposals should be discussed at an early stage to ensure that appropriate mitigation measures can be agreed. The timing of contributions will depend on both the nature of the development and type of contribution required. Obligations and contributions in respect of the Welsh language may be required prior to commencement of development and may continue throughout the development period and beyond. The policy offers an opportunity for developers to seek early engagement with local communities to explain their proposals and if possible to obtain their endorsement and support.

Appendix 1

SITE VIABILITY CHECKLIST

Where a viability assessment is required, this should take the form of a residual development appraisal. In addition, any supporting evidence for any abnormal or unusual costs should be submitted. The residual appraisal, in most circumstances, will need to reflect the value of the land purchase cost, and therefore the residual value will be a profit level. This should be expressed as a figure as well as a percentage against total development costs.

This information should include the following as a minimum guide, but other factors may need to be requested:

Development Proposal
<ul style="list-style-type: none"> Brief description of the scheme, with site area (ha), layout, mixed use development details and reasons why an economic case is being made Total number of dwellings – type, square metre size, number of beds and mix including number, type, size of any residential element to the scheme
Values
<ul style="list-style-type: none"> Market value of sales units (expressed in terms of price per square metre and per unit type, with suitable comparables provided) and total revenue for the whole site If affordable housing is to be provided-Sale of affordable housing units shown at the value to be paid by a Registered Provider (confirmation from at least 3 registered providers as to likely affordable housing offers) Service charge information, where applicable Value of ground rents/leases
Costs
<ul style="list-style-type: none"> Site acquisition – include the date of acquisition, or whether based on conditional contract or option. Where possible, comparable land transactions would be helpful in order to set the site purchase price in context. Costs associated with acquisition – broken down into legal and agents' fees, stamp duty etc. Also include any items such as the costs for covenant release or 'ransom' strips Build costs (include cost of superstructure, external works, preliminaries, roads and services and infrastructure costs)– give the building cost of units. Please provide a cost breakdown to support the headline cost (expressed in cost per square meter) being used and say whether this is a tendered sum or an estimate. These should be compared against latest BCIS costs for the locality and build type, and costs that are significantly higher should be justified. External works – include boundary treatment, landscaping, demolition and site preparation costs, etc as necessary The costs of sales, or letting, including marketing, agents' fees and legal costs Abnormal costs with supporting professional and third party evidence. Reasons why these abnormal costs were not reflected in the land purchase price. Standard planning costs – planning and building regulation fees, commuted sum contributions for all Planning Obligations Any additional community benefits or commitments made by the scheme Professional fees – identified by specialism Contingencies – what allowance has been made Cost of finance – indicate the period and interest rate Developers Profit/Margin and overheads – the residual amount If the residual appraisal is built on the basis of a residual land value – anticipated residual land value

NB: In cases where a development appraisal is required to help us determine your application the information will be available in the public domain unless it is specifically requested otherwise.

Appendix 2

Contacts & Further Information

For enquiries regarding planning policy matters and this SPG:

Strategic Planning & Housing Team, Denbighshire County Council, PO Box 62, Ruthin, Denbighshire LL15 9AZ Phone: 01824 706916
Email: ldp@denbighshire.gov.uk

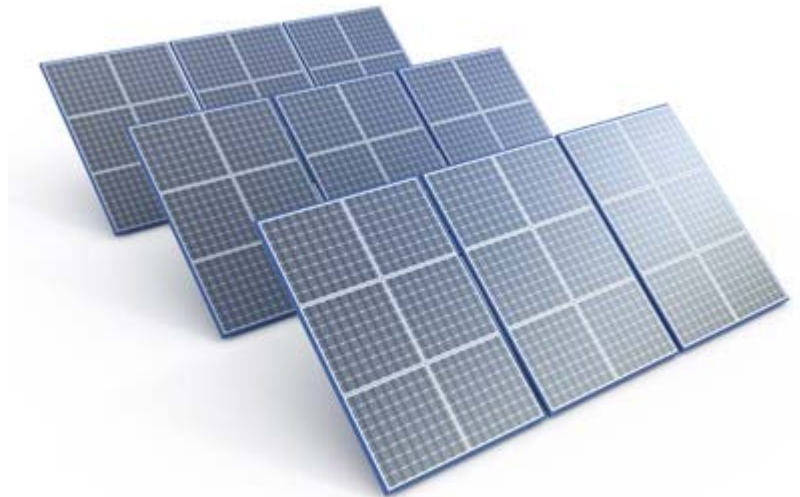
For pre-application enquiries, please contact:

Development Management, Planning and Public Protection Service,
Denbighshire County Council, PO Box 62, Ruthin, Denbighshire LL15 9AZ
Phone: 01824 706712
Email: planning@denbighshire.gov.uk

Denbighshire County Council

RENEWABLE ENERGY SUPPLEMENTARY PLANNING GUIDE

April 2016



Denbighshire County Council
Strategic Planning and Housing
April 2016



Denbighshire County Council

Supplementary Planning Guidance: Renewable Energy

April 2016

1.	Introduction	5
2.	Status and stages	5
3.	Background	5
4.	Technical study	6

PART 1

5.	Planning Policy Context	
5.1	National Planning Policy	7
5.1.9	On shore wind energy in Wales	8
5.1.12	Landscape protection in Wales	10
5.1.17	Best and most versatile agricultural land	10
5.1.20	The benefits of microgeneration	11
5.2	Local Development Plan Policies	12
5.2.1	VOE 9: Onshore wind energy	12
5.2.2	VOE 10: Renewable energy technologies	12
6.	General Guidance - relevant to all technologies	
6.1	Permitted Development Rights	13
6.2	Rural Economy Considerations	13
6.3	Environmental Supporting Documents with planning applications	
6.3.1	Environmental Impact Assessment (EIA)	14
6.3.10	Habitat Regulations Appraisal (HRA)	15
6.4	Grid Connection	16
6.5	Community energy / benefits	17
6.6	Legal Agreements	18
6.7	Decommissioning	18

PART 2

7.	Land use planning considerations in relation to on shore wind energy schemes	
7.1	Landscape and visual impact	19
7.2	Landscape Sensitivity & Capacity Assessment	20
7.3	Designing in landscapes with multiple wind farms – cumulative impacts	21
7.4	Effects upon residential views	22
7.5	Ecology	23
7.6	Clocaenog Statement of Master Planning Principles (SEMP)	24
7.7	Historic environment	24
7.8	Noise	25
7.9	Aviation, Communications / Broadcast Equipment	27
7.10	Traffic and transport	27

7.11	Recreation and access	27
7.12	Hydrology and geology	29
7.13	Shadow flicker	29
7.14	Safety	29
8.	Land use planning considerations in relation to solar energy schemes	
8.1	Context and technology overview	30
8.2	Landscape and visual impact	31
8.3	Landscape management	32
8.4	Noise	32
8.5	Ecology	33
8.6	Historic environment	33
8.7	Aviation	34
8.8	Site security, safety and lighting	34
8.9	Glint and glare	34
9.	Other Renewable Energy Technologies	
9.1	Introduction	36
10.	Resources	37
11.	Glossary of terms	40

Appendices:

Appendix 1 – Denbighshire Local Development Plan Policies (VOE 9 & VOE 10)

Appendix 2 – Permitted Development Guide

Appendix 3 – Conwy & Denbighshire Landscape Sensitivity & Capacity Assessment (Executive Summary)

Appendix 4 – Clocaenog Forest - Cumulative Noise Impact Assessment

Appendix 5 – Gillespies LLP (2015) Planning Guidance for Smaller Scale Wind Turbine Developments: Landscape and Visual Impact Assessment Requirements

1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying the development plan policies in a clear and concise format with the aim of improving the process, design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public, Members of the Council, and officers in discussions prior to the submission of planning applications and assist officers and Members in determining planning applications.

2. STATUS AND STAGES IN PREPARATION

- 2.1 The Council's Supplementary Planning Guidance (SPG) notes are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally adopted by Denbighshire County Council's Planning Committee on 20/04/2016
- 2.2 This SPG has been prepared in accordance with guidance contained in Planning Policy Wales Edition 8 (2016) Local Development Plans Wales (December 2005); Technical Advice Note 8 – Renewable Energy (July 2005); and Welsh Government Practice Guidance – Planning Implications of Renewable and Low Carbon Energy Development. This SPG introduces the national and local policies concerned with the installation of renewable energy technologies (wind, water, solar, geothermal energy and plant material (biomass)) and in particular on-shore wind energy. Relevant local policies are Denbighshire LDP policies VOE 9 ('On-shore wind energy') and VOE 10 ('renewable energy technologies').

3. BACKGROUND

- 3.1 The overarching objective of the Supplementary Planning Guide: Renewable Energy, is to assist the consideration of Policy VOE 9 & VOE 10 of the Denbighshire Local Development Plan (2006-2021) which outlines the primary objectives for assessing renewable energy developments under 50MW.
- 3.2 The Council supports the adoption of renewable energy technologies to address the effects of climate change. Renewable energy technologies have an important role to play, taking advantage of the natural resources in Wales. However, support for renewables has to be balanced with our commitments and aspirations to conserve and enhance natural heritage, including the quality and diversity in Denbighshire. The purpose of this guidance is to help direct renewable energy technologies to those landscapes best able to accommodate them and to offer advice on the level of information required to accompany a planning application for the Council's determination.

- 3.3 This document should be read in conjunction with Welsh Government's published guidance (in particular): Planning Implications of Renewable and Low Carbon Energy (February 2011).
- 3.4 In addition, good design principles for wind farms are becoming established following more than a decade of wind farm development in Wales and with a number of medium and large-scale wind farms constructed and operating. Design is a material consideration in the planning process and the Council believes that good siting and design of single turbines and wind farms is important for all parties involved, helping to deliver development which is appropriate to a landscape whilst delivering targets for renewable energy across Wales.
- 3.5 In Part 1 of the SPG the national planning policy and local planning policy are set out before general guidance is given on key considerations for application submission. Part 2 gives planning considerations for two popular technologies namely onshore wind energy and solar array technology.

4. TECHNICAL STUDY

- 4.1 The Council in 2013, along with Conwy County Borough Council commissioned landscape architects to identify the existing landscape characteristics for both Local Authority areas. These were then evaluated against a 'sensitivity to onshore wind energy development' criteria. This document is attached as an appendix to this SPG. The study is discussed in chapter 7.2. The document is a material consideration and provides a strategic assessment of the relative sensitivity of the landscape to wind energy developments. The Councils commissioned the study to address concerns regarding an increase of cumulative impact of 50 metre turbines (to blade tip) in the landscape.

PART 1

5 PLANNING POLICY CONTEXT

5.1 National Planning Policy

5.1.1 It is the Welsh Government's aim to enhance the economic, social and environmental wellbeing of the people and communities of Wales and its ambition is to *"create a sustainable, low carbon economy for Wales"*. In doing so, the Government wants to ensure that full advantage is taken of the transition to a low carbon economy to secure a wealthier, more resilient and sustainable future for Wales (**Energy Wales: A Low Carbon Transition**).

5.1.2 The UK Government is committed to delivering its share of the EU target for 15% of energy from renewable sources by 2020 as implemented by the Renewable Energy Directive (2009). Welsh Government has an ambition to make low carbon energy a reality in Wales. Welsh Government's energy policy and aspirations are set out in "**A Low Carbon Revolution**" which identifies Wales' sustainable renewable energy potential to 2020/2025. The Welsh Government is committed to pursuing these aspirations and promoting all forms of renewable energy with onshore wind currently the most viable technology. Welsh Government policy seeks to achieve these targets through the following objectives:

- Maximising energy savings and energy efficiency in order to make producing the energy we need from low carbon sources more feasible and less costly;
- Energy needs must be met from low carbon sources and move to a resilient low carbon energy production via indigenous sources and thus secure renewable energy, on both a centralised and localised basis; and
- By ensuring that this transition to low carbon maximises the economic renewal opportunities for practical jobs and skills. Annually, the Welsh Government aims to double renewable electricity production by 2025 in comparison to 2010. By 2050, at the latest, to be in a position where all local energy needs can be met by low carbon electricity production.

5.1.3 **Planning Policy Wales 2016** sets out the land use planning policies of Welsh Government and is supplemented by a series of **Technical Advice Notes** (TANs). PPW considers that in order to meet the Government's renewable energy target of 4TWH per annum, local planning authorities should support proposals for renewable energy projects, provided environmental impacts are avoided or minimised, and the integrity of nationally and internationally designated areas are not compromised.

5.1.4 Local Planning Authorities should, it is stated, "facilitate the development of all forms of renewable energy and energy efficiency and conservation measures which fit within a sustainable development framework". They should seek to

make positive provision for such developments in order to meet society's needs now and in the future.

5.1.5 Whilst currently there is not a specific target for Denbighshire, the County Council recognises the importance of climate change and the long-term impact that it will have both on communities and the environment.

5.1.6 Planning Policy Wales 2016 defines the size scales of renewable energy projects as follows:

Scale of Development	Threshold (electricity and heat)
Strategic	Over 25MW for onshore wind and over 50 MW for all other technologies
Local Authority-wide	Between 5 MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

5.1.7 In terms of who takes the decision on renewable energy technologies this is dependent on the size of the scheme. For electricity installations (e.g. wind, solar, biomass etc.) it is currently as follows:

Installation Size	Current Consenting Body
Less than 50 MW onshore	Welsh Local Authorities and Welsh Ministers
More than 50 MW onshore	National Secretary of State for Energy and Climate Change; National Infrastructure Planning; Appropriate National Secretary of State.

5.1.8 Planning Policy Wales para. 12.10.1 outline relevant national planning considerations which will be used to determine planning applications in addition to the Denbighshire Local Development Plan 2006 – 2021.

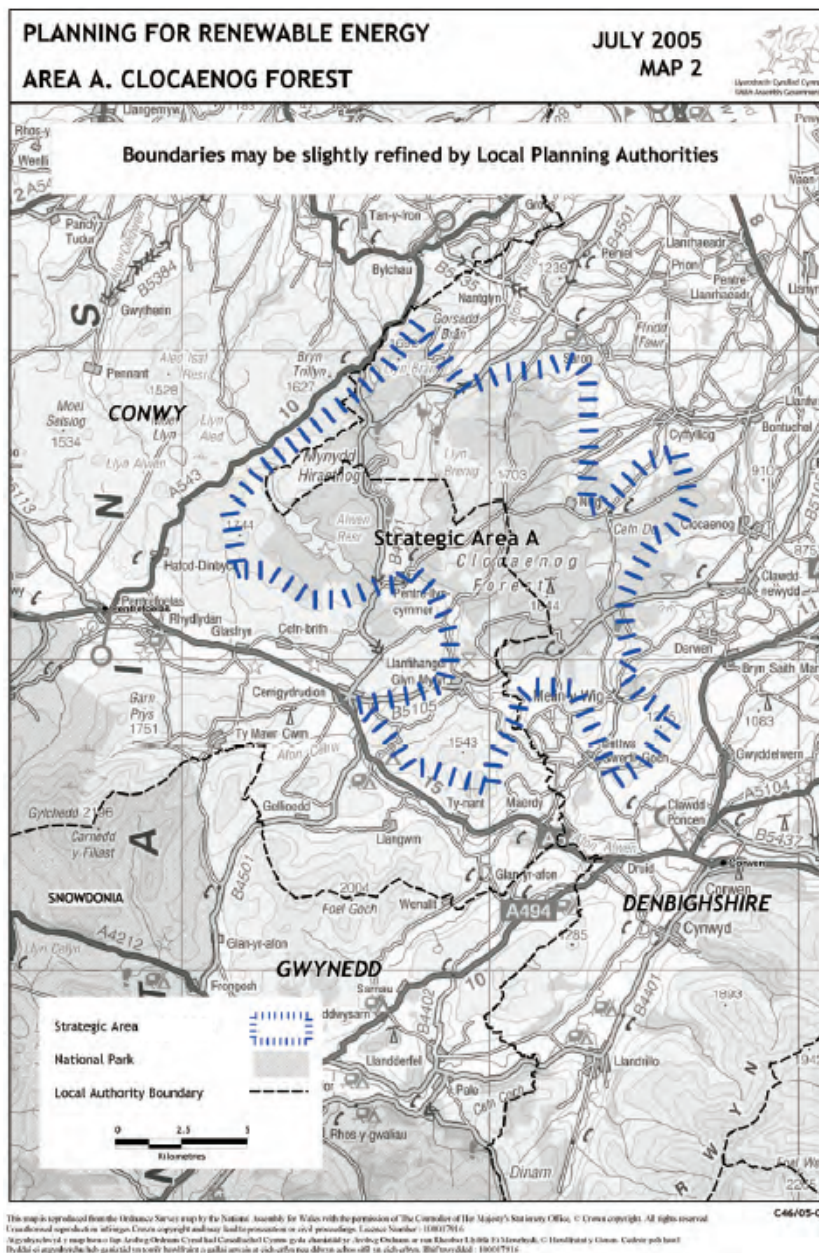
On-shore wind energy in Wales

5.1.9 Technical Advice Note 8 (2005) established a Welsh target of 800MW of installed wind energy developments up to 2010 with acknowledgment for a greater capacity. TAN 8 sets out Welsh Government's view that large scale (defined as being over 25MW installed capacity) onshore wind energy developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs). Seven (7) Strategic Search Areas (SSAs) are identified in TAN 8 have been identified by Welsh Government, one of which crosses Denbighshire County Council and neighbouring Conwy County Borough Council boundaries (Strategic Search Area A).

5.1.10 The letter issued by John Griffith AM (July 2011) is a material planning consideration which increased the 800MW target in TAN8 to 1666MW and increased the capacity of SSA A 'Clocaenog Forest' from 140MW to 212MW.

5.1.11 Onshore wind farm development plays a significant role in the Welsh economy. Figures indicate that onshore wind energy alone could be worth more than £2bn to the Welsh economy ([REDACTED] – January 31 2013 - Economic Opportunities for Wales from Future Onshore Wind Development report).

Illustration from TAN 8 (2005), Map 2 Clocaenog Forest Strategic Search Area.



Landscape protection in Wales

5.1.12 Landscape is important, not just as scenery but because it links culture with nature, and the past with the present. Well looked after and highly valued landscapes are essential to social well-being and an economically healthy society. Landscapes are valued because of their inherent interest, their contribution to both national identity and local distinctiveness. It is estimated that health and wellbeing of the landscapes 'goods & services' are worth over £9 million to the Welsh economy every year. ([REDACTED] – October 2013 – Why landscape matters)

5.1.13 A significant part of Denbighshire is designated for landscape of international and national importance. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty spans the ridge of hills to the east of the County and the significant parts of the Dee valley is designated a World Heritage Site.

5.1.14 Technical Advice Note 12: Design (2014) (TAN 12) requires local planning authorities in Wales to appraise the 'character' of the landscape. Furthermore, TAN 12 outlines that the appraisal of the landscape should focus on its quality in terms of geology and geomorphology, vegetation and habitats, visual and sensory quality and historic and cultural quality. Good strategic planning can help to avoid development diminishing landscape diversity within Wales by ensuring that renewable energy technologies are sited within areas which are best able to accommodate them.

5.1.15 Landscape information resources, such as 'LANDMAP', can assist assessment of the impact of proposals and identify where development would be preferable in landscape terms. LANDMAP is one method of assessment which has the potential to provide a framework and information base from which good design and management can be developed. The planning framework in Wales advocates the use of LANDMAP as an information source in decision making.

5.1.16 At the strategic level, landscape character analysis can help in identifying those landscape types best suited to large scale and/or multiple renewable energy developments. Denbighshire, along with Conwy County Borough Council have undertaken a Landscape Sensitivity and Capacity Assessment, which is referred to in chapter 7.2.

Best and most versatile agricultural land

5.1.17 Planning Policy Wales defines land grades of 1, 2, and 3a of the Agricultural Land Classification system to be the best and most versatile. Our best and most versatile agricultural land should be conserved as a finite resource for the future and that such land should be protected from development unless there is an overriding need and lower quality land or previously developed land is not suitable or available (PPW 4.10.1). Planning decision making can attach considerable weight to protect such land from development.

5.1.18 The Agricultural Land Classification (ALC) map for Wales is published at a scale of 1:250,000. This map is produced for use in strategic planning and

provides only a generalised indication of the distribution of land quality. The map is not suitable for use in evaluating individual sites. In such cases a resurvey at a larger scale is necessary to obtain a definitive grade. Applicants are expected to submit a Sequential Analysis Study of other sites in the County within a reasonable and justifiable distance (proximity to electricity distribution) (Welsh Government TAN 6 2010)

- 5.1.19 Where development is proposed on higher grade agricultural land it should be demonstrated to be, capable of removal and restoration (i.e. evidenced that at the end of the life of the development the land can be returned as a minimum to its pre-development use) (Welsh Government's Practical Guidance on the Planning Implications of Renewable and Low Carbon Energy, February 2011).

The Benefits of Microgeneration

- 5.1.20 Microgeneration can help to helping to combat climate change through the reduction of carbon emissions by reducing reliance electricity generated in conventional fossil-fuel power stations, it can also benefit householders and businesses more directly. Generating electricity on-site can lead to reduced energy bills, for example when replacing heating oil in those more isolated properties not currently on the gas grid. It can buffer consumers from future energy price rises and in doing so can help make a small but significant contribution to UK energy security. Other broad benefits of locally embedded electricity generation is the reduction of transmission losses through the national grid associated with centralised electricity generation.
- 5.1.21 Recent changes in the General Permitted Development Order does away with the need to obtain planning permission for a range of microgeneration technologies for domestic and commercial properties. This means that, provided the proposed development conforms to certain limits, it is not necessary to apply to the local planning authority for permission. Further details on permitted rights are provided in Section 6.2 below.

5.2 Denbighshire County Council Local Development Plan Policies

VOE 9: Onshore wind energy

- 5.2.1 Denbighshire's LDP Policy VOE 9 sets out criteria against which onshore wind turbine developments will be assessed. A key aim is to ensure that development is proportionate and appropriately sited in the landscape. If developments are acceptable when considered against the policy tests, but where there are negative landscape impacts, the Council will seek to re-site development or reduce its scale.

VOE 10: Renewable Energy Technologies

- 5.2.2 Denbighshire's LDP Policy VOE 10 sets out the local impact criteria against which renewable energy developments will be assessed. They will be applied to each case to assess the acceptability of schemes.

The policies can be found in Appendix 1

6. GENERAL GUIDANCE – relevant to all technologies

6.1 Permitted development rights

- 6.1.1 Most householders can carry out small extensions or additions to their homes without the need for planning permission. This is known as '**permitted development**'. Recent changes in the General Permitted Development Order have removed the requirement for planning permission for a range of microgeneration technologies for domestic and nondomestic properties. See Appendix 2 for additional information.
- 6.1.2 Before commencing any work you should check whether the property in question is subject to an Article 4 Direction, or a condition on the original planning permission, which removes permitted development rights.
- 6.1.3 Different rules apply in case of Listed Buildings, Conservation Areas or World Heritage Sites as there are greater restrictions on the types of equipment that can be installed, particularly on the walls of buildings facing a highway. If you are proposing a wind turbine you should also check if you are within a within an Aviation Safeguarding Area.
- 6.1.4 In most categories of microgeneration technologies listed in Appendix 1, and in particular for solar electricity (pv) and solar thermal panels, permitted development is conditional on minimising the effect on the external appearance of the house or flat and also on minimizing the effect on the local amenity of the area. It will be a requirement that the equipment must be removed if no longer needed for microgeneration.
- 6.1.5 Householders and developers should also check to see whether "Buildings Regulations" apply to the technology/ies in question.

6.2 Rural economy considerations.

- 6.2.1 Small-scale enterprises have a vital role in promoting healthy economic activity in rural areas. The need to sustain rural employment throughout the County is recognised and new businesses are essential to sustain and improve rural communities. In order to help endure change in the rural economy, tourism and commercial development, including agricultural diversification will be supported by the Council under Local Development Plan PSE5: Rural Economy.
- 6.2.2 Planning Policy Wales recognises the '*potential for communities and small businesses to invest in ownership of renewable energy projects or to develop their own projects for local benefit*' (para 12.8.19). PPW also supports community driven renewable energy projects where the benefits are returned to the host community. This is something the Council supports.
- 6.2.3 Technical Advice Note 6 (TAN6) supports the principle of installing a '*small on-farm*' renewable energy project as being a valid farm diversification activity.

Acceptability of a scheme is still subject to appropriate nature and scale of the activity (Section 3.7 of TAN 6, 2010).

Local Development Plan definition of diversification:

“to enter into a new market or industry which the existing business is not currently in, to reduce exposure to risk and to maintain or improve earnings”.

- 6.2.4 Any proposals to be considered as diversification schemes are advised to submit a business case.

BUSINESS CASE (as a minimum):

- Nature and scale of the business;
- Number of employees;
- Main trading location;
- Number of years trading;
- How proposed activity fits into the wider business picture;
- Environmental consequence highlighting any significant adverse effects will be mitigated;
- Benefits to the local rural economy.

- 6.2.5 Where no business case is submitted the Council will consider the planning application as a commercial development and diversification benefits to the rural economy will not be allowed significant weight.

6.3 Environmental Supporting Documents with planning applications

Environmental Impact Assessment (EIA)

- 6.3.1 An Environmental Impact Assessment identifies the environmental impacts of projects and potential measures to avoid excessive levels of harm. Where an Environmental Impact Assessment is required, a developer must prepare and submit an Environmental Statement with the planning application. An applicant can ask for a screening opinion in order to establish whether an Environmental Impact Assessment (EIA) is required.

- 6.3.2 With regards to **onshore wind energy** development, a screening opinion is normally only relevant when:

- more than 2 (two) turbines are proposed; or
- the hub height exceeds 15 metres; or
- the turbines fall within a ‘sensitive’ area as defined by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

- 6.3.3 Depending on the size of the **solar PV array** and potential impacts it may be necessary to undertake an Environmental Impact Assessment (EIA). Solar PV arrays are not explicitly listed within Schedule 2 of the EIA Regulations 45 which require an EIA if the project is judged likely to give rise to significant environmental effects due to its size, nature and/or location. Whilst solar PV is not explicitly mentioned they may fall within sub-category (a) of ‘Energy

industry', i.e. 'industrial installations for the production of electricity, steam and hot water', for which Schedule 2 indicates that developments **more than 0.5 ha** in area may require EIA.

- 6.3.4 Installations for **hydroelectric energy production** are listed under Schedule 2.3(h) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Local Planning Authorities are required to screen applications for the need for EIA where the development involves a generating capacity of over 500Kw (0.5MW). Development proposed within sensitive areas, as defined in Regulation 2(1), must all be screened as the thresholds do not apply.
- 6.3.5 Sensitive landscapes include National Parks, AONBs, Historic Landscapes, Parks & Gardens, World Heritage Sites and non-designated areas which are particularly distinctive for their character, scenic quality, rarity, intactness, sense of place, wildness/tranquillity (identified by LANDMAP and/or site assessment). The visual settings of National Parks, AONBs, Historic Landscapes, Parks & Gardens, World Heritage Sites, Conservation Areas, Listed Buildings and Schedule Ancient Monuments are also important to conserve and are sensitive areas.
- 6.3.6 Applicants should make a formal request to the Planning Service's Development Management Section for a screening opinion. All requests for a screening opinion should be accompanied by sufficient detail contact details, a detailed description of the proposal, details of the power output along with the location of the development; a 1:2500 location map, a 1:500 site map, as well as a description of the development's potential effect on the environment.
- 6.3.7 With regard to determining whether a particular development is likely to have a significant effect on the landscape or on visual amenity that forms part of the EIA assessment, the Council will use guidance contained in the Gillespies LLP (2015) *Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements*. The document is written with regards to wind energy, however the Council feel it is a useful guide to adopt there.
- 6.3.8 If it is established that an Environmental Impact Assessment is required, the Local Planning Authority, if instructed by the applicant, will provide a scoping opinion to establish what details should be included in the Environmental Statement, see Appendix 5.
- 6.3.9 Depending on the scale and location of the proposed development, planning applications should be accompanied by supporting documents and assessments to demonstrate compliance with the relevant national and local planning policy.

Habitat Regulations Appraisal (HRA)

- 6.3.10 There will be the need for a Habitats Regulation Assessment (HRA) at project-level, should the planning proposal be likely to significantly affect the qualifying features of a European site, i.e. Special Protection Area (SPA) and

Special Area of Conservation (SAC), or a 'Ramsar' wetland. 'The Conservation of Habitats and Species Regulations 2010' and 'The Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971' provide the legal sources for the process that is different from an Environment Impact Assessment.

Table 1: European sites in or adjoining Denbighshire County Council

<i>No</i>	<i>Site Name</i>	<i>Site Designation</i>	<i>Located completely outside DCC?</i>
1	Llwyn	SAC	No
2	Elwy Valley Woods/ Coedwigoedd Dyffryn Elwy	SAC	No
3	Alyn Valley Woods/ Coedwigoedd Dyffryn Alun	SAC	No
4	Berwyn and South Clwyd Mountains/ Berwyn a Mynyddoedd de Clwyd	SAC	No
5	River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid	SAC	No
6	Halkyn Mountain/ Mynydd Helygain	SAC	Yes
7	Deeside and Buckley Newt sites	SAC	Yes
8	Johnstown Newt Sites	SAC	Yes
9	The Dee Estuary	SAC	Yes
10	Berwyn	SPA	No
11	The Dee Estuary	SPA	Yes
12	Liverpool Bay/ Bae Lerpwl	SPA	No
13	The Dee Estuary	Ramsar site	No

6.3.11 In addition to screening for EIA, planning authorities will require sufficient information from the applicant to determine whether the proposed development complies with the HRA legislation. The key question is whether a proposal could have a likely significant effect on a European (Natura) site. In line with Welsh Planning Policy, proposed European sites (potential SPAs and candidate SACs) should be treated as if they were designated when considering the potential effects of proposals.

6.3.12 If it is determined that a proposal could have a likely significant effect on a European site, Natural Resources Wales should be consulted by the planning authority to confirm this and determine the level of information required to conduct an appropriate assessment. Guidance on HRA is available on the Natural Resources Wales website: <http://naturalresourceswales.gov.uk>

6.4 Grid connection

6.4.1 New electricity lines are governed by a separate consents procedure and the local planning authority is not the decision making body for overhead electricity lines. New overhead lines with a nominal voltage over 132kV are

classed as major infrastructure projects and are subject to the Planning Act 2008 consents regime; applications for development consent are therefore submitted to the Planning Inspectorate and determined by the Secretary of State.

- 6.4.2 New overhead lines with a nominal voltage of less than 132kV are subject to the Electricity Act 1989 regime and are submitted to and determined by DECC. Typically it is the electricity undertaker rather than the wind developer who would seek consent for new overhead lines. The local planning authority is a statutory consultee, and when responding to consultation requests.
- 6.4.3 It is recommended that developers conduct initial discussions with the Distribution Network Operator (DNO) at an early stage in the development of the project to establish the principle of grid connection. These discussions should seek to identify routes for grid connection infrastructure which avoid areas of high landscape, ecological or archaeological sensitivity.
- 6.4.4 Whilst the routing of such lines by the Distribution Network Operator is usually dealt with separate to the planning application for the renewable energy technology, developers are required to provide details of indicative routes at the application submission stage. The Council encourages the undergrounding of cables as the first approach.

6.5 Community energy / benefits

- 6.5.1 Many communities have benefited from becoming involved in renewable energy projects in Wales. Denbighshire Council particularly advocate local communities benefiting by establishing their own renewable energy developments. By having a direct involvement the community has more control over the distribution of any 'outputs' (funds or energy).
- 6.5.2 The other type of community benefit can be described as a 'goodwill' contribution voluntarily donated by the developer. This approach is kept as a separate entity from the planning application procedure. Developers are encouraged to hold discussions with the community as part of the pre-application discussions.
- 6.5.3 Community benefits packages are not a material planning consideration. Where a community benefit package has been voluntarily offered by the developer as a means of compensating the local community for hosting renewable energy schemes, these can also be secured by way of a legal agreement.
- 6.5.4 Local communities in Denbighshire are benefiting from privately negotiated onshore community benefit schemes. Communities such as Derwen and Clawddnewydd have seen funding to secure new equipment for social groups and aesthetic improvements to the village. The village of Nantglyn secured a free energy survey to every household along with hosting a village website,

financing the first meeting for start-up groups and community events (some of which are now in their 5+ years and are self-sustaining).

6.6 Legal Agreements

- 6.6.1 The requirement for developer contributions as a result of a proposed renewable energy development (e.g. to secure road network enhancements or the implementation of habitat management plans) may need to be secured through the use of legal agreements in accordance with Section 106 of the Town and County Planning Act (as amended).
- 6.6.2 A legal agreement may also be negotiated to ensure a suitable mechanism is in place (e.g. a bond) to ensure that sufficient resources would be available for dismantling the technology and remediation of the site when the planning permission expires. This may be necessary to prevent large redundant technologies from remaining in the landscape once the end of their operating life has been reached, and acts as a safeguard in case of any financial constraints which may prevent the owner / operator of the equipment from carrying out decommissioning works in future.
- 6.6.3 Where legal agreements are necessary, the Council cannot issue a Decision Notice until the legal agreement has been completed. To avoid delay, it is therefore advisable for heads of terms to be discussed and prepared at an early stage in the planning process.

6.7 Decommissioning

- 6.7.1 The Council will consider using planning conditions to ensure that redundant development (e.g. turbines, solar arrays, biomass plant) are removed when the operation of electricity generation ceases. It will be expected that the technology will be permanently removed from the land and the land/site restored to its former use and (where appropriate) greenfield status.

PART 2

7. LAND USE PLANNING CONSIDERATIONS IN RELATION TO ON SHORE WIND ENERGY SCHEMES

7.1 Landscape and Visual Impact

- 7.1.1 A key consideration of wind energy proposals will be the impact of turbine(s) on landscape character and visual/amenity interests. The effects of wind turbines will vary on a case by case basis depending on the size of the turbine, its location, the landscape setting and the impacts it will have on sensitive areas and receptors. The impacts can be particularly significant if the turbine(s) are too large for the receiving landscape (i.e. the height of the turbine overwhelms the scale of hills, ridges and historic monuments).
- 7.1.2 To assess the potential impact, planning authorities consider the design and location of all wind farm development carefully to ensure that the landscape and visual impact is minimised. The Environmental Impact Assessment process (see Section 6.3) will determine whether a Schedule 2 wind turbine development is likely to have significant effects on the landscape or on visual amenity by virtue of its nature, size or location. Whilst an EIA will be required if it is considered likely that significant effects may arise all other wind turbine applications will require some consideration of landscape and visual impact.
- 7.1.3 Landscape and Visual Impact Assessment (LVIA) is a standard process for examining the landscape and visual impacts of a development in an EIA. The formal methodology for this is set out in the 'Guidelines for Landscape and Visual Assessment (GLVIA 3rd Edition), produced by the Landscape Institute and the Institute of Environmental Management and Assessment. LVIA should not be confused with a Landscape and Visual Appraisal (LVA).
- 7.1.4 LVIA is usually carried out by Chartered Landscape Architects who apply professional judgements in a structured and consistent way based on landscape design principles. The LVIA should assist decision makers, members of the public and other interested parties by providing a clear and common understanding of the predicted effects of windfarm proposals in an impartial and professional way.
- 7.1.5 LVIA follows an iterative process by which alternative sites and designs for a development are proposed, assessed, and amended (a process often referred to as mitigation). Through this process, LVIA identifies the preferred siting and design option for a development, balancing different environmental issues as well as functional, technical and economic requirements. Ultimately, the final scheme is assessed for predicted residual impacts on the landscape and visual resource.
- 7.1.6 The Council have decided to adopt the minimum requirements and standards of information to be submitted with a Landscape and Visual Impact Assessment (LVIA) as guided by the Gillespies LLP (2015) *Planning Guidance for Smaller Scale Wind Turbine Development Landscape and*

Visual Impact Assessment Requirements.. The document is attached as Appendix 5.

- 7.1.7 The assessment should focus on the likely key landscape and visual interactions of the proposal with other constructed, consented or in planning wind developments , and other significant man-made structures within the site as guided by Gillespies (2015), see Appendix 5. In certain circumstances, for example where sequential impacts with other developments may be a key issue, it may be appropriate to extend the study area but this is less likely to be required for small developments.
- 7.1.8 The majority of projects may require wider infrastructure (such as substations, access tracks, anemometers, etc). Where possible, the impact of this infrastructure will be considered as part of the assessment described above.
- 7.1.9 Effective and early consultation with key stakeholders and the general public are important processes within the EIA and design process.
- 7.1.10 Cumulative impact assessments may also be required where development proposals are close to existing wind energy schemes, or schemes currently subject to a planning application. See Section 7.3.

7.2 Landscape sensitivity and capacity study for on shore wind turbine development.

- 7.2.1 Denbighshire County Council and Conwy County Borough Council commissioned Gillespies Landscape Architects to carry out the Landscape Sensitivity and Capacity Assessment for Onshore Wind Energy Development which forms an Appendix to this SPG. The objectives of the study were to:
 - Provide a strategic assessment of the relative sensitivity of Conwy and Denbighshire's landscape for wind energy development using a defined set of landscape and visual criteria that includes both physical and perceptual aspects as well as a consideration of landscape value.
 - Identify the key landscape, visual and perceptual sensitivities of different landscape areas.
 - Provide broad guidance on those landscape areas where wind energy development of different scales is potentially most acceptable and those landscapes where development is likely to result in unacceptable adverse landscape and visual effects.
 - Comment on any likely cumulative and cross boundary effects of wind energy development
- 7.2.3 The Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development Final Report, May 2013 (the

'Sensitivity and Capacity Assessment'), is available as Appendix 3 to this SPG and is a material consideration for all wind energy planning applications.

- 7.2.4 The Assessment used LANDMAP as a data source, and identified 42 '*landscape units*' across the study area (Denbighshire (31) and Conwy (19)). A sensitivity assessment sheet has been produced for each landscape unit, which evaluates a range of sensitivity criteria and concludes with a 'summary of sensitivity to wind energy development', which is accompanied by a score, based on a five point sensitivity scale: low, medium, medium-high, high and very-high.
- 7.2.5 The 42 landscape units have also been assessed into 15 larger '*strategy areas*' (Denbighshire (13 units) and Conwy (10)). Each strategy area has been assigned an overall sensitivity rating based on an assessment of their constituent landscape units. Again, the overall sensitivity of strategy areas was judged on a five point scale.
- 7.2.6 Guidance on how to use the Sensitivity and Capacity Assessment (Appendix 2) is set out on page eleven of the document. In all cases, applicants are strongly advised to have regard to the sensitivity criteria set out in the relevant '*landscape unit*' and '*strategy area*'.
- 7.2.7 Having regard to the Assessment, the supporting information submitted with a planning application for wind energy development should demonstrate how, by virtue of its siting, layout and design, the wind energy proposal:
- Is located in a landscape strategy area where wind energy development is supported;
 - Is at a scale which reflects the typology recommended for the relevant landscape strategy; and
 - Fits within the overall indicative capacity identified within the strategy area.

7.3 Designing in landscapes with multiple wind farms - cumulative impacts

- 7.3.1 The cumulative design objective is one of the most important design objectives with regards to designing multiple wind farms in landscapes. Multiple wind farms will result in different types of cumulative effects. For each wind farm the most appropriate cumulative design objectives should be established, while also taking into account existing developments.
- 7.3.2 The Council have decided to adopt the minimum requirements and standards of information to be submitted with a landscape and visual impact Assessment (LVIA) as guided by the Gillespies LLP (2015) *Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements*. The document is attached as Appendix 5. Guidance is set out in Part Three, Section D: Cumulative Assessment

- 7.3.3 Some landscape character types will be able to accommodate multiple wind farms, while this may be inappropriate in others. Generally, it will be preferable for wind farm development to be limited in the range of landscape character types it covers within a particular area. This is to avoid reduction in the distinction between landscape character types.
- 7.3.4 In areas with multiple wind farms there is potential for the overall landscape character to be significantly changed. The presence of a number of wind farms and their associated infrastructure (overhead power lines and road access) could make them the dominant characteristic of the landscape such that it becomes a 'wind farm landscape'. It would generally be undesirable for multiple wind farm development to change distinctive skylines or occupy the major proportion of a skyline from key viewpoints or receptors¹.
- 7.3.5 Welsh Government (TAN 8) have determined that a 'wind farm landscape' will be appropriate in SSA's although good wind farm design principles still need to be applied. Separate wind farms should generally appear visually separated from each other – unless specifically designed to create the appearance of a single combined wind farm.
- 7.3.6 The Local Planning Authority can supply a spreadsheet of consented, operational and in planning wind turbine development information by request. Information can also be found in the Landscape Sensitivity & Capacity Assessment for Wind Energy Development (Appendix 3). Applicants will be expected to submit a map/plan of the existing consented, operational and in planning turbine proposals in relation to their proposal.

7.4 Effects upon residential views

- 7.4.1 Planning Policy Wales 8 states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As such the Local Planning Authority will advise on a case by case basis as to how the effects upon private residential views will need to be considered. One or both of the following approaches may be necessary:

Assessment of effects upon community outlook, where views which contribute to the landscape setting enjoyed by residents in the area are to be included within the LVIA.

Assessment of effects upon Residential Amenity, where the proximity/scale of development has the potential to be visually overbearing or overwhelming from a private inhabited building and its curtilage making it unpleasant to occupy. This assessment may also include other aspects such as noise and flicker effect, is a separate assessment to the LVIA, although LVIA techniques are commonly used.

7.5 Ecology

- 7.5.1 Applicants should consider the potential for a wind energy proposal to impact upon areas of nature conservation and protected species. Areas of nature conservation include statutory designated sites (Special Protected Areas, Special Areas of Conservation, Ramsar Sites, Sites of Special Scientific Interest, National Nature Reserves etc.) and local wildlife sites.
- 7.5.2 Any planning application will need to demonstrate that the proposal will not impact on the Favourable Conservation Status of protected species (including bats). We would expect any planning application to include surveys and/or assessments of protected species.
- 7.5.3 Depending on the nature and scale of the development and the sensitivity of the surrounding habitat and species, all applicants will be required to submit an ecological survey report. Developers should expect as a minimum the need for a Preliminary Ecological Appraisal (PEA) along with specialist surveys for impacts on bird and bat species. Surveys should encompass the whole development site including the turbine location and any other area of land affected by the development (e.g. access roads, control buildings and land affected by excavation and construction activities).
- 7.5.4 There are optimal times of year to undertake habitat surveys within the months between April and September. Developers need to seriously consider these seasonal constraints and time work appropriately. Protected species are a material consideration in the planning process and applications will only be accepted where all the required information is provided upfront. The Council will not agree to the inclusion of planning conditions in order to undertake further survey work at a time more favourable to the applicant.
- 7.5.5 Further ecological assessments may be required to assess the impact on particular flora and fauna (in particular bats and birds).
- 7.5.6 Survey reports should include the results of the survey and an assessment of the effect of the development on the species/habitats/sites, including cumulative assessments where necessary. It should also include recommendations for mitigation and enhancement as necessary or for further survey or monitoring. Reports should be accompanied by appropriately detailed plans.
- 7.5.7 Where trees, tree roots or woodland areas are to be affected, then a BS5837:2012 survey ('Trees in relation to design, demolition and construction') will be required, carried out by an appropriately qualified arborist.
- 7.5.8 Larger wind energy developments are more likely to require comprehensive ecological assessments.
- 7.5.9 Pre-application advice with the Local Planning Authority (LPA), including the LPA Ecologist, is available on request, this is subject to a charge and the

County Council Countryside Services or Natural Resources Wales should be contacted for details. It is advised that developers appoint an appropriately qualified ecologist at an early stage to provide detailed professional advice, particularly where timescales may be tight. Surveys should be carried out at the beginning of the process so that they can inform the location and design, rather than trying to fit the results around any existing proposals.

7.5.10 Further information is provided in LDP Policy VOE 5 'Conservation of Natural Resources', British Institute Standard BS42020:2013 'Biodiversity – Code of practice for planning and development' and the forthcoming Denbighshire Supplementary Planning Guidance note on 'Conservation and Enhancement of Biodiversity'. Local species and habitat information is also available from Cofnod, North Wales Environmental Information service; www.cofnod.org.uk.

7.6 Clocaenog Statement of Master Planning Principles (SEMP) – strategic scale onshore wind turbine developments.

7.6.1 The SEMP is a consideration in relation to **strategic (over 25MW)** developments within the TAN 8 Clocaenog Strategic Search Area (SSA) in accordance with Policy LDP VOE9. See SSA map on page 7. The aims of the Clocaenog Statement of Master Planning Principles (SEMP) are:

- To identify broad Ecological Character Zones in relation to windfarm development within the SSA, and to draw up simple, but robust schedules of land management in order to maintain, improve or convert habitats within Zones, to be adhered to by developers applying for consent for windfarm development within the SSA.
- To provide certainty to the developer, the local planning authority (LPA) and to the community, as to what the LPA expects from the developer in terms of land management in respect of planning applications within the Clocaenog Windfarm Zone (WFZ).
- To provide for an agreed strategic land management pattern, in order to avoid a pattern of inappropriate and conflicting land management proposals in respect of onshore wind.
- To assist in meeting the requirement set out in TAN, and in the Denbighshire and Conwy LDPs, to address land management, community benefit and enhancement.
- To provide a strategic analysis and rationale for the spatial location of environmental community benefit.

The SEMP is available via the RSPB website at:



7.7 Historic Environment

7.7.1 There are many important areas of historic and heritage interest within the County both above and below the ground; this includes scheduled ancient monuments, listed buildings, conservation areas, world heritage site,

registered historic landscapes, and parks and gardens of special historic interest.

- 7.7.2 Where turbines are proposed in close proximity to an area of heritage interest, or where the turbines may have an impact on the setting of a historic feature, it may be necessary to commission a heritage evaluation to assess the implications of the proposal on features of historic interest either through direct loss of a feature or through indirect impacts on the character or appearance and setting of features of historic interest.
- 7.7.3 Consideration should be given to the assessment process for registered historic landscape: The Assessment of the Significance of Impacts of Development on Historic Landscape (ASIDHOL2). This can be required independently to other heritage assessment tools. When the landscape or visual effects upon registered historic landscapes are likely to be of 'more than local' in effect.
- 7.7.4 In addition Denbighshire has a rich heritage of undesignated sites. Applicants are advised to contact the Council's Conservation Officer and County Archaeologist during the pre-application stages. Applicants are also advised to contact the regional archaeological trust - Clwyd Powys Archaeological Trust and Wales Historic Environment Service (Cadw).

7.8. Noise

- 7.8.1 Depending on the size and location of the development, and the proximity to noise sensitive receptors, wind turbines can have a detrimental impact on the amenity of occupiers of nearby residential properties and buildings. A noise assessment may be required to determine the impact. Sensitive receptors include dwellings, quiet leisure based businesses, quiet areas that are particularly valued for their acoustic environment and areas of landscape quality or designated sites where noise may have an adverse impact on protected species or other wildlife.
- 7.8.2 ETSU-R-97 is the industry standard for the 'Assessment and Rating of Noise from Wind Turbines', and is cited in Welsh Governments' TAN 8 document as the relevant guidance on good practice. In May 2013, the Institute of Acoustics published 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG) which is also material.
- 7.8.3 Smaller wind energy developments such as single turbines warrant a simplified procedure commensurate with the size and impact of the turbine; the ESTU-R-97 simplified assessment method advises that turbine noise experienced at the nearest noise sensitive receptor should be limited to 35dBLA90, 10min up to wind speed of 10m/s at 10m height to provide sufficient protection to amenity.
- 7.8.4 Where turbines are proposed close to residential properties, the Council would need to be satisfied that noise experienced at the nearest residential

property would not exceed 35dBA and a noise assessment will be required to demonstrate that an adequate separation distance between the turbine and any nearby residential properties has been applied to ensure amenity is protected.

7.8.5 Where the predicted noise level is greater than 35dBLA90, 10min at 10m/s at 10m height at any nearby property not in the ownership of the applicant and no representative background noise measurements have been included, the applicant will be required to provide justification as to the non-inclusion of such data.

7.8.6 Background noise measurements will only be taken into consideration where it can be demonstrated that they have been taken from a location which is representative of the background noise experienced at nearby residential properties. Background noise surveys should be carried out in accordance with ESTU-R-97 and the guidance contained in IOAGPG chapter 2. IOAGPG SB8 recommends:

- Measurements should be made in amenity areas between 3.5 and 20 metres from a dwelling.
- The measurement position should permit measurement of 'background noise levels judged to be typical/ indicative of the area around the associated dwelling and any other dwellings for which the measurement location will serve as a proxy.
- The influence of noise from local sources should be taken into account when selecting measurement locations.
- The person selecting background noise monitoring positions and visiting these locations should record subjective impressions of sources contributing to local ambient noise levels.
- Residents should be consulted to establish the occurrence of unusual noise events during the monitoring period.
- Photographs showing the positions of measuring equipment should be provided.

7.8.7 Cumulative noise impacts

In situations where a turbine is proposed within or close to a zone of predicted noise influence of another turbine or group of turbines, a cumulative noise impact assessment will be required. The boundary of the 'zone of predicted noise influence' should equate to the 32dBLA90, 10min contour based upon a wind speed of 10m/s at 10m height.

The cumulative noise assessment will need to demonstrate that the combined noise level from all wind turbines will not exceed an overall level of 35dBLA90, 10min or 5dB(A) above background noise levels up to wind speeds of 12m/s at 10m height. The background noise levels and noise assessment should adopt a methodology that makes every endeavour to ensure that the quiet day-time and night-time periods used for the background noise assessment, are not influenced by any nearby wind turbines.

- 7.8.8 The Council's preferred approach for assessing cumulative noise impact can be read in Bowdler's 2012 report for the Council, which is in Appendix 4. Applicants are advised to contact the Council's Public Protection department during the pre-application stages to discuss.

7.9 Aviation, Communications / Broadcast Equipment

- 7.9.1 The local planning authority will consult the Ministry of Defence (Defence Infrastructure Organisation) and National Air Traffic Services (NATS) on all wind turbine applications over 11m or above in height and/or rotor diameter of 2m or above, and Airbus Operations Ltd where development proposals fall within the 30km Hawarden Airport Safeguarding Zone.
- 7.9.2 It is the responsibility of the applicant to demonstrate that the proposed turbine(s) will not cause any interference to the operation of any communications or broadcast equipment, through consultation with the operators of any masts or antennae which may be subject to adverse effects from the proposed turbine(s). Consultation responses from any such individuals or organisations should be submitted with the planning application. Pre application advice is encouraged with the Ministry of Defence and National Air Traffic Services.
- 7.9.3 There is a 15 kilometre (km) consultation zone and 30km or 32km advisory zone around every civilian air traffic radar, although objections can be raised to developments that lie beyond the 32km advisory zone. There is a c.15km statutory safeguarding consultation zone around Ministry of Defence aerodromes within which wind turbine proposals would be assessed for physical obstruction. See the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002. Further advice on wind energy and aviation can be found on the Civil Aviation Authority and National Air Control Transport Services websites.

7.10 Traffic and transport

- 7.10.1 Traffic movements during the construction and operation of a wind energy development may impact on the local road network during the construction phase, and the Council will need to be satisfied construction vehicles can access the site and the local highway is capable of accommodating construction traffic.

7.11 Recreation and access

- 7.11.1 Where a wind turbine or any ancillary development such as access roads, construction compounds etc. affects a public right of way or promoted route (e.g. Offa's Dyke Path National Trail and the Regional Routes such as the Brenig Way), an access management plan should be provided that sets out the impact to the whole Public Rights of Way network for the locality as well as promoted recreation routes which are through, alongside or near the site.

7.11.2 In all cases, wind turbine blades should not over sail a public right of way or a promoted route, and the Council would recommend a separation distance of the tip height of the turbine plus 10% is applied to ensure public amenity is protected.

7.11.3 Horse riders are particularly susceptible to disturbance from wind turbines and the British Horse Society recommends a minimum separation distance of 200m between a wind turbine and any bridleway.

7.11.4 Where public rights of way are directly affected, the Council will apply a planning condition to ensure public rights of way are safeguarded during the construction, operation and decommissioning of wind energy proposals.

7.11.5 If any path forming part of a regional or national promoted recreational route passes through a development and requires temporary closure as part of the construction, a suitable alternative route needs to be agreed with the trail manager and provided on site with associated public notices and diversion signage to inform the public and being provided by the developer for the duration of any closure.

7.12 Hydrology and geology

7.12.1 The construction and decommissioning of wind turbines can have potential impacts on local watercourses, water bodies, groundwater and water supplies. Applicants should consider how the excavation and construction works can be carried out without substantially altering the hydrological and hydrogeological regime of the site and particular consideration should be applied in peatland areas where peat plays an important role in hydrology regimes, and is also recognised as an important store of carbon.

7.12.2 In addition, a number of properties within rural areas of the County are reliant on private water supplies. Depending on the geology of the site and the proximity to sources of supply, construction activities relating to wind turbine development have the potential to cause adverse impacts on the quantity, quality and colouration of water supplies.

7.12.3 The local planning authority may request a hydrological and / or a geological report to be submitted and a scheme of works to be drawn up to ensure hydrological / geological assets are safeguarded during the construction, operation and decommissioning of the turbine(s). This would mean pre-development monitoring to inform the report.

7.12.4 In all cases, mitigation measures to minimise the potential of flood risk and surface water runoff should be applied, and in some cases a drainage report may be requested to ensure no increase in land runoff rates or modifications to local drainage patterns as a result of development may be required.

7.12.5 Applicants are advised to contact the Council's Public Protection department during the pre-application stages.

7.13 Shadow flicker

7.13.1 In terms of shadow flicker, applicants should take into account the impact on nearby dwellings. An assessment of potential shadow flicker throughout the year should be provided for all residential properties within a 10 rotor diameter distance of the proposed location of each wind turbine. Details of each affected property together with photographs, orientation, position of principal windows etc. needs to be included together with monitoring proposals and details of mitigation measures.

7.14 Safety

7.14.1 Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies:

- *Buildings* - Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. This is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due to visual impact;
- *Power lines* - National Grid, and/or the relevant Distribution Network Operators will be able to advise on the required standards for wind turbines being separated from existing overhead power lines

8. LAND USE PLANNING CONSIDERATIONS IN RELATION TO SOLAR ENERGY SCHEMES

8.1 Context and technology overview

- 8.1.1 Technologies for harnessing the sun's power fall into two main categories; solar thermal and photovoltaic. Solar thermal is a way of heating water from the sun. There are two common systems; the flat plate and the vacuum tube. These photovoltaic and solar thermal technologies can often be integrated into the roof of a building or as standalone structures. Photovoltaic (PV) systems convert sunlight into electricity. The sun collectors collect the sun's rays within cells which creates an electric field causing electricity to flow (DC). This is then wired to a converter to convert the electricity generated into an alternating current (AC) to the buildings main electricity distribution board. An inverter is required to convert DC to AC for exportation to the national grid. The PV cells usually come in the form of a panel that fits on top of a roof. Free standing solar panels arranged in 'solar arrays' on agricultural land or cleared brownfield land sites would constitute a solar farm.
- 8.1.2 Solar thermal and PV systems come in many sizes. This SPG applies the size designations used in Planning Policy Wales, Chapter 12, see table in paragraph 5.1.6 above.
- 8.1.3 Micro generation solar technologies on a domestic property, a house, are generally limited to 4kW peak capacity. This is due to single phase connection limits and electrical regulations. This equates to about 16 solar PV panels on the roof of a house. In many cases you will be able to install solar thermal and/or PV without the need for planning permission. Further information on permitted development rights can be found in Appendix 2.
- 8.1.4 For a roof mounted photovoltaic scheme (industrial buildings, sheds etc) generating energy between 50kW and 50MW planning permission will always be required. Placing solar panels in a field used for agriculture is a material change of use and requires planning permission regardless of size. As a general guidance, each MW of energy generated by photovoltaic installations requires 2.5 to 3.0 hectares of land.
- 8.1.5 A photovoltaic solar array should be designed so the field can be restored to agricultural use upon cessation of use of the photovoltaic cells (approximately 25-30 years). Evidence will be sought on the reversibility of the development in the context of the aim to conserve high quality agricultural land as a resource for the future. Also, information is required regarding the management of the land to keep the site from becoming overgrown.
- 8.1.6 The British Research Establishment (BRE) have produced guidance on large scale photovoltaic arrays. Whilst this is based on English legislation much of the advice can be applied to Wales. Please note that it is important to make sure you check any relevant Welsh legislation to ensure there is not a difference.

- 8.1.7 Proposal should be subject to a sequential test (of suitable and available land) to meet the requirements of Planning Policy Wales paragraph 4.10.1, see also chapter 5.1.15 above.

8.2. Landscape and visual impact

- 8.2.1 Because solar arrays often need direct sun locations to operate, they have the potential to be visible from numerous points and can sometimes be seen from great distances. Indeed, the landscape impact of an array is likely to be one of the most significant issues applicants will need to deal with. Indeed a solar array can introduce many new industrial elements into the landscape and create an increased urban and industrial influence on the countryside.
- 8.2.2 It should be noted that different landscapes possess different characteristics and what is considered acceptable in one place may not be acceptable in another. While it is logical that developers will wish to place a solar array on the most southerly sloping site, as this is where solar gain will be the greatest, careful consideration will need to be given to its positioning as this can greatly influence any potential effects on landscape character and visual amenity.
- 8.2.3 Development of the array will also need to be considered in terms of its design, the layout and future maintenance. Whilst it is important to ensure that the array is not shaded, it is important that existing hedge lines and trees are not removed, and if they must be, these losses will need to be mitigated.
- 8.2.4 A landscape and visual appraisal will be expected to be submitted to accompany any planning application. For EIA developments a full Landscape and Visual Impact Assessment (LVIA) should be provided, both in accordance with guidance in the Landscape Institute and Institute for Environmental Management and Assessment (2013) *Guidelines for Landscape and Visual Impact Assessment, 3rd Edition* (published by Routledge). The accompanying statement of clarification (available to download from <http://www.landscapeinstitute.org/knowledge/GLVIA.php>) provides some additional information about the difference between appraisals/assessments for EIA and non-EIA developments.
- 8.2.5 It will be important to consider views to the site, including widely recognised iconic views and acknowledged important views to, from, or between heritage assets. The need for ZTV should be discussed with the Council, depending on the scale of the development and its location (e.g. in the context of any landscape designations).
- **ZTV indicating the extent of visibility** (including the proportion of the site which will be theoretically visible if possible, and clearly indicating distance radii from the site);
 - **A map showing viewpoint locations overlaid onto the ZTV** (this may be combined with the above map if relevant);
 - **ZTV overlaid onto Denbighshire's Landscape Character Areas and any landscape designations** (if considered useful) as set out in Denbighshire Landscape Sensitivity Assessment in Appendix 3;

- **Photographs and visualisations** for viewpoints to illustrate the location and extent of development in the landscape, provided and reproduced at a viewing distance of 40-50cm (this could comprise a photograph of the site and shading of field(s) to be affected by panels).

8.2.6 When designing a solar PV development it is important to consider how the scheme fits with other existing, consented and proposed schemes (including within neighbouring planning authorities) to minimise cumulative effects. The Local Planning Authority can supply a spreadsheet of consented, operational and in planning solar array developments. Applicants will be expected to submit a map/plan of the existing consented, operational and in planning turbine proposals in relation to their proposal.

8.2.7 Due to arrays needing to be near a grid connection point, when siting a scheme it is important to consider not only the impact this development will have but also the potential cumulative effects with similar proposals and other forms of development. Transformer housing, security fencing, cameras are all associated works which will require consideration in terms of their landscape impact.

8.3 Land Management

8.3.1 In setting out the design for a solar array consideration should be given to the post construction and post development land management. Details of management/maintenance programme for the lifetime of the development will also be a factor in determination. The Council is keen to ensure that the post construction site is maintained to avoid the spread of non-native plant species and native weeds. In addition, post construction, when access is more infrequent and by smaller plant, the reinstatement of small field entrances and gateways would both help reduce views of the development and maintain traditional roadside rural characteristics.

8.4 Noise

8.4.1 Ground mounted solar PV developments can emit noise during their operational phase, particularly in association with transformers and inverter equipment.

8.4.2 Applicants should consider the following guidance in relation to noise emissions:

- Any noise emitting equipment should be located away from dwellings to minimise harm to residential amenity.
- Where there is a risk of dwellings being adversely affected by noise, machinery should be housed to reduce noise levels.
- The Rating Level (LArTr) of the noise emanating from the proposed development should be at least 5 dB below the measured background noise level at any time at the curtilage of any noise sensitive premises.

- The rating level (LArTr) and the background noise level (LA90) should be determined in accordance with the guidance and methodology set out in BS4142: 1997.

For more information please contact the Council's Public Protection Service.

8.5 Ecology

- 8.5.1 Along with landscape sensitivity, the ecological sensitivity of the development site will be a key factor in determining acceptability. In finding a site, intensively managed agricultural land is likely to be of least ecological value and possibly more suitable in ecological terms for solar PV.
- 8.5.2 Any planning application will need to demonstrate that the proposal will not impact on the Favourable Conservation Status of protected species (including bats). We would expect any planning application to include surveys and/or assessments of protected species.
- 8.5.3 Ecological assessments should include a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar PV array upon ecological features, specify mitigation to avoid or minimise these impacts and list any further surveys required. The design should be informed and influenced by ecological assessments. Issues that may need particular assessment include ground nesting birds, wintering birds, bats, dormice, reptiles and badgers. Impacts may also include disturbance of local species and changes to site hydrology or pollution. Employing an ecologist throughout the design process will help ensure the best ecological outcome. Protected species surveys are season-dependent, so contacting an ecologist at a very early stage is advisable.
- 8.5.4 Opportunities for ecological enhancement are promoted and may include planting of native wildflowers, beneath, between or around field margins to increase habitat connectivity. Low density grazing by smaller livestock may not risk damage to the solar arrays. Supporting and enhancing biodiversity on schemes is promoted. The BRE have produced guidance with regard to the symbiotic relationship between plants, animals and large solar arrays. Please see, BRE National Solar Centre Biodiversity Guidance for Solar Developments in References.

8.6 Historic Environment

- 8.6.1 Denbighshire has an especially important historic environment, a key part of its distinctive cultural heritage. The County has high density of designated historic assets including, Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens, Historic Landscapes, and a World Heritage Site.
- 8.6.2 Consideration should be given to the assessment process for registered historic landscape: The Assessment of the Significance of Impacts of

Development on Historic Landscape (ASIDHOL2). This can be required independently to other heritage assessment tools. When the landscape or visual effects upon registered historic landscapes are likely to be of 'more than local' in effect.

8.6.3 In addition, Denbighshire has a rich heritage of undesignated sites. Applicants are advised to contact the Council's Conservation Section and County Archaeologist during the pre-application stages. Applicants are also advised to contact the regional archaeological trust - Clwyd Powys Archaeological Trust and Wales Historic Environment Service (Cadw).

8.6.4 Above ground equipment could impact on the setting of Listed Buildings and Scheduled Monuments as well as impact on the historic landscape of Denbighshire. Below ground equipment could impact on archaeological deposits through ground disturbance.

8.6.5 Paragraph 3.15 of TAN 8 states that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area, proposals for appropriately designed solar thermal and solar PV systems should be supported.

8.7 Aviation

8.7.1 Solar PV development can be safely located near airports. However, when locating a solar PV development in close proximity to a civil or MOD airport or airfield, guidance provided by the Civil Aviation Authority (CAA) and the MOD (as relevant to the site in question) should be followed. The Civil Aviation Authority CAA have produced interim guidance on PV, you should refer to this prior to submitting your application.

8.8 Site security, safety and lighting

8.8.1 Whilst there is an acknowledged need to ensure solar PV facilities are adequately secured, consideration should be given to the impacts of such security measures on the landscape and visual amenity.

8.9 Glint and glare

8.9.1 Glint is produced as a direct reflection of the sun in the surface of the solar PV pane and/or the frame. Glare is a continuous source of brightness. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is less intense than glint.

8.9.2 Glint and glare can be a significant issue and should not be underestimated, particularly to the south east of a solar PV development. The potential impacts upon homes, businesses and public highways in particular (including railways), should be thoroughly assessed at the pre-planning stage.

8.9.3 Details of the external finish of the frames and panels including any anti-glare covering will be expected with the details of any planning application. When assessing for glare/glint it is important to consider the combined reflective quality of not only the PV panels, but also the frames.

9. OTHER RENEWABLE ENERGY DEVELOPMENTS

Introduction

- 9.1 The development plan supports the development of all technologies regardless of scale. Ensuring that an area's renewable energy potential is realised in a way that is compatible with other development plan policies and objectives is an objective of the Local Development Plan.
- 9.2 Other forms of renewable energy development that come under the land-use planning system include micro-renewable energy generation such as solar water, hydro, biomass, biomass (anaerobic digestion), Combined heat and power, heat pumps and energy from waste. Further information **and an indication of the main planning considerations** can be found in the Welsh Government publication, *Generating your own renewable energy: A planning guide (2012)*.
- 9.3 Offshore wind, wave and tidal energy are increasing in significance in terms of their potential to contribute to renewable energy targets, however these technologies will not be looked at within this SPG as they are very site specific and the decision making process is outside the Local Authority's control (National Infrastructure Planning).

END.

10. RESOURCES

Further information and guidance on the production of supporting documents to accompany planning applications for energy development is set out below:

National:

Energy Wales: A Low Carbon Transition – Welsh Government March 2012

<http://wales.gov.uk/docs/desh/publications/120314energywalesen.pdf>

Welsh Government (2011) Planning Implications of Renewable and Low Carbon Energy.

<http://gov.wales/topics/planning/policy/guidanceandleaflets/planningimplications/?lang=en>

Technical Advice Notes (TAN's)

Welsh Government (2010) Technical Advice Note 6: Sustainable Rural Communities

Welsh Government (2008) Technical Advice Note 8: Renewable Energy

Welsh Government (2014) Technical Advice Note 12: Design

<http://gov.wales/topics/planning/policy/tans/?lang=en>

Welsh Government (2012): Generating your own Renewable Energy: A Planning Guide

<http://gov.wales/topics/planning/policy/guidanceandleaflets/generaterenewable/?lang=en>

Quick Guide to Environmental Impact Assessment; The National Assembly for Wales



Permitted Development:

Copies of the Order can be obtained from:

<http://www.legislation.gov.uk/wsi/2012/1346/contents/made>

Copies of the MCS Planning Standard are available from the following link:



General:



<http://www.planningportal.gov.uk/planning/greenerhomes/generation/>

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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Survey Methods for use in Assessing the Impacts of Onshore Windfarms on Bird Communities

Survey Methods for use in Assessing the Impacts of Onshore Windfarms on Bird Communities

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[www.forestry.gov.uk/pdf/FCGL007.pdf/\\$FILE/FCGL007.pdf](http://www.forestry.gov.uk/pdf/FCGL007.pdf/$FILE/FCGL007.pdf)

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[http://forestry.gov.uk/pdf/Water-&-Soils-WAG-\(E\).pdf/\\$FILE/Water-&-Soils-WAG-\(E\).pdf](http://forestry.gov.uk/pdf/Water-&-Soils-WAG-(E).pdf/$FILE/Water-&-Soils-WAG-(E).pdf)

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British Research Establishment (BRE)

Large Scale Solar:

BRE National Solar Centre Biodiversity Guidance for Solar Developments:

RSPB SEMP

Glossary of terms

AONB: Area of Outstanding Natural Beauty, an area of countryside considered to have significant value in England, Wales and Northern Ireland.

Ancillary infrastructure: The built element and structures of a development, apart from the main technology, which serve the development, such as access tracks, borrow pits, the control building and substation.

Anemometer mast: A mast erected on a windfarm site, usually the same height as the turbine hubs, to monitor wind speed.

Capacity Study: Research which attempts to identify the acceptable limits to development in a given area.

Cumulative Impact: Additional changes caused by a proposed development in conjunction with other similar developments.

Design and Access Statement: A document which aims to create a development with a cohesive design that relates to the surrounding landscape and allows access to all users.

Distribution Network Operators (DNOs): Licensed to distribute electricity from the transmission grid to consumers.

EIA: Environmental Impact Assessment, the process by which the key environmental and socio-economic impacts of a development are assessed to reduce likely negative effects during the construction and operational phases.

Electricity pylons typically support the high voltage transmission network (400kV or 275kV), whereas electricity poles carrying overhead cables support the 33kV and 11kV distribution network.

LIA: Landscape Impact Assessment, part of the LVIA process which explores the potential effects on the landscape of a proposed development (see below).

LVIA Landscape and Visual Impact Assessment – a standard process for examining the landscape and visual effects.

Megawatt (MW) 1,000 kilowatts (kw)

PV: photovoltaic: a way of converting sunlight into energy

Sequential Analysis Study: A sequential analysis looks to test for suitable and available alternative sites within a catchment area defined by local circumstances and the type of development proposed. The following consideration will be relevant:

- Site size (capability of accommodating XXMW of solar panels);
- Topography (flat or gently sloping sites);
- Land availability and ownership;

- Agricultural land classification;
- Capability of viable grid connection and proximity to proposed site;
- Landscape and visual considerations;
- Sensitive areas as defined by EIA Regulations; and
- Previously developed land;
- Proximity to road network (a suitable location which is served by appropriate highway infrastructure);
- Flood risk.

Strategic Search Area: These areas can accommodate large scale (over 25MW) onshore wind developments due to efficiency and environmental reasons amongst others.

Transformers: Role is to step voltages up and down from one part of the grid to another to reduce the amount of energy lost in transmitting energy from power stations to homes.

**North Wales Local Planning
Authorities**

Awel y Môr Offshore Wind Farm Examination

Review of SLVIA Documents

Final report

Prepared by LUC
October 2022



North Wales Local Planning Authorities

Awel y Môr Offshore Wind Farm Examination Review of SLVIA Documents

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Contents

Chapter 1			
Introduction	1	Appendix A	
		Review of the SLVIA Assessments	A-1
Introduction	1		
Chapter 2		Appendix B	
Review of SLVIA Methodology, Scope, Baseline, Mitigation and Visualisations	2	Responses to ExQ1	B-1
Methodology, Scope and Process	2		
Baseline information	2	Appendix C	
Mitigation and Design	2	Review of Documents Securing Onshore Mitigation	C-1
Visualisations	3	Introduction	C-1
		Securing Mitigation	C-1
		Outline Landscape and Ecological Management Plan	C-1
		Outline Code of Construction Practice	C-3
		Hedgerow and Protected Tree Plan	C-3
Chapter 3			
Review of the Offshore SLVIA Assessments	4		
Introduction	4		
Isle of Anglesey	4		
Gwynedd	6		
Snowdonia National Park	6		
Conwy	7		
Denbighshire	8		
Flintshire	8		
Cumulative effects	9		
Chapter 4			
Review of the Onshore LVIA	10		
Introduction	10		
Methodology, Scope and Process	10		
Baseline information	10		
Mitigation and Design	10		
Visualisations	10		
Assessment of effects	11		
Chapter 5			
Conclusions	13		
Summary of the Review	13		
Conclusions	14		

Chapter 1

Introduction

Introduction

1.1 LUC was appointed by a group of seven North Wales Local Planning Authorities (LPAs) in September 2022 to review a number of documents submitted alongside the Development Consent Order (DCO) of the proposed Awel y Môr Offshore Wind Farm (the proposed development).

Summary of comments on the PEIR

1.2 LUC undertook a review of the submitted landscape and visual documents at PEIR stage, and our comments were presented to the LPA group in our report dated September 2021. This review of the DCO stage documents focuses on changes made since DCO, and any areas for clarification that were identified at the time.

1.3 The key findings of the review of the PEIR documents can be summarised as follows:

- The SLVIA and LVIA used a robust methodology based on established good practice. The scope of both assessments was considered sufficient to capture all potentially significant effects. A clear record of consultation was included.
- The assessments included a comprehensive review of the baseline, identifying all relevant receptors.
- The reduction in the size of the offshore wind farm was noted in relation to offshore mitigation. Mitigation proposals for the onshore works were at an early stage, but the principles were considered sound.
- The SLVIA and LVIA were supported by good quality visualisations, produced and presented in line with the relevant good practice guidance.
- The effects of the proposed development were reviewed and reported by LPA, and a number of judgements were queried.

Scope of the DCO Review

1.4 This report sets out our observations on the following documents submitted with the DCO application:

- Environmental Statement (ES) Volume 2 Chapter 10, Seascape, Landscape and Visual Impact Assessment (SLVIA), alongside relevant Annexes contained in ES Volume 4 and Figures contained in Volume 6; and
- ES Volume 3 Chapter 2, Landscape and Visual Impact Assessment (LVIA), alongside relevant Annexes and Figures.

1.5 In addition, we have reviewed documents relating to the onshore works, and our observations on the following are included in Appendix C:

- Document 8.4 Outline Landscape and Ecological Management Plan;
- Document 8.11 Schedule of Mitigation;
- Document 8.13 Outline Code of Construction Practice, including Appendix 1, Outline Construction Method Statement, and Appendix 4, Outline Soil Management Plan; and
- Document 2.12 Hedgerow and Protected Tree Plan.

1.6 On the basis of the previous review, the methodology and baseline within the DCO documents have not been reviewed in detail. The review focuses on changes between the PEIR and ES, and revisits the summary table of reported effects. As with the PEIR review, no field work was carried out.

Chapter 2

Review of SLVIA Methodology, Scope, Baseline, Mitigation and Visualisations

Methodology, Scope and Process

2.1 Our review of the PEIR judged that the methodology employed by the SLVIA authors was grounded in good practice guidance and was fit for purpose. The basis of the SLVIA has not changed substantively since PEIR. This section briefly reviews minor changes that have been applied.

2.2 The scope of the SLVIA has not changed since PEIR, and no further scoping-out of non-significant effects has taken place. The DCO assessment therefore revisits all the PEIR assessments.

2.3 The responses of stakeholders to the PEIR are summarised in Annex 10.2, and this includes points taken from the LUC review of the PEIR. The SLVIA authors have responded positively to each point, and in many cases have reviewed their assessment as a result. In some but not all cases this has resulted in a change to the assessment finding. In other cases, further justification for the original finding has been added. We welcome this positive approach.

2.4 In response to comments on the PEIR, the SLVIA authors have clarified their approach to assessing effects on views from settlements. The methodology has been amended “*to reflect that the assessment of the effects on settlements relates to people in properties*”. In our view the assessment of effects on settlements should consider views experienced by the community in the round, rather than a focus on views from properties. We note that the authors have clarified significant effects from particular properties within some settlements, and that effects on views from sea front areas are considered separately, but we maintain this represents a narrow focus of assessment of effects on settlements. In our view, this difference in approach is unlikely to lead to substantive under-reporting of significant effects.

2.5 The SLVIA at PEIR judged all effects as either ‘significant’ or ‘non-significant’. The SLVIA in the ES includes judgements of level of effect, from negligible through to major. This is a more familiar approach and offers a clearer view of where the greatest effects are likely to be found. The methodology uses intermediate levels (e.g. moderate-major), giving six possible levels of effect, guided by a matrix provided in Table 4. At para 109 of the methodology (Annex 10.1), it is stated that all moderate-major or major effects are considered significant. However, moderate effects “*have the potential, subject to the assessor’s professional judgement, to be considered as significant or not significant, depending on the factors evaluated*”. While this is not an uncommon approach, we consider that it does not enhance the clarity or accessibility of the assessment. We accept there will always be borderline cases, but this approach lacks a clear distinction between significant and non-significant, and leaves those findings of ‘moderate but not significant’ open to question.

Baseline information

2.6 We have not noted any substantive changes in the assessment baseline since PEIR.

Mitigation and Design

2.7 Since submission of the PEIR, the proposed development has been amended. The offshore array area has been reduced again, as shown on SLVIA Figure 2c. A further section has been removed from its westward extent. Section 10.9 of the ES states that the distance between the array area and Viewpoint 2 Point Lynas on Anglesey has increased from 20.2 km at scoping, to 28.7 km in the ES. The array area remains the same distance from the Great Orme. Figure 2c shows that the array area is now well outside the area of ‘high sensitivity’ seascape around Anglesey.

2.8 Following the decrease in array area, the turbine numbers are also reduced. The maximum design scenarios (MDS) assessed within the SLVIA are now defined as follows:

- MDS A comprises 34 turbines to 332m tip height (306m rotor diameter). 19 perimeter turbines have aviation lighting, 12 turbines have marine lighting.

- MDS B comprises 50 turbines to 282m tip height (250m rotor diameter). 26 perimeter turbines have aviation lighting, 15 turbines have marine lighting.

2.9 The SLVIA confirms that “*it is not possible for the Applicant to reduce the WTG heights from those assessed in the ES*”, despite stakeholders raising this as an issue.

2.10 Section 10.9 of the SLVIA committed mitigation that will reduce the brightness of aviation lighting from 2000 candela to 200 candela (10%) during periods where visibility is over 5 km. It is stated that, on the basis that all coastal areas are over 5 km from the turbines, then 2000 candela lighting would never be seen at maximum brightness. This would only apply during poor visibility, which would restrict views of the lighting.

2.11 On this basis, the night time visualisations included within the ES show the appearance of 200 candela lights. This is in contrast to the PEIR visualisations which depicted 2000 candela lights.

2.12 We agree that the 2000 candela scenario is unlikely to be seen. The approach that LUC usually takes is to depict both the 2000 candela maximum brightness scenario, and the more likely 200 candela scenario. On the basis that the mitigation is committed, we accept the approach taken. Comparison may be made with the PEIR visuals to show how 2000 candela lighting might appear. All mitigation measures are intended to be listed in Document 8.11 Mitigation Schedule, which sets out how the measures are secured in the DCO. We note that the dimming of aviation lighting to 200 candela is not listed in the Mitigation Schedule. The Applicant should be asked to confirm how this mitigation is secured in the DCO.

Visualisations

2.13 Other than the revised approach to illustrating aviation lighting noted above, the SLVIA includes the same photography and approach to visualisation as at PEIR. Our earlier review found these to be of good quality, produced and presented in line with the relevant good practice guidance.

Chapter 3

Review of the Offshore SLVIA Assessments

Introduction

3.1 This section summarises our review of the SLVIA findings (Volume 2, Chapter 10 and its supporting annexes and figures).

3.2 The focus of the SLVIA is on MDS A, and our review reflects this. Where an effect is cited, this is a reference to the operational effect of MDS A. As at PEIR, there are no receptors which would experience a different level of effect as a result of MDS B.

3.3 The focus of this review is on the operational effects of the offshore development, as there are no instances where the construction or decommissioning effects of the wind turbines would exceed the operational effects. Our previous review of PEIR considered construction effects and did not identify any concerns.

3.4 In relation to the reduced array area and MDS, it is stated in Section 10.9 of the SLVIA chapter that increased distance and reduced horizontal spread of turbines has reduced the scale of the turbines in views, and leads to a reduction in impacts on the Isle of Anglesey AONB and on the National Park. However, this has not resulted in any reductions from significant in the PEIR to non-significant in the DCO submission.

3.5 Our review of the SLVIA findings is presented in detail in Appendix A. This follows the format used in our review of the PEIR, and for each SLVIA receptor sets out:

- The operational effect at PEIR, and our comment (agreement/disagreement); and
- The operational effect at DCO submission, and any further comments.

3.6 The following sections of this review summarises the findings of the SLVIA, and our observations noted in Appendix A, separated out for each of the following areas:

- Isle of Anglesey (including the AONB);
- Gwynedd;
- Snowdonia National Park;
- Conwy;
- Denbighshire; and
- Flintshire.

3.7 This review focuses on areas of difference between the PEIR and DCO submissions.

Isle of Anglesey

3.8 Based on the updated array area, the north-east Anglesey coast is between 19km and 28km from the turbines. The closest point, Puffin Island, is just over 17km from the nearest turbine.

Viewpoints

3.9 There are 13 assessment viewpoints on Anglesey, and the SLVIA finds significant effects at eight of these locations. This is the same result as in the PEIR. All the identified significant effects are 'moderate', with the exception of VP7 Penmon Point and VP8 Beaumaris, which are 'major-moderate'. These findings are agreed.

3.10 We previously queried the finding of non-significant effects at VP44 Beaumaris Castle, where the turbines will be seen in combination with Great Orme headland. The ES conclusion for VP44 is 'moderate (non-significant)'. Although VP44 is close to

VP8 where significant (major-moderate) effects are found, we acknowledge the different focus of views from the castle, and the lower magnitude of change at this location therefore appears justified. However, with a finding of 'moderate', we consider that this would have been classed as a significant effect, although it is a borderline case.

Settlements

3.11 Where non-significant effects were found at all settlements in PEIR, the ES acknowledges that there would be localised significant effects within Moelfre and Benllech. These moderate significant effects are restricted to "*a small number of properties along the coastal edge*" in each case. At Beaumaris, further justification is included for the finding of moderate and not significant. We accept that the SLVIA authors have clarified their approach, and their revised conclusions are therefore consistent.

3.12 Our view on the narrow approach taken to assessing effects on views from settlements is noted above. We maintain that a more 'in the round' approach, also considering views experienced by the community as they move around, would have indicated a slightly wider extent of significant effects. However, this is a point of detail, and the overall conclusion that there would be significant effects from parts of these settlements with views of the sea is clear from reading the settlement and viewpoint assessments together.

Routes

3.13 As in the PEIR, significant effects are identified for users of the Wales Coastal Path in sections C-F, covering Dulas Bay to Penmon Point. Effects on sections C, D and part of E are classed as moderate, while effects on the eastern part of section E and section F are moderate-major. This reflects the closer views from around Penmon Point, and is consistent with the findings relating to the viewpoints.

Landscape character

3.14 Our review of the PEIR queried findings of 'locally significant' effects on LCAs 8, 9 and 10. In response, the SLVIA authors have clarified the extent of significant effects in each case, while maintaining that parts of the LCAs will be unaffected. While the distances stated in the revised assessments may be considered overly precise, and could be disputed, the revised assessments present a justified account of where significant effects are most likely. This is at the coastal edge, running inland up to 1km in places, along the majority of the coast between Dulas Bay and the Menai Strait. Effects are moderate, rising to moderate-major along the coast north of Beaumaris. We consider that the effect could extend slightly into LCA 6 to the north, where it is east-facing and continuous with LCA 8. However, overall we concur with the revised findings of the SLVIA as presented in the ES.

Seascape character

3.15 The PEIR noted 'locally significant' effects on three SCAs. This was accepted in two cases, but not for SCA 5 and 6, where our review suggested that significant effects would occur more widely. The SLVIA authors have amended their assessments for these SCAs and clarified the extent of significant effects. We accept that these assessments are now consistent. Locally moderate effects on the coastal edge are found for SCA 5 Penmon and SCA 7 Dulas Bay, with moderate effects overall on SCA 6 Red Wharf Bay to Moelfre.

Isle of Anglesey AONB

3.16 Three of the special qualities of the AONB have been considered. Effects at PEIR were found to be 'locally significant' in each case, and our review queried these findings in relation to 'expansive views' and 'islands around Anglesey'. The SLVIA authors have amended their assessments and clarified the extent of significant effects. We concur with these revised findings, which state that there will be moderate or major-moderate effects, leading to 'perceived diminishment' of these special qualities in the same areas where significant landscape and visual effects are recorded. The SLVIA goes on to conclude that this perceived diminishment is not judged to be "*so great that it would affect the overall integrity or its inherent natural beauty*". We do not comment on this judgement, which approaches the question of the 'acceptability' of the effects.

Night-time effects

3.17 The SLVIA only considers the visibility of 200 candela aviation lighting, and therefore no significant effects are identified. This is agreed, noting the PEIR conclusion of significant effects in the 2000 candela scenario.

Gwynedd

Viewpoints

3.18 We queried the finding of non-significant effects at VP17 Penrhyn Castle Terrace. The SLVIA authors have revisited this in light of stakeholder comments, and a moderate (significant) effect is now recorded. Moderate (significant) effects are also confirmed for VP9 Bangor Pier.

Settlements

3.19 We agree with the finding of non-significant effects on the settlement of Bangor, as we did at PEIR.

Routes

3.20 Locally significant PEIR effects on section H of the Wales Coast Path have been clarified as 'moderate' between Penrhyn Castle and Llanfairfechan. This is an example of the confusing relationship between levels of effect and significance in the SLVIA, as effects on the path users west of Penrhyn Castle are also assessed as 'moderate' but non-significant. However, we accept that there is a different experience west of Penrhyn Castle.

Landscape and seascape character

3.21 Within Gwynedd, LCA G01 and SCA 3 largely overlap, and locally significant effects are identified. It is not clear why a slightly different extent of effects is identified for each, but we agree that moderate effects are likely along the coastal edge here.

Night-time effects

3.22 No significant effects are identified for the 200 candela scenario. This is agreed, noting that the PEIR concluded no significant effects in relation to the brighter 2000 candela scenario.

Snowdonia National Park

Viewpoints

3.23 Six viewpoints within the National Park have been assessed. The PEIR found significant effects at four of these, while we queried the finding of non-significant at VP36 Tal-y-Fan. Effects on the closer viewpoints 12 and 40 are recorded as major-moderate in the ES, with the more distant viewpoints 10 and 38 being moderate. A moderate-minor and non-significant effect is recorded at VP34 Snowdon Summit. The assessment for VP36 Tal-y-Fan is stated to be moderate but not significant. We suggest that, although close to the borderline, this should be identified as significant. We note that effects at VP38 Foel-fras are moderate (significant), on a very similar but more distant view. We highlight an inconsistency in the sensitivity assessment for VP36 that may account for this.

3.24 Regardless of this disagreement, it is clear that walkers visiting high ground in the northern section of the National Park will experience significant effects on views.

Routes

3.25 The finding of major-moderate (significant) effects on Wales Coast Path section I, "*across the side slopes of Foel Lus and along the ridge of Conwy Mountain*", with moderate-minor (non-significant) elsewhere, is agreed.

Landscape character

3.26 We disagreed with the finding of non-significant effects on LCA 01 Northern Uplands at PEIR. The ES records moderate (non-significant) effects across the LCA. We consider this should have been classed as significant within the northern part of the LCA, though we accept non-significant effects over the more inland and upland parts of the LCA. We disagree that 'visibility of existing development' within the northern parts of the LCA will reduce the impact, since the proposed development is of a different scale and form to existing development, and would introduce a new characteristic rather than adding to an existing one.

Seascape character

3.27 The PEIR stated that significant effects on SCA 2 would be limited to areas on the Great Orme. We suggested effects could be more widespread, but the SLVIA maintains the same position. Both significant and non-significant effects are stated to be moderate, which does not help the reader to understand the difference. We accept that significant effects will not extend east of Penmaenmawr where turbines are increasingly screened by the Great Orme. However, with reference to SCA 3 it seems likely that there would be significant effects west of Penmaenmawr.

Special qualities

3.28 Two special qualities have been considered, and non-significant effects identified at each case. We note that our view of effects on landscape character differs slightly from what is presented in the SLVIA. However, we do not argue that this would lead to additional diminishment of special qualities. The conclusions in relation to effects on the special qualities of the National Park are reasonable. As with the AONB, we do not comment on the judgement of overall integrity, which approaches the question of the 'acceptability' of the effects.

Night-time effects

3.29 No significant effects are identified for the 200 candela scenario. This is agreed, noting that the PEIR concluded no significant effects in relation to the brighter 2000 candela scenario.

Conwy

Viewpoints

3.30 Ten viewpoints are assessed within the SLVIA, including VP15 Great Orme Café which was not assessed at PEIR. We agreed with all the judgements made at PEIR. The SLVIA reports moderate-major (significant) effects at four viewpoints: two on the Great Orme, one at Llandudno and one at Colwyn Bay. Moderate (significant) effects are reported at five viewpoints, with only one viewpoint considered to experience a non-significant effect (though still 'moderate'). This is the furthest east viewpoint, VP22 Abergelge Promenade, where the proposed development appears behind the existing offshore turbines. We agree with the findings of significant effects on views, from locations between the Great Orme and Colwyn Bay.

Settlements

3.31 We disagreed with the PEIR findings in relation to number of settlements, particularly those where 'locally significant' effects were reported. These have been clarified by the SLVIA authors in each case. The SLVIA reports:

- 'Moderate or moderate-major' (significant) effects on locations within Llandudno, Penrhyn Bay, Rhos on Sea and Colwyn Bay;
- Moderate (significant) effects generally at Penmaenmawr and Dwygyfylchi;
- Moderate (significant) effects on locations within Llanfairfechan and Llandulas; and
- Non-significant effects on settlements west of Llandulas.

3.32 Our view on the narrow approach taken to assessing effects on views from settlements is noted above. We maintain that a more 'in the round' approach, also considering views experienced by the community as they move around, would have indicated a slightly wider extent of significant effects in some cases, and our detailed comments are contained in Appendix A. However, this is a point of detail, and the overall conclusion is clear that there would be significant effects on views from parts of a number of settlements between Llanfairfechan and Llandulas.

Routes

3.33 We disagreed with some of the PEIR judgements relating to the Wales Coast Path. These have been revisited and clarified by the SLVIA authors, and we agree with the revised findings. This includes moderate-major (significant) effects on views from sections L, M, N and O, from the Great Orme to Llandulas. This is consistent with the assessments of effects on other visual receptors. A similar extent of significant effects is recorded for users of the National Cycle Route 5. Effects on road users of the A55 are not found to be significant.

Landscape character

3.34 We agree with the findings of effects on landscape character areas, with significant effects occurring along the coastal edge from the Great Orme to the Little Orme within LCA C10.

Seascape character

3.35 The SLVIA records moderate (significant) effects on SCA A Llandudno Bay. For SCA B and C, moderate (non-significant) effects are recorded. We queried these non-significant findings at PEIR and additional justification has been added by the SLVIA authors. We accept that the magnitude of change reduces towards the east, but consider that significant effects could occur within SCA B, given the contrast in scale between the proposed and existing development.

Great Orme Heritage Coast

3.36 A section has been added to consider effects on the 'character and qualities' of the heritage coast. In the absence of any published special qualities for heritage coasts, this does not seek to draw out what these qualities are, but relies on a summary of landscape and seascape effects on the area. It concludes a moderate (significant) effect, which is consistent with the findings of the SLVIA in relation to landscape and seascape effects. The assessment does not reference visual effects on receptors within the heritage coast, which are generally found to be major-moderate (significant), for example Viewpoints 13 and 15, and Wales Coast Path Section L.

Night-time effects

3.37 The SLVIA identifies a moderate (significant) effect on night time views at VP 13 Great Orme, for the reduced 200 candela scenario. Effects are non-significant at VP22 Abergele Promenade. More generally, the SLVIA concludes moderate (significant) effects on night-time views from the Great Orme. The SLVIA identifies this as an area with low light levels which is also accessible at night, and we agree that this is a key consideration.

Denbighshire

Viewpoints

3.38 Three viewpoints have been assessed. We disagreed with the PEIR findings of non-significant at VP23 Rhyl Aquarium. This has been revisited by the SLVIA authors, and is recorded as moderate-minor (non significant), the same as at the other two viewpoints. The proposed development will appear behind the existing offshore turbines in these views, and the SLVIA records a 'low' magnitude of change in each case. We consider that, at Rhyl, the contrast in scale would lead to a magnitude of change greater than 'low' and therefore a potentially significant effect. We agree with the non-significant findings at the other two viewpoints.

Settlements

3.39 We agree with the SLVIA findings of minor (non-significant) effects on views from the settlements of Rhyl and Prestatyn. In the case of Rhyl we accept that there are few locations within the settlement itself which have clear sea views.

Routes

3.40 No significant effects are recorded on users of the Wales Coast Path or other assessed routes. We agree with these assessments.

Landscape and seascape character

3.41 We agree with the findings of the SLVIA, that there will be no significant effects on LCTs or SCAs within Denbighshire as a result of the offshore wind farm.

Flintshire

3.42 No significant landscape or visual effects are recorded within Flintshire. We agree with the assessments made.

Cumulative effects

3.43 Section 10.13 sets out the assessment of cumulative effects. Offshore developments are either operational, in which case they are considered within the SLVIA, or are at an early stage (Tier 3) where insufficient information is available. The latter applies to the Round 4 projects north of AyM. This is an appropriate approach.

3.44 A number of onshore wind farms and other developments are also considered, although most are operational and therefore covered in the SLVIA. A small number of proposals are identified for assessment, and non-significant cumulative effects are identified. Future development within the identified Priority Areas for Energy, as set out in the National Development Framework, are considered Tier 3 development as insufficient information is available to make an assessment. This is considered appropriate.

3.45 Other forms of development are also considered, and a detailed assessment of the Morlais tidal energy proposal is included. This concludes that there would be a moderate and non-significant effect on users of the Wales Coast Path within the Isle of Anglesey AONB. This appears to be reasonable and proportionate.

3.46 No significant effects are identified to arise from the interaction of the onshore and offshore elements of the proposed development (Section 10.14). Again this appears to be reasonable and proportionate.

Chapter 4

Review of the Onshore LVIA

Introduction

4.1 The LVIA is set out in Volume 3, Chapter 2 and its supporting annex and figures. As with the SLVIA review, the focus is on changes since PEIR. The

Methodology, Scope and Process

4.2 The approach to the LVIA has not changed substantively since PEIR, and the methodology has not been reviewed in detail. The LVIA methodology does differ from PEIR in that levels of effect are introduced (previously effects were simply stated as significant or non-significant). As with the SLVIA, the LVIA allows 'moderate' effects to be judged as either significant or non-significant. We find this approach unhelpful as the difference it is not always clear to the reader.

4.3 Section 2.3 of the LVIA summarises consultation inputs including section 42 responses relating to the PEIR. The comments put forward by LUC are incorporated and addressed by the LVIA authors. The LVIA authors have responded to several of LUC's recommendations in order to clarify their approach. Where there is no further comment on these matters in the following review, we accept the response given and the point can be considered closed.

Baseline information

4.4 There do not appear to have been any substantive changes in the landscape and visual baseline that would alter the findings of the LVIA.

4.5 In response to consultee comments, an additional assessment viewpoint and visualisation has been included at Y Foel to represent views from within the Clwydian Range and Dee Valley AONB.

4.6 We accept the LVIA authors' comments in relation to LUC's suggestions about viewpoints within St Asaph and Bodelwyddan Gardens. These viewpoints have not been changed.

Mitigation and Design

4.7 Further refinement of the substation design has taken place, and there is now a clearer picture of what is proposed to be built on the site. Two options are being progressed, within an overall 'maximum parameter extents'. These are defined in Table 6 of the SLVIA. The maximum parameters are defined by the larger footprint size (50,000m² for the AIS option), and by the maximum height, which is given as 15.8m above the finished platform level of 34.175m. The maximum height of the largest building is therefore just under 50m above Ordnance Datum.

4.8 Mitigation measures have been developed further see Section 2.9. Around the substation, this includes proposed woodland planting, ecological mitigation areas and SuDS. Figure 2.16 shows the indicative landscape plan, which is described in more detail in the outline Landscape and Ecology Management Plan (OLEMP) (application reference 8.4). The landscape proposals as briefly outlined in Section 2.9 include suggested species, and strategies such as advance planting to speed up the effectiveness of the screen planting. The potential for earth bunding is also mentioned. The DCO application is also supported by a Design Principles Document (application reference 8.8). These and other supporting documents are considered in Appendix C.

Visualisations

4.9 ZTVs have been updated to reflect the maximum parameters of both the AIS and GIS options, as set out in Section 2.5.7.

4.10 Visualisations for viewpoints 1-5 have been produced to Accurate Visual Representation (AVR) Level 4 in line with Landscape Institute guidance. Both the AIS and GIS options are depicted in each view; these are described as "example 3D

block models" in Section 2.5.8, indicating that they do not necessarily represent the final design. As well as the example block model, each visual also shows the outline of the maximum parameters, within which the final design would be contained. Year 15 views are included, showing the addition of maturing mitigation planting at an appropriate height.

4.11 Visualisations for viewpoints 6-9 are shown with the maximum parameter outline only, due to distance or lack of visibility.

4.12 In reviewing the visualisations, we consider that the combination of the worst-case maximum parameters outline with the indicative 3D models provides a helpful illustration of the likely appearance of development at the substation. While the mitigation planting is shown at an appropriate size, it is depicted in full leaf when the photographs have been taken in winter. This is notable in viewpoint 1, for example, where bare existing trees stand alongside the proposed trees in full leaf. We accept the difficulties of accurately depicting planting in this type of illustration.

4.13 We note that the maximum parameter outline is not clearly visible on Figure 2.18j (Viewpoint 1) although the label indicates its extent (and it is clearly depicted on Figure 2.18h).

Assessment of effects

Effects on Physical Landscape

4.14 An assessment of effects on elements of the physical landscape is presented in Section 2.10. Effects on agricultural land and hedgerows generally are found to be non-significant, due to the lower value placed on these elements. A separate assessment of 'taller hedgerows and hedgerow trees' finds a moderate (significant) effect. A list of hedges is provided, but it is not clear what proportion of hedges this represents. Reference to the Hedgerow and Protected Tree Plan (application reference 2.12) may have been useful here. It is not clear if there is a relationship between the 'taller hedgerows and trees' in the LVIA and the 'important hedgerows' shown on the Hedgerow and Protected Tree Plan.

4.15 Effects on 'trees within the OnSS site area' are also found to be significant, as 'around 20-26 mature trees' would be lost. It is noted that hedges can be replanted over the ECC. This committed mitigation should be carefully secured through the DCO requirements. We accept that trees cannot be planted over the ECC for operational reasons, though woodland planting is proposed at the OnSS.

Effects on Landscape Character and Designations

4.16 Landscape effects are set out in Section 2.11. We agree with the scoping of receptors as set out in the preliminary assessment (Table 9). It is agreed that there would be significant effects on LCA A1 (the host landscape) during construction and operation at Year 1. It is also agreed that effects would reduce to non-significant at Year 15. However, we note that effects at Year 1 and Year 15 are both assessed as 'moderate'. This is an example of how the methodology can be unclear, as it appears that the level of effect is unchanged at Year 15, whereas the significance is reduced. As noted elsewhere, we do not consider this to be a helpful approach. The LVIA finds that there would be no significant effects on LCA C4 during construction or operation, and this is agreed.

4.17 Effects on Bodelwyddan designed landscape are found to be moderate and non-significant during construction and operation. Effects are considered to be localised in the south-east area of the parkland. It is not clearly stated whether effects on the designed landscape as a whole would be less. We note that the viewpoint from Bodelwyddan shows no visibility of the OnSS from the core area close to the house. The ZTV does indicate visibility across the southern edge of the designed landscape, but we agree that this is unlikely to alter the character of the designated landscape.

Effects on Visual Receptors

4.18 Visual effects are assessed in Section 2.12. Tables 11 and 12 present the preliminary assessments and appear to include all relevant receptors. For the OnSS, reference is made to the AONB, and the new viewpoint 9 (Figure 2.26). We agree that there is no potential for significant effects on the AONB.

4.19 Effects on visual receptors as a result of the ECC and landfall (Table 13) are found to be limited and localised. All effects of the ECC and landfall will be short term and reversible. We agree with the assessments made.

4.20 Table 14 presents the assessment of effects of the OnSS on visual receptors. In general we agree with the assessments made, which include a number of significant but localised effects. We note the following:

- Our PEIR review suggested that Faenol Brodor farmhouse should be included as a receptor for the OnSS. Although assessed for the ECC and Landfall, residents at Faenol Brodor are not considered in the OnSS assessment (operation and construction), either preliminary or detailed. We note that a major effect is assessed here for the ECC and Landfall, during construction.
- Our PEIR review suggested that visitors to Glascoed Nature Reserve should be included as a receptor for the OnSS. This is included in the preliminary assessment (Table 12), and said to be “*assessed in detail from viewpoint 2*”. Although there is mention of visitors to the reserve in the evaluation of susceptibility, it is not clear how their views would differ as they enter or move around the nature reserve, in comparison with the static location of VP2.
- Visitors to the Denbighshire Memorial Park and Crematorium are additionally considered as a discrete receptor, in response to consultee comments. Significant effects at year 1 are assessed, reducing to non-significant by year 15.
- Significant effects at VP2, VP5 and the Memorial Park are stated to reduce to non-significant by year 15. This is reliant on the agreement of a detailed landscape plan prior to construction, early establishment of planting where possible, and reliable maintenance to ensure successful screening.
- At VP5, we again note that effects at Year 1 and Year 15 are both assessed as ‘moderate’, though the significance is reduced at Year 15.

Cumulative Effects

4.21 The cumulative assessment reviews a number of nearby developments and proposals, and concludes that there is no potential for cumulative landscape and visual effects as a result of the interaction between the proposed development and any one of these. Based on the findings that significant effects of the proposed development will be localised we agree with the conclusions reached.

Chapter 5

Conclusions

Summary of the Review

5.1 This review has examined the SLVIA and LVIA submitted with the DCO application for the proposed development. Overall, we find that both assessments are thorough, detailed and grounded in good practice.

5.2 Our observations in relation to the SLVIA of the offshore wind farm can be summarised as follows:

- The array area, and the MDS, has been further reduced since PEIR, although turbine height remains the same. Although now outside the area of 'high sensitivity' seascape around Anglesey, the reduced MDS has not resulted in any effects being reduced from significant at PEIR to non-significant at DCO.
- We do not support the approach taken to moderate effects, where these may be considered significant or not based on the assessor's judgement. There are a number of instances where effects of the same level (moderate) are assigned different significance. While we accept the importance of professional judgement in SLVIA, and the importance of reading the detailed assessment text, we consider this to be a potential source of confusion and unhelpful to the non-specialist reader. The approach lacks a clear distinction between significant and non-significant, and leaves those findings of 'moderate but not significant' open to question.
- There are some viewpoints and visual receptors where non-significant effects are found in the SLVIA, that we have suggested could be significant. We accept that these are all borderline cases and do not represent areas of substantive disagreement. The viewpoints we have noted are:
 - VP44 Beaumaris Castle, Anglesey;
 - VP36 Tal-y-Fan, Snowdonia National Park (this may be due to an inconsistency in the sensitivity assessment); and
 - VP23 Rhyl Aquarium.
- LUC take a more 'in the round' approach to assessing views on people within settlements. The SLVIA authors have focused on views from properties, rather than views experienced as people move around their communities. We consider that effects may therefore be slightly more widespread than is set out in the SLVIA. However, we accept that the SLVIA has recorded some significant effects in all the settlements where we consider this would be anticipated. As such, we consider that the SLVIA does not substantively under-report significant effects on settlements.
- We agree with the assessments of effects on views from the Wales Coast Path and other routes, noting that some of these have been revisited.
- We have identified some differences in interpretation of the extent of effects on landscape character. At the northern edge of the National Park, we suggest effects would be significant across part of LCA 01 Northern Uplands. We do not agree that existing development reduces the magnitude of change, as this is of a different scale and character to the proposed turbines. Elsewhere, the SLVIA offers quite precise statements of how far inland effects will extend, and while these distances may be queried, it is clear that the main areas where significant effects would occur have been correctly identified.
- We agree with the assessment of effects on special qualities of the AONBs and National Park as set out in the SLVIA.
- Night time effects have been assessed for a 200 candela scenario, in contrast to the 2000 candela maximum brightness scenario considered at PEIR. As such, significant night time effects are only identified at the Great Orme. We agree with these conclusions, assuming that the mitigation through reduced brightness is fully secured in the DCO. We note that the dimming of aviation lighting to 200 candela is not listed in Document 8.11 Mitigation Schedule. The Applicant should be asked to confirm how this mitigation is secured in the DCO.

5.3 Our observations in relation to the LVIA of the onshore works can be summarised as follows:

- As with the SLVIA, we do not support the approach to ‘moderate’ effects in the LVIA.
- The LVIA includes an additional viewpoint and further assessment to confirm that there would be no effects on the landscape of or views from the AONB. We agree with this finding.
- Further detail of both the proposed OnSS and the landscape mitigation are provided, and shown in visualisations. Year 15 visualisations are included to show maturing planting. We consider the visuals are helpful and appear accurate. Mitigation planting is shown at an appropriate size, but it is depicted in full leaf when the photographs have been taken in winter.
- We agree with the assessment of effects on the physical landscape, although the extent of ‘tall hedgerows’ could be clarified further, as well as the assessment of effects on landscape character.
- We agree with the assessments of short term and localised significant effects on a small number of receptors, as a result of construction of the ESS and Landfall.
- There is no detailed consideration of the operational effects of the OnSS on the residents at Faenol Bropor, or visitors to the Glascoed Nature Reserve. We agree with the assessment of effects at other viewpoints and visual receptors.
- The LVIA has scoped out consideration of cumulative effects, and we accept the reasoning given.

Conclusions

5.4 The SLVIA authors have taken on board the contents of our PEIR review and have made changes in response. The remaining areas of disagreement set out above are points of detail and do not represent substantive differences in terms of the likely level of effects. We consider that the SLVIA and LVIA make clear the overall extent of likely significant effects.

5.5 Appendix B includes the LVIA and SLVIA queries from the Examining Authority’s first round of questions (ExQ1). We have included relevant points from our review which may be useful in informing the LPAs’ responses to the ExQ1.

5.6 Appendix C includes our commentary on the documents relevant to securing mitigation of the onshore works.

Appendix A

Review of the SLVIA Assessments

A.1 This appendix presents a review of all the assessments made within the SLVIA. It includes the assessments made at PEIR and our comments from our earlier review of that document. Effects are set out by Local Planning Authority from west to east, as in the SLVIA.

Reported SLVIA Effects for Isle of Anglesey

Viewpoints (SLVIA Pages 92 to 114)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
1. Bull Bay near Amlwch – Wales Coast Path	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
2. Point Lynas - PRoW to north of lighthouse	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
3. Mynydd Eilian - near trig point	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
4. Moelfre Headland at sculpture (daytime)	Significant	Agreed	Moderate (significant)	Agreed
5. Red Wharf Bay	Significant	Agreed	Moderate (significant)	Agreed
6. Bwrdd Arthur - north of trig point	Significant	Agreed	Moderate (significant)	Agreed
7. Penmon Point - north-east of parking	Significant	Agreed	Major-moderate (significant)	Agreed
8. Beaumaris - Wales Coast Path	Significant	Agreed	Major-moderate (significant)	Agreed
14. Wales Coast Path near Penrhyn (Traeth yr Ora)	Significant	Agreed	Moderate (significant)	Agreed
16. Benlech Bay View Road	Significant	Agreed	Moderate (significant)	Agreed
28. Trwyn y Penrhyn parking layby	Significant	Agreed	Moderate (significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

42. Mynydd Bodafon – Trig Point	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
44. Beaumaris Castle	Non-significant	Not agreed: given the perceived scale of proposed WTGs relative to Great Orme, and proposed WTGs 'emerging from behind' the landform across the car park, the magnitude of change is considered to be medium. This would suggest a significant effect at this viewpoint.	Moderate (non-significant)	Although VP44 is close to VP8 where significant (major-moderate) effects are found, we acknowledge the different focus of views from the castle, and the lower magnitude of change at this location therefore appears justified. However, with a finding of 'moderate', we consider that this would have been classed as a significant effect, although it is a borderline case. We note elsewhere the approach to 'moderate' effects. All other 'moderate' effects on Anglesey are considered significant in the SLVIA.
Settlements (SLVIA Pages 115 to 125)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Amlwch	Non-significant	Agreed	Minor (non-significant)	Agreed
Moelfre	Non-significant	Not agreed: the SLVIA acknowledges the screening effect of buildings, but also states that much of <i>"Moelfre's appeal is due to the combination its picturesque quality, its maritime history, beaches, coastline and countryside. The village's attractions include the active Moelfre Lifeboat Station and popular Moelfre Seawatch Centre"</i> . Given the significant visual effect assessed at Viewpoint 4 nearby, and the settlement's association with such open, surrounding features, effects on the visual resource associated with Moelfre would be significant (or locally significant).	Moderate (significant) "from a small number of properties along the coastal edge". Otherwise moderate-minor (non-significant)	Potential for significant effects on views experienced by the community at Moelfre are acknowledged in the ES. Consideration of views from properties represents a narrow focus of assessment.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Benllech	Non-significant	Not agreed: the SLVIA acknowledges the screening effect of buildings, but also states that <i>“Benllech is a popular holiday destination due to its sandy beach that looks out towards Penmon Point and the Great Orme”</i> . Given the significant visual effect assessed at Viewpoint 16 nearby, and the settlement’s association with open, surrounding features, effects on the visual resource associated with Benllech would be significant (or locally significant).	Moderate (significant) “from a small number of properties along the coastal edge”. Otherwise moderate-minor (non-significant)	As for Moelfre above.
Llanddona	Non-significant	Agreed	Moderate (non-significant)	Agreed
Beaumaris	Non-significant	Questioned: the SLVIA acknowledges the screening effects of buildings and topography and states that <i>“(whilst) views out to sea to the north-east are possible from (the) frontage area and the pier, views in that direction from the settlement’s properties are largely obscured by the intervening buildings and landform that rises to the north of the Castle. The main focus for the properties is to the south-east to the panoramic views containing a foreground of water and the mountainous backdrop of the mountains of SNP”</i> . A representative viewpoint may be required to illustrate this.	Moderate or lower (non-significant)	The authors have provided additional justification for the finding of non-significant effects. No additional viewpoint has been included. As with Moelfre and Benllech, the potential for moderate effects is reported, but in this case these are not judged significant. As with Viewpoint 44, we acknowledge that effects are at the borderline of significance at this location and distance.
Routes (SLVIA Pages 125 to 143)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Wales Coast Path – Section A Llanlleiana Head	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Wales Coast Path – Section B Amlwch	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Wales Coast Path – Section C Dulas Bay	Significant	Agreed	Moderate (significant)	Agreed
Wales Coast Path – Section D Moelfre	Significant	Agreed	Moderate (significant)	Agreed. Reflects the findings at Viewpoint 4 Moelfre.
Wales Coast Path – Section E Red Wharf Bay / Penmon	Significant	Agreed	Moderate (significant) west of Bwrdd Arthur, and major-moderate (significant) east of Bwrdd Arthur	Agreed. This recognises the greater effect likely to be experienced on the north coast of the Penmon Peninsula.
Wales Coast Path – Section F Penmon Point	Significant	Agreed	Major-moderate (significant)	Agreed. Reflects the findings at Viewpoint 7 Penmon Point and Viewpoint 8 Wales Coast Path at Beaumaris.
Wales Coast Path – Section G	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
National Cycle Route 5	Non-significant	Agreed	Minor (non-significant)	Agreed
Landscape Character Areas (SLVIA Pages 143 to 160)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
LCA 6 – Amlwch and Environs	Non-significant	Agreed	Minor-moderate (non-significant)	Comment. We note that the eastern coast of this area, while a small part of the LCA, lies adjacent to LCA 8, where significant effects are found at the coastal edge, and has a similar relationship to the offshore wind farm.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

LCA 8 – Dulas Bay Hinterland	Locally significant, but otherwise non-significant	Agreed, in part: the SLVIA assesses significant effects <i>“along the immediate coastal edge where there is a direct association with the seascape to the north and north-east”</i> and non-significant effects elsewhere. ZTV coverage suggests there may be potential for significant effects to be more widespread than indicated.	Moderate effect (significant) along the coastal edge, moderate-minor (non-significant) elsewhere	Agreed. The area where significant effects could occur has been clarified as <i>“along the coastal edge extending to a maximum of approximately 1 km where there may be a direct association with the seascape”</i> . While the 1 km distance may be disputed, it is clear there are non-coastal areas of this LCA that would not be affected.
LCA 9 – Red Wharf Bay	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects <i>“along the immediate coastline between Moelfre headland and Benllech and south of Benllech and round Red Wharfe Bay to a point level with Ty-mawr north of Pentraeth Forest”</i> , and non-significant effects elsewhere. ZTV coverage suggests that potential visibility is widespread in this LCA and, given its strong coastal focus, suggests there is potential for significant effects to occur across the whole of the LCA.	Moderate (significant) along the coastal edge, moderate-minor (non-significant) elsewhere	Agreed. As above, the 1 km distance may be disputed. However, in this case 1 km would include most of the narrow LCA. There are inland areas in the south-west that may have a lesser relationship with the coast.
LCA 10 – Penmon and Puffin Island	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects <i>“in the coastal, northerly exposed areas of the LCA, extending inland by 0.5 to 0.75km”</i> , and non-significant effects <i>“to the west of Bwrdd Arthur and in the settled inland and former quarry area to the east”</i> . Given ZTV coverage, assessed viewpoints (with significant effects for each) and the strong coastal character of the LCA, significant effects would occur across the whole of the LCA.	Moderate (significant) in “coastal, northerly exposed areas of the LCA, extending inland to a maximum of 0.5 to 0.75 km”, moderate-minor (non-significant) elsewhere	Agreed. On examination the distribution of significant effects seems reasonable, noting that this is a narrow LCA that is little more than 0.75 km across.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

LCA 11 – Eastern Menai Strait	Locally significant, but generally non-significant	Agreed	Moderate-major (significant) at the coastal edge north of Beaumaris, minor (non-significant) elsewhere	Agreed.
Seascape Character Areas (SLVIA Pages 160 to 174)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
SCA 3 – Traeth Lafan	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) north of Beaumaris, moderate (non-significant) elsewhere	Comment. The area where significant effects is predicted is the same as for LCA 11, though effects on the SCA are moderate rather than moderate-major. The same magnitude of effect is predicted.
SCA 5 – Penmon	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects <i>“in the coastal, northerly exposed areas of the LCA (sic), extending inland by 0.5 to 0.75km”</i> . This is similar to the assessment of effects on LCA 10 – Penmon and Puffin Island – and, given the extensive ZTV coverage and assessed viewpoints, it is considered that significant effects would occur for the whole of the SCA.	Moderate (significant) along the coastal edge, moderate-minor (non-significant) elsewhere	Agreed, consistent with assessment of LCA 10.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

SCA 6 – Red Wharf Bay to Moelfre	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects “ <i>along the immediate landward coastline between Moelfre headland and Benllech and south of Benllech and round Red Wharfe Bay to a point level with Ty-mawr north of Pentraeth Forest and within the contained areas of sea located between Moelfre headland and level with Bwrdd Arthur to the east where there is a strong association with the wider seascape to the north-east</i> ”. Given the extent of the SCA which is covered by this assessment, the reported effects should apply to the SCA a whole.	Moderate (significant)	Agreed. The ES reports significant effects ‘overall’ within the SCA.
SCA 7 – Dulas Bay	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) along the coastal edge, minor (non-significant) elsewhere	Agreed, consistent with assessment of LCA 8.
Isle of Anglesey AONB (SLVIA Pages 174 to 200)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
IoA LCA 8: Dulas Bay Hinterland	Significant	Agreed	Moderate (significant)	Agreed. These reflect the findings for the coastal edge of each LCA
IoA LCA 9: Red Wharf Bay	Significant	Agreed	Moderate (significant)	
IoA LCA 10: Penmon and Puffin Island	Significant	Agreed	Moderate (significant)	
IoA LCA 11: Eastern Menai Strait	Significant	Agreed	Moderate-major (significant)	

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Special Quality: Expansive Views	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects <i>“on relative wilderness and the feeling of isolation (from human intervention) would apply in views from the sections of the coast between Moelfre and Point Llynas and along the coast between Penmon Point and Bwrdd Arthur. There would be no change to the perception of exposure as a result of the introduction of AyM OWF to views”</i> . The SLVIA also assesses that there would be significant visual effects at viewpoints which are in the AONB but outside of these areas (VP8, VP14 and VP28). Significant effects on the expansive views associated with the AONB would therefore occur more widely than reported. Although some of the affected views are already impacted by offshore wind turbines, the change in scale resulting from AyM OWF would be very noticeable.	Moderate to Major-Moderate (significant) in certain areas, non-significant elsewhere.	<p>Comment. This special quality is divided into effects on ‘expansive views’ and effects on ‘relative wildness and the feeling of isolation’. These are reported separately in the same table row on pp.177-182.</p> <p>The extent of significant effects on ‘expansive views’ is related to those viewpoints where significant effects are reported. This is appropriate.</p> <p>The extent of significant effects on wildness is as reported at PEIR. Given the separation between this and ‘expansive views’, the extent includes the ‘wildest’ coasts and is an appropriate conclusion.</p>
Special Quality: Peace and Tranquillity	Locally significant, but otherwise non-significant	Agreed	Moderate to moderate-major (significant) in limited locations, minor (non-significant) elsewhere.	Agreed. The significant effects relate to the visual component of tranquillity. The extent is similar to that identified for significant effects on ‘wildness’ above, which is appropriate given the strong overlap between tranquillity and ‘wildness’.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Special Quality: Islands Around Anglesey	Locally significant, but otherwise non-significant	Not agreed: the SLVIA assesses significant effects “on the visual interaction between the landscape/ seascape where the AyM OWF would form part of the backdrop to the islands of Ynys Moelfre, Ynys Dulas and Puffin Island in views from limited locations along the coast”. While this may be true, it is likely to occur in the majority of locations where these islands are part of views along the coast. A special quality which occurs locally can only be affected locally, but it remains important to the designation.	Moderate to Major-Moderate (significant) in locations close to three offshore islands, non-significant elsewhere.	Agreed. Additional explanation is included that justifies the stated extent of the significant effect on this location-specific special quality.
Night-time Effects (SLVIA Pages 423 and 429 to 431)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Viewpoint 4. Moelfre Headland at sculpture (night-time)	Significant	Agreed	Minor (non-significant)	Agreed. At PEIR the magnitude of change for 2000 candela lights was medium-low. This has reduced to negligible for 200 candela lights.
<p>Across Isle of Anglesey, with reference to:</p> <ul style="list-style-type: none"> ■ Figure 10a – Baseline Light Pollution; ■ Figures 21a-c – Hub Height Aviation Lighting ZTV (MDS A); ■ Figures 22a-c – Hub Height Aviation Lighting ZTV (MDS B); and, ■ Figures 31i-n – Viewpoint 4, Night-time Visualisations (Moelfre). 	Locally significant, but otherwise non-significant	<p>Agreed: the SLVIA assesses significant night-time effects “in the vicinity of the following coastal locations:</p> <ul style="list-style-type: none"> ■ Point Lynas (Viewpoint 2); ■ Moelfre (sic) Headland (Viewpoint 4); ■ The beach and parking areas around Traeth Lligwy to the north-east of Rhôs Lligwy; ■ Traeth Bychan and Penrhyn; ■ Red Wharf Bay (Viewpoint 5); ■ Penmon Point (Viewpoint 7); and ■ Trwyn y Penrhyn parking (Viewpoint 28)”. 	Moderate-minor (non-significant) in the vicinity of Penmon Point (VP7) and Trwyn y Penrhyn (VP28), minor (non-significant) elsewhere	Agreed for the 200 candela scenario.

Reported SLVIA Effects for Gwynedd (Snowdonia National Park in Table A.3 below)

Viewpoints (SLVIA Pages 201 to 206)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
9. Bangor Pier (Southern End)	Significant	Agreed	Moderate (significant)	Agreed
17. Penrhyn Castle Terrace	Non-significant	Not agreed: the SLVIA acknowledges that (for MDS A) “(movement) and structures of 48 WTGs theoretically visible as prominent elements on the horizon although some (approximately one third) of these are screened by intervening trees” and that these would be seen “in the vicinity of existing, but apparently smaller and more densely spaced, operational WTGs of GyM. The WTGs appear slightly separate from the most scenic parts of the view which include the Great Orme and the high ground of the edge of the SNP”. Although mature trees are visible, the open vista across Conwy Bay and out to sea is a key part of this view, and the surrounding context, and the introduction of prominent turbines of the scale shown would foreshorten this. This would suggest a significant effect at this viewpoint.	Moderate (significant)	Agreed. Although a medium-low magnitude of change, the high sensitivity leads to a finding of significant effect.
Settlements (SLVIA Pages 207 to 209)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Bangor	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Routes (SLVIA Pages 209 to 216)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Wales Coast Path – Section H	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) between Penrhyn Castle and Llanfairfechan, moderate (non-significant) west of Penrhyn Castle	Comment: the finding in relation to significance is agreed, though we query why both significant and non-significant effects are 'moderate'. Magnitude of change is not clearly stated in relation to this division of the route.
National Cycle Route 5	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
A55 (North Wales Expressway)	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Landscape Character Areas (SLVIA Pages 216 to 220)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
LCA G01 – Bangor Coastal Plain	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) " <i>in the coastal, exposed areas to the north-east of Bangor, extending inland by 0.3-1 km</i> ", and minor (non-significant) elsewhere.	Agreed
Seascape Character Areas (SLVIA Pages 160 to 164)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

SCA 3 – Traeth Lafan	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) in “ <i>the immediate coastal area between a point north of Aber Farm, to the west of Llanfairfechan.</i> ”	Comment: it is not clear why the finding is not consistent with the more extensive significant effects noted for LCA G01 which covers much of the same area.
Night-time Effects (SLVIA Page 431)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
<p>Across Gwynedd, with reference to:</p> <ul style="list-style-type: none"> ■ Figure 10a – Baseline Light Pollution; ■ Figures 21a-c – Hub Height Aviation Lighting ZTV (MDS A); and ■ Figures 22a-c – Hub Height Aviation Lighting ZTV (MDS B). 	Non-significant	Agreed: the SLVIA assesses non-significant effects “ <i>at locations within Gwynedd, largely as a result of the baseline light influence within and around the coastal edge and around Conwy Bay</i> ”.	Minor (non-significant)	Agreed

Reported SLVIA Effects for Snowdonia National Park

Viewpoints (SLVIA Pages 222 to 238)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
10. Carnedd Llewelyn	Significant	Agreed	Moderate (significant)	Agreed
12. Conwy Mountain	Significant	Agreed	Major-moderate (significant)	Agreed
34. Snowdon (Yr Wyddfa) Summit	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
36. Tal y Fan	Non-significant	Not agreed; the SLVIA acknowledges that “(movement) and structures of 48 WTGs visible as prominent elements within the seascape, close to the horizon” and that these would “extend across the seascape behind the Great Orme and to either side of it”. The strong vertical forms of the WTGs would contrast strongly with the landform of Great Orme and both their presence and perceived scale would alter the relationship between land, extending out from SNP, and sea. The contrasting scale between AyM OWF and GyM is very noticeable here. This would all suggest a significant effect at this viewpoint.	Moderate (non-significant)	Not agreed. We note the turbines are described as ‘prominent’. Although a ‘separate entity’ to the Great Orme, the presence of the turbines will alter the perception of this key feature within the view. We accept that the effect is close to the borderline of significance, but given the moderate level of effect we would have anticipated this being identified as significant. We note that effects at VP38 are moderate (significant), on a very similar but more distant view. The difference would appear to be a lower sensitivity (medium-high) at VP36. The sensitivity is said to be based on the “ <i>high value of the viewpoint and the medium susceptibility</i> ”. However, medium-high susceptibility is stated, the same as for VP38. It may be that the difference in significance is attributable to this inconsistency.
38. Foel-fras	Significant	Agreed	Moderate (significant)	Agreed, see above for comparison with VP36.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

40. Above Capelulo – North Wales Path	Significant	Agreed	Major-moderate (significant)	Agreed.
Routes (SLVIA Pages 239 to 242)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Wales Coast Path – Section I	Locally significant, but otherwise non-significant	Agreed	Major-moderate (significant) “across the side slopes of Foel Lus and along the ridge of Conwy Mountain”, moderate-minor (non-significant) elsewhere	Agreed, this is consistent.
Landscape Character Areas (SLVIA Pages 243 to 254)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

LCA 01 – Northern Uplands (Ucheldir y Gogledd)	Non-significant	Not agreed; the SLVIA suggests that the <i>“northerly areas of the LCA are those that are at closest proximity to the AyM (OWF) array area and the higher levels of magnitude of change in views as a result. These areas generally coincide with areas where there is the strongest existing human influence on character through visibility of existing development which is detrimental to the qualities of tranquillity, remoteness and wildness. The further impact on the characteristics of these areas through the introduction of AyM OWF as part of their setting would not result in a marked change to their character”</i> . However, ZTV coverage and the SLVIA assessment of viewpoints recognises that impacts would be more widespread than the northerly areas of the LCA. Upland areas such as Tal y Fan, Foel-fras and slopes above the Conwy Valley (including Meol Elio and Cefn Cyfarwydd) would be affected by a scale of development not evident in the baseline landscape character and there is potential for significant landscape effects, either locally or generally, to result from the proposed development.	Moderate (non-significant)	Not agreed. We disagree that the ‘visibility of existing development’ within the northern parts of the LCA will limit the magnitude of change (para 718). The proposed development is of a different scale and form to existing development, and would introduce a new characteristic rather than adding to an existing one. We suggest that the northern areas referred to at para 723 are likely to experience a change in character as a result. We consider this should have been classed as significant within the northern part of the LCA. We agree with non-significant effects over the more inland and upland parts of the LCA.
LCA 02 – Carneddau Range (Y Carneddau)	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Seascape Character Areas (SLVIA Pages 254 to 259)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

SCA 2 – Conwy Bay	Locally significant, but otherwise non-significant	Not agreed; the SLVIA acknowledges that effects would be “ <i>Significant, adverse, short-term temporary on the upper and northerly slopes of the Great Orme</i> ” but suggests that they would be non-significant elsewhere. Proposed turbines would alter the perceived scale of Great Orme from a large proportion of the SCA; this is illustrated by ZTV coverage shown on Figure 15b and Viewpoint 11 (although this viewpoint is outside the SCA, similar views would be available from within it and at closer proximity). Significant effects would occur across a greater proportion of the SCA than reported by the SLVIA.	Moderate (significant) “ <i>on the upper and northerly slopes of the Great Orme</i> ” and moderate (non-significant) elsewhere	Not agreed. Findings for the adjacent SCA 3 conclude significant effects at Llanfairfechan, and it seems likely that similar effects would occur into the east of this SCA where the turbines are seen beside the Great Orme. This is illustrated by Viewpoint 11 (within SCA 3) and Viewpoint 63 (within SCA 2) which show a similar view of the turbines. We accept that significant effects will not extend east of Penmaenmawr where turbines are increasingly screened by the Great Orme. Both significant and non-significant effects are stated to be moderate, which does not help the reader to understand the difference.
Special Qualities of the SNP (SLVIA Pages 259 to 272)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Diverse Landscapes	Non-significant	Agreed	Moderate-minor to moderate (non-significant)	Agreed.
Tranquillity & Solitude – Peaceful Areas	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Overall integrity of the AONB	N/A	N/A	N/A	<p>A detailed discussion is presented on pp.268-272. This concludes that, while “<i>there may be some perceived diminishment of (harmful effects on) the Special Qualities of Diverse Views and Tranquillity</i>”, overall the effects would not “<i>affect the overall integrity of the SNP or its inherent natural beauty</i>”.</p> <p>We have disagreed above with effects on LCA 01, where we consider significant effects on landscape character could occur across a localised area within the National Park. This differs from the finding of no significant effects on landscape or seascape character presented in the SLVIA (para 793). However, the extent of potentially significant effects is unlikely to alter the overall conclusion set out above.</p> <p>The conclusions in relation to the special qualities and overall integrity of the National Park are therefore reasonable.</p>
Night-time Effects (SLVIA Pages 426 to 428 and 432 to 434)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Viewpoint 60 Foel Lus	Non-significant	[omitted from review]	Moderate-minor (non-significant)	Agreed. The existing lighting at sea and on land reduces the level of effect. The 200 candela lights are clearly dimmer than existing at-sea light sources.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

<p>Snowdonia National Dark Sky Reserve, with reference to:</p> <ul style="list-style-type: none"> ■ Figure 10a – Baseline Light Pollution; ■ Figures 21a-c – Hub Height Aviation Lighting ZTV (MDS A); ■ Figures 22a-c – Hub Height Aviation Lighting ZTV (MDS B); and, ■ Figures 83a-g – Viewpoint 60, Night-time Visualisations (Foel Lus). 	Non-significant	<p>Agreed: the SLVIA assesses non-significant effects “at locations within SNP DSR, largely as a result of the baseline light influence within the setting of SNP DSR and in particular and around the coastal edge of Conwy over which the aviation lights of AyM are visible in the context of the aviation lights of the operational OWFs. It is notable in this assessment that the effects differ from the daytime visual effects within these areas. This is largely as a result of the fact that it is not possible to see the complex, coastal features such as the Great Orme, indented bays or prominent hills within the intervening area that interact with the views towards the AyM OWF in the daytime views”.</p>	Minor (non-significant)	Agreed
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Reported SLVIA Effects for Conwy

Viewpoints (SLVIA Pages 274 to 297)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
11. Llanfairfechan	Significant	Agreed	Moderate (significant)	Agreed
13. Great Orme – near summit complex	Significant	Agreed	Moderate-major (significant)	Agreed
15. Great Orme – Café	<i>Not assessed at PEIR</i>	N/A	Moderate-major (significant)	Agreed
18. Llandudno Paddling Pool	Significant	Agreed	Moderate-major (significant)	Agreed
20. Bryn Euryn	Significant	Agreed	Moderate (significant)	Agreed
21. Mynydd Marian	Significant	Agreed	Moderate (significant)	Agreed
22. Abergele Promenade	Non-significant	Agreed	Moderate (non-significant)	Agreed. Although noted as a moderate effect, we agree this is non-significant as the proposed development (although large in scale) is seen behind the existing offshore turbines.
29. Colwyn Bay Promenade	Significant	Agreed	Moderate-major (significant)	Agreed
37. Cefn Coch Stone Circle	Significant	Agreed	Moderate (significant)	Agreed
59. Llandudno Promenade – Lifeboat Slipway	Significant	Agreed	Moderate (significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Settlements (SLVIA Pages 298 to 322)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Llanfairfechan	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) for “seaside properties” and non-significant elsewhere	Agreed (noting comments elsewhere about the scope of effects on settlements)
Penmaenmawr	Significant	Agreed	Moderate (significant)	Agreed
Dwygyfylchi	Significant	Agreed	Moderate (significant)	Agreed
Llandudno	Significant	Agreed	Moderate to Moderate-major (significant) “along the bay frontage”, non-significant elsewhere.	Comment. We note that there may be views of the offshore wind farm from more inland locations in the south-east, where the settlement is on rising ground. Properties and streets in this area are set back from the bay frontage and have views towards the array area.
Penrhyn Bay	Locally significant, but otherwise non-significant	Not agreed; the SLVIA recognises that there would be significant effects on seafront properties in Penrhyn Bay but suggests that “ <i>views from other properties would be largely unaffected</i> ”. There are parts of north-west Penrhyn Bay, including the seafront and those immediately inland, feature a high proportion of bungalows and are noted to be low-density. Views of the proposed AyM OWF, and therefore resulting significant effects, would result across a greater extent of the settlement than suggested by the SLVIA. Significant effects are likely to remain local, but their extent should be clarified.	Moderate-major (significant) “along the bay frontage and properties immediately inland”, non-significant elsewhere.	Comment. The extent of ‘immediately inland’ is not defined. It is accepted that the more elevated parts of the settlement to the north-west (around Penrhyn Beach East and West) are more screened by the Little Orme, but effects could potentially extend inland to c.400m.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Rhos-on-Sea	Locally significant, but otherwise non-significant	Not agreed; the SLVIA recognises that there would be significant effects on north-facing seafront properties in Rhos-on-Sea but suggests that “ <i>magnitude would be lower or no change</i> ” elsewhere in the settlement. There are parts of Rhos-on-Sea which include flats and taller buildings. Views of the proposed AyM OWF, and therefore resulting significant effects, would result across a greater extent of the settlement than suggested by the SLVIA. Significant effects are likely to remain local, but their extent should be clarified.	Moderate or moderate-major (significant) “along the north facing Rhos-on-Sea frontage and from the properties that gain elevated or open views of the AyM OWF from within the urban area.”	Agreed, the finding recognises potential effects from further inland.
Colwyn Bay	Locally significant, but otherwise non-significant	Not agreed; the SLVIA suggests that “ <i>The sea front properties would gain visibility of the AyM OWF, however views from other properties would be largely unaffected</i> ”. Topography is more varied in parts of Colwyn Bay than the SLVIA suggests and visibility of AyM OWF is likely to significantly affect properties other than those which are on the seafront. Significant effects are likely to remain local, but their extent should be clarified.	Moderate or moderate-major (significant) “from the sea facing properties along the promenades in Colwyn Bay and from the properties that gain elevated or open views of the AyM OWF from within the urban area”	Agreed, the finding recognises potential effects from further inland.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Llanddulas	Non-significant	Not agreed; the SLVIA suggests that “ <i>actual visibility from the settlement would not generally follow the pattern of theoretical visibility as some views from within the settlement would be restricted by intervening properties and infrastructure</i> ”. Llanddulas has developed on a north-facing slope and a large proportion of properties have open or channelled coastal views. Significant effects, potentially locally, are likely within the settlement.	Moderate (significant) “from the properties orientated to the north over the seascape on elevated high ground”	Agreed, the finding recognises potential effects from locations across the settlement.
Abergele and Pensarn	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Towyn and Kinmel Bay	Non-significant	Agreed	Minor (non-significant)	Agreed
Routes (SLVIA Pages 322 to 346)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Wales Coast Path – Section J	Non-significant	Agreed	Moderate to moderate-minor (non-significant)	Agreed
Wales Coast Path – Section K	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) “along 0.8 km section at north-western extent of Great Orme”	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Wales Coast Path – Section L	Locally significant, but otherwise non-significant	Not agreed; the SLVIA states that magnitude of change would be “ <i>Medium-high for 2.5km section along northern edge of Great Orme. Low magnitude to no change elsewhere along the route</i> ”. Given the extent which would be affected, it is considered that significant effects should be reported for the whole of this section of the route.	Moderate-major (significant)	Agreed, the assessment has been updated with the result that significant effects are identified along this section.
Wales Coast Path – Section M	Locally significant, but otherwise non-significant	Not agreed; the SLVIA states that magnitude of change would be “ <i>Medium-high for 2.5km section along Llandudno Promenade, Colwyn Road and northern edge of Great Orme. Low magnitude to no change elsewhere along the route</i> ”. Given the extent which would be affected, it is considered that significant effects should be reported for the whole of this section of the route.	Moderate-major (significant) “ <i>along 2.5 km section of Llandudno promenade and a 200m section of Colwyn Road</i> ”	Agreed. The assessment has been revisited and clarified, and we agree with the justification provided.
Wales Coast Path – Section N	Locally significant, but otherwise non-significant	Not agreed; the SLVIA states that magnitude of change would be “ <i>Medium-high for 3.5km section where there are open views from along the Penrhyn and Rhos Bays and headland at Rhos Point. Lower magnitude to no change elsewhere along the route</i> ”. Given the extent which would be affected, it is considered that significant effects should be reported for the whole of this section of the route.	Significant “ <i>for 3.5km section where there are open views from along the Penrhyn and Rhos Bays and headland at Rhos Point</i> ”	Agreed. The assessment has been revisited and clarified, and we agree with the justification provided. We note no level of effect is given but would expect this to be moderate-major to be consistent with the adjacent sections.

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Wales Coast Path – Section O	Locally significant, but otherwise non-significant	Not agreed; the SLVIA states that magnitude of change would be “ <i>Medium-high for the 5km section from Colwyn Bay to 0.5km west of Llandulas. Medium to low from Llandulas to Pensarn</i> ”. Given the extent which would be affected, it is considered that significant effects should be reported for the whole of this section of the route.	Moderate-major (significant) “ <i>from Colwyn Bay to 0.5 km west of Llandulas</i> ”, moderate (significant), “ <i>from 0.5 km west of Llandulas to west of Pensarn and Abergele</i> .”	Agreed. The assessment has been revisited and clarified, and we agree with the revised conclusion.
Wales Coast Path – Section P	Non-significant	Agreed	Moderate-minor to minor (non-significant)	Agreed
National Cycle Route 5	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) along various sections	Agreed, the extent of significant effects is clearly set out.
A55, North Wales Expressway	Non-significant	Agreed	Moderate-minor (non-significant) or less	Agreed. Effects fall below the threshold of significance due to the lower sensitivity assigned to road users, which is a reasonable approach.
Landscape Character Areas (SLVIA Pages 346 to 357)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
LCA C4 – Limestone Farmlands (Abergele to Denbigh Coastal/ Vale Hills unit)	Non-significant	Agreed	Moderate-minor to minor (non-significant)	Agreed
LCA C9 – Limestone Escarpment and Hills	Non-significant	Agreed	Moderate (non-significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

LCA C10 – Great Orme and Creuddyn Peninsula	Locally significant, but otherwise non-significant	Agreed	Moderate (significant) “ <i>at the coastal edge between the north-west point of Great Orme and Little Orme and from elevated locations on the Great Orme (extending inland from the north by approximately 1 km) and the north face of Little Orme</i> ”, non-significant elsewhere	Agreed
Seascape Character Areas (SLVIA Pages 358 to 368)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
SCA A – Llandudno Bay	Significant	Agreed	Moderate (significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

SCA B – Colwyn Bay	Non-significant	Not agreed; the SLVIA acknowledges that <i>“The GyM OWF sits at a greater distance than the more prominent Rhyl Flats in views from this coastline. The scale of the AyM WTGs when compared with the WTGs of the operational OWF is relatively large making them substantially more prominent in views from the coastal parts of the SCA. The generally wide panoramic views from the coast will include a further OWF within their extent as is demonstrated by Viewpoints 119, 20, 21, 29 and 58 (Annex 10.5). This in turn will increase their characterising influence, particularly when viewed in combination with the other OWFs”</i> . This would suggest a significant effect at this SCA.	Moderate (non-significant)	Comment: we note that the authors have provided additional justification. We accept that the SCA is already strongly influenced by offshore wind development, but note that the SLVIA highlights the large size of the proposed turbines, which makes them <i>“substantially more prominent”</i> . We accept that the effect may be at the borderline of significance but given that moderate effects are found, a precautionary stance may have suggested recording a significant effect.
SCA C – Vale of Clwyd	Non-significant	Not agreed; the SLVIA acknowledges that <i>“The scale of the AyM WTGs when compared with the WTGs of the operational OWF is relatively large making them substantially more prominent in views from the coastal parts of the SCA. The generally wide panoramic views from the coast will include a further intensification of OWF within their extent”</i> . This would suggest a significant effect at this SCA.	Moderate (non-significant)	Agreed. We note that the assessment has been revisited and that the proposed turbines are now described as <i>“similarly prominent”</i> as the existing turbines. With reference to the relevant visualisations (e.g. Viewpoint 23), the detail of this may be queried in terms of visual appearance. However, we accept that on balance this does not equate to a significant effect on seascape character.
Heritage Coast (SLVIA Pages 368 to 370)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Character and qualities of the Great Orme Heritage Coast	<i>Not assessed</i>	N/A	Moderate (significant)	<p>Comment: this section reiterates the findings of the assessment of effects on LCAs and SCAs relevant to the heritage coast area.</p> <p>This section does not make reference to the visual effects assessed on receptors within the Heritage Coast, including VP13, VP15 and Wales Coast Path section L, where major-moderate effects are identified.</p> <p>The particular 'character and qualities' of the Great Orme Heritage Coast are not drawn out. We are aware from our own experience of the difficulty in determining the particular qualities for which a given heritage coast is defined.</p>
Night-time Effects (SLVIA Pages 424 to 426 and 434 to 435)	SLVIA Effect	Comment		
Viewpoint 13 Great Orme near summit complex	Significant	[omitted from review]	Moderate (significant)	Agreed
Viewpoint 22 Abergele Promenade	Non-significant	[omitted from review]	Moderate-minor (non-significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

<p>Across Conwy, with reference to:</p> <ul style="list-style-type: none"> ■ Figure 10a – Baseline Light Pollution; ■ Figures 21a-c – Hub Height Aviation Lighting ZTV (MDS A); ■ Figures 22a-c – Hub Height Aviation Lighting ZTV (MDS B); ■ Figures 40i-n – Viewpoint 13, Night-time Visualisations (Great Orme – near summit complex); and, ■ Figures 49i-n – Viewpoint 22, Night-time Visualisations (Abergele Promenade). 	<p>Locally significant, but otherwise non-significant</p>	<p>Agreed; the SLVIA assesses significant effects would result on <i>“views from the summit and north-eastern parts of the Great Orme where light levels are lower (than elsewhere in Conwy), but the areas are also relatively accessible during twilight and at night. The magnitude of the change as a result of the close proximity of the lighting and its wide horizontal extent is also a factor”</i>.</p>	<p>Moderate (significant) <i>“from the summit and north-eastern parts of the Great Orme (Viewpoint 13) where light levels are lower, but the areas are also relatively accessible during twilight and at night”</i>, non-significant elsewhere.</p>	<p>Agreed. We concur with the finding of localised effects, even in the 200 candela scenario. The SLVIA correctly recognises the important combination of low light levels and accessibility at the Great Orme.</p>
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Reported SLVIA Effects for Denbighshire

Note: Due to a formatting error there is no section heading for Denbighshire in the SLVIA. The assessment begins on page 370.

Viewpoints (SLVIA Pages 371 to 377)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
23. Rhyl Aquarium	Non-significant	Not agreed; the SLVIA compares the perceived scale of proposed AyM OWF turbines with those of the existing GyM and Rhyl Flats developments, stating that <i>“The GyM WTGs are both smaller in scale than the AyM WTGs and are further away from this viewpoint than Rhyl Flats OWF so the scale comparison is greater. They are also more densely spaced”</i> . The baseline view shows a gap between GyM and Rhyl Flats, resulting in them being seen as distinct turbine groups. Differences in intervening distance and perceived scale are less noticeable as a result of this gap. 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. This change would be noticeable and would result in significant effects.	Moderate-minor (non significant)	Comment. We accept that the authors have reviewed their assessment for Viewpoint 23 and confirm their finding. Likewise we maintain our view that the contrast between the larger, but more distant, AyM turbines and the existing turbines would lead to a magnitude of change greater than ‘low’.
24. Graig Fawr	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed. We concur with the assessment of ‘low’ magnitude of change in this case.
25. Prestatyn Nova Centre	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed. We concur with the assessment of ‘low’ magnitude of change in this case.
Settlements (SLVIA Pages 378 to 383)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Rhyl	Non-significant	Not agreed; the SLVIA assesses a non-significant effect for Viewpoint 23 (Rhyl	Minor (non-significant)	Comment: We note that the authors have clarified their approach to settlements as

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

		Aquarium), but this review disputes that finding. The aquarium, along with the wider promenade area, is a key location within Rhyl and the SLVIA acknowledges that the viewpoint “provides an indication of the visibility that would be gained from properties close to the coast but also some of the visitor amenities along the seafront, which are an important component of the settlement”. Although “The majority of the settlement will have no or limited views of the AyM OWF due to the low-lying nature of the town and the visual screen created by the seafront properties”, there is potential for significant visual effects to result locally.		<p>focusing on people within properties. As such this finding is consistent.</p> <p>As noted above we take a more ‘in the round’ approach to views experienced by people within their communities. However, in this case we accept that the developed sea front separates the settlement from the sea views, and that there are no elevated parts of the settlement. While we might conclude a greater level of effect than ‘minor’ we accept that this is likely to fall below the threshold of significance.</p>
Prestatyn	Non-significant	Agreed	Minor (non-significant)	Agreed
Routes (SLVIA Pages 383 to 384)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Wales Coast Path – Section P	Non-significant	Agreed	Moderate-minor to minor (non-significant)	Agreed (Note: Reported under Conwy in the ES, see p.336)
Offa’s Dyke Long Distance Route	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
National Cycle Route 5	Non-significant	Agreed	Minor (non-significant)	Agreed
A55, North Wales Expressway	Non-significant	Agreed	Minor (non-significant)	Agreed
Landscape Character Areas (SLVIA Pages 384 to 392)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

LCA C4 – Limestone Farmlands (Abergele to Denbigh Coastal/ Vale Hills)	Non-significant	Agreed	Moderate-minor to minor (non-significant)	Agreed (Note: Reported under Conwy in the ES, see p.346)
LCT 2 – Hill slopes of the Clwydian Hills and Dee Valley AONB (Denbighshire and Flintshire)	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
LCT 5 – Rolling Lowland of the Clwydian Hills and Dee Valley AONB (Denbighshire and Flintshire)	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Seascape Character Areas (SLVIA Page 392)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
SCA C – Vale of Clwyd	Non-significant	Not agreed; the SLVIA acknowledges that <i>“The scale of the AyM WTGs when compared with the WTGs of the operational OWF is relatively large making them substantially more prominent in views from the coastal parts of the SCA. The generally wide panoramic views from the coast will include a further intensification of OWF within their extent”</i> . This would suggest a significant effect at this SCA.	Moderate (non-significant)	Agreed. We note that the assessment has been revisited and that the proposed turbines are now described as <i>“similarly prominent”</i> as the existing turbines. With reference to the relevant visualisations (e.g. Viewpoint 23), the detail of this may be queried in terms of visual appearance. However, we accept that on balance this does not equate to a significant effect on seascape character. (Note: Reported under Conwy in the ES, see p.365)
Special Qualities of the Clwydian Range and Dee Valley AONB (SLVIA Pages 392 to 400)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Landscape Character and Quality – Tranquillity	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Landscape Character and Quality – Remoteness and Wildness	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed

Appendix A
Review of the SLVIA Assessments

Awel y Mor Offshore Wind Farm Examination
October 2022

Reported SLVIA Effects for Flintshire

Viewpoints (SLVIA Pages 400 to 401)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
27. Point of Ayr	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
Routes (SLVIA Pages 401 to 404)	Operational Effect in PEIR	Comment	Operational Effect in ES	Comment
Wales Coast Path – Section Q	Non-significant	Agreed	Moderate-minor (non-significant)	Agreed
National Cycle Route 5	Non-significant	Agreed	Minor (non-significant)	Agreed
A55, North Wales Expressway	Non-significant	Agreed	Minor (non-significant)	Agreed

Appendix B

Responses to ExQ1

B.1 The following appendix includes LUC's comments in relation to the Examining Authority's first round of questions (ExQ1). The tables below include all the ExQs that are directed to the North Wales LPAs. Questions directed to the Applicant or other bodies have not been addressed. LUC cannot respond on all the points raised, but we have included comments summarising our views, based on our review of the SLVIA and LVIA set out in this report.

Table 5.1: ExQ1: Landscape and Visual

Ref	Respondent	Question	LUC comment
10.1	DCC, NRW	<p>Assessment</p> <p>Please confirm whether you are satisfied with:</p> <p>a) the ECC and OnSS study areas; and</p> <p>b) the OnSS viewpoint locations selected, as identified within ES Chapter 2: Landscape and Visual Impact Assessment (LVIA) [AS-029].</p> <p>If not, please explain the reasons for this.</p>	<p>a) The ECC and OnSS study areas are sufficient to capture all the potentially significant effects of the proposed development.</p> <p>b) The viewpoints are an appropriate and representative selection. The Applicant has considered alternatives and added new viewpoints to the DCO where necessary.</p>
10.2	DCC, NRW	<p>Assessment</p> <p>Please confirm whether you are in agreement with:</p> <p>a) the Applicant's LVIA methodology; and</p> <p>b) its assessment of effects in respect of landscape features, landscape character and visual amenity.</p> <p>If not, please explain the reasons for this.</p>	<p>a) The Applicant's LVIA methodology is grounded in good practice and fit for purpose. LUC query the approach to 'moderate' (see 10.3).</p> <p>b) LUC's review of the LVIA assessment has not identified any areas of substantive disagreement.</p>
10.3	DCC, NRW, The Applicant	<p>Assessment</p> <p>The LVIA methodology provides for moderate adverse effects to be classified as either 'significant' or 'not significant' based on professional judgement.</p> <p>DCC / NRW - Please confirm you are satisfied with this approach?</p> <p>The Applicant - Please further justify the instances where moderate adverse effects are considered 'not significant' in Tables 8, 10, 13 and 14, as the precise reasons for this are not clear to the ExA.</p>	<p>LUC find this approach unhelpful. It can result in apparently similar (moderate) effects on two receptors, one of which is significant and one of which is not. The reasons for this are not always clear to the reader, particularly if they are not familiar with the standard approach to LVIA. In our view a clear distinction between significant and non-significant effects enhances the clarity and accessibility of the assessment.</p>
10.4	DCC	<p>Assessment</p> <p>The photograph taken from Viewpoint (VP) 6 (Bodelwyddan Castle) [APP-186] shows</p>	<p>LUC has not undertaken site work and we are therefore not familiar with the Bodelwyddan landscape. However, from looking at mapping and aerial</p>

Ref	Respondent	Question	LUC comment
		summer views towards the OnSS site. Are you satisfied this is sufficient for the purposes of the assessment?	photography the trees in the viewpoint photograph appear to be part of substantive woodlands along the east boundary of the park. It seems unlikely that winter photography would offer any open views to the OnSS site.
10.16	DCC, NRW	<p>Clwydian Range and Dee Valley Area of Outstanding Natural Beauty</p> <p>VP 9 [APP-189] is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). Are you satisfied that:</p> <p>a) the OnSS would give rise to no significant effects from this viewpoint (and the AONB as a whole); and</p> <p>b) that this would also be the case should the AONB change to National Park status (albeit boundaries might differ)?</p>	<p>a) From our review, LUC are satisfied that there would be no significant effects on views at VP9, or more generally on the AONB.</p> <p>b) The LVIA makes clear that the effects are judged to be non-significant due to the low magnitude of change. Should the AONB be designated as a National Park the sensitivity would not change substantively, so no additional significant effects would be anticipated.</p>
10.20	DCC	<p>Woodland Planting</p> <p>Are you satisfied with the suggested growth rates of woodland planting (7-10m over 15 years) as set out in [AS-029] and the 8.5 metres height (as an average) of woodland planting shown on the Year 15 photomontages?</p>	<p>It is very difficult to accurately predict the growth rates for woodland planting. The stated growth rates appear to be reasonable estimates.</p> <p>We note the Year 15 montages show mitigation planting in full leaf, in the context of a winter view.</p>
10.22	The Applicant, DCC	<p>Onshore Substation</p> <p>Table 6 of [AS-029] identifies maximum dimensions for buildings associated with the OnSS. Should all these dimensions be reflected in Table 4 of R7 of [AS-014] and if not, how would it be ensured that the dimensions of buildings did not exceed that considered in the assessment?</p>	[No LUC comment]
10.26	DCC	<p>Woodland Species Selection</p> <p>Please confirm you are satisfied with the suggested woodland species selection as set out in paragraph 168 of [AS-029]? If not, please provide reasoning.</p>	LUC has not undertaken site work, so we are not familiar with prevalent woodland species in the area. The species selection appears to be appropriate. The final species list should be subject to DCC approval as part of the DCO Requirements.
10.36	DCC, NRW	<p>Cumulative Assessment</p> <p>Are you satisfied with the list of developments for cumulative assessment purposes as shown in Table 15 of ES Chapter 2 [AS-029] and with the conclusions that no significant cumulative landscape and visual effects would arise?</p>	<p>LUC has not checked the list of cumulative developments.</p> <p>On the basis of the list provided, the findings of the cumulative LVIA appear reasonable.</p>

Ref	Respondent	Question	LUC comment
10.37	DCC, NRW, The Applicant	<p>Cumulative Assessment</p> <p>DCC / NRW - [AS-029] sets out that the cumulative assessment excludes the consideration of the necessary extension to the National Grid substation on the basis of insufficient detail known of it at the time of the assessment. However, it goes on to suggest that the effects of the extension would be localised and would therefore be unlikely to lead to a significant cumulative effect. Are you in agreement with this?</p> <p>The Applicant - Has there been any progression in respect of the National Grid substation extension which might assist with a more detailed consideration of cumulative effects?</p>	<p>We note that the LVIA identifies this potential for a localised, but not significant, cumulative effect (para 192). It goes on to state that there is insufficient information on which to base a meaningful cumulative assessment. This position appears to be reasonable.</p>

Table 5.2: ExQ1: Seascape, Landscape and Visual

17.1	DCC, IoACC, CCBC, GC, FCC, SNP, NRW	<p>Assessment</p> <p>Please confirm whether you are satisfied with:</p> <p>a) the study area;</p> <p>b) the Zone of Theoretical Visibility;</p> <p>c) the viewpoint locations selected; and</p> <p>d) the extent of assessment of these viewpoints, as identified within ES Chapter 10: Seascape, Landscape and Visual Impact Assessment (SLVIA) [AS-027].</p> <p>If not, please explain the reasons for this.</p>	<p>Based on LUC's review of the SLVIA:</p> <p>a) we consider the study area to be sufficient</p> <p>b) we consider the ZTV to be an accurate depiction of theoretical visibility</p> <p>c) the viewpoint locations are appropriate, sufficient in number and agreed with consultees</p> <p>d) the SLVIA includes sufficient assessment of viewpoints to illustrate the pattern of likely significant effects</p>
17.2	DCC, IoACC, CCBC, GC, FCC, SNP, NRW	<p>Assessment</p> <p>Please confirm whether you are satisfied with:</p> <p>a) the Applicant's SLVIA methodology; and</p> <p>b) its assessment of effects on seascape character, landscape character and visual amenity.</p> <p>If not, please explain the reasons for this.</p>	<p>Based on LUC's review of the SLVIA:</p> <p>a) The Applicant's LVIA methodology is grounded in good practice and fit for purpose. LUC query the approach to 'moderate' (see 17.3) and the detailed approach to assessing effects on settlements, but these are not matters of material disagreement.</p> <p>b) LUC's review of the LVIA assessment has not identified any areas of substantive disagreement.</p>
17.3	DCC, IoACC, CCBC, GC, FCC, SNP, NRW	<p>Assessment</p> <p>The SLVIA methodology provides for moderate adverse effects to be classified as</p>	<p>LUC find this approach unhelpful. It can result in apparently similar (moderate) effects on two receptors, one of which is significant and one of which is not. The</p>

		<p>either 'significant' or 'not significant' based on professional judgement.</p> <p>DCC/IoACC/CCBC/GC/FCC/SNP/NRW - Please confirm you are satisfied with this approach?</p> <p>The Applicant - Please further justify the instances where moderate adverse effects are considered 'not significant' as the precise reasons for this are not clear to the ExA.</p>	<p>reasons for this are not always clear to the reader, particularly if they are not familiar with the standard approach to SLVIA. In our view a clear distinction between significant and non-significant effects enhances the clarity and accessibility of the assessment.</p>
17.5	SNP, NRW	<p>Assessment</p> <p>SNP [RR-006] and NRW [RR-015] raise concerns around under-reporting of significant effects. Please identify specifically where your concerns lie, with supporting reasons for this.</p>	[Matter for SNP to respond on]
17.6	SNP	<p>Assessment</p> <p>SNP's RR [RR-006] makes reference to visual impacts from specific points within the National Park, such as from Carnedd Llywelyn and the Carneddau as a whole. Noting that VP 10 [APP-239] is from Carnedd Llywelyn and VP 38 [APP-267] is from Foel Fras:</p> <p>a) is SNP satisfied that these viewpoints are representative of this part of the National Park (ie the Carneddau);</p> <p>b) does SNP agree with the Applicant's assessment that residual effects from these viewpoints would be moderate adverse and significant; and</p> <p>c) does SNP agree with the Applicant's assessment that residual effects on the SNP Landscape Character Area (LCA) 02: Carneddau Range would be minor-moderate adverse and not significant?</p>	[Matter for SNP to respond on]
17.7	SNP, NRW, GC (if relevant), CCBC (if relevant)	<p>Assessment</p> <p>Please confirm:</p> <p>a) whether you agree that the relevant special qualities of the National Park are limited to 'Diverse landscapes' and 'Tranquillity and solitude – Peaceful areas' as defined in the Cynllun Eryri The Snowdonia National Park Partnership Plan 2020 (SNPPP);</p> <p>b) the status of the SNPPP, noting [AS-027] indicates it is currently draft and under consultation; and</p>	LUC agree with the findings of the SLVIA in relation to the special qualities of the National Park.

		c) whether you agree with the Applicant's assessment of effects in respect of these special qualities (Table 10) and its overall conclusion that any harm would not be to such a degree as to affect the integrity and inherent natural beauty of the National Park (paragraph 806).	
17.11	NRW, IoACC	<p>Assessment</p> <p>Do you agree that the relevant special qualities of the Ynys Môn (Anglesey) Area of Outstanding Natural Beauty (AONB) include 'Expansive views'; 'Peace and tranquillity'; and 'Islands around Anglesey' as reported in [AS-027]? Following on from this, do you agree with the conclusions in Table 7 relating to these and the overall conclusion in paragraph 562 that harm would not occur to such a degree that it would affect the overall integrity of the Ynys Môn (Anglesey) AONB or its inherent natural beauty? Please provide reasons if there is any disagreement.</p>	LUC agree with the findings of the SLVIA in relation to the special qualities of the AONB.
17.12	DCC, FCC, NRW	<p>Assessment</p> <p>Do you agree that the relevant special qualities of the Clwydian Range and Dee Valley AONB include 'Tranquillity'; and 'Remoteness and Wildness' as reported in [AS-027]? Following on from this, do you agree with the conclusions in Table 13 relating to these? Please provide reasons if there is any disagreement.</p>	LUC agree with the findings of the SLVIA in relation to the special qualities of the AONB.
17.18	DCC, IoACC, CCBC, GC, FCC, SNP, NRW	<p>Assessment</p> <p>Do you agree that MDS A and MDS B would have similar effects in seascape, landscape and visual terms, as indicated in paragraph 138 of [AS-027]?</p>	Based on our review LUC agree that this is the case.
17.30	DCC, IoACC, CCBC, GC, FCC, SNP, NRW	<p>Cumulative and Inter-Relationship Assessments</p> <p>Are you satisfied with the assessment of cumulative and inter-relationship effects in sections 10.13 and 10.14 of [AS-027]?</p>	Based on LUC's review we consider the approach and conclusions to the assessment of cumulative and inter-relationship effects to be reasonable.

Appendix C

Review of Documents Securing Onshore Mitigation

Introduction

C.1 This Appendix presents a review of the following documents which play an important role in securing mitigation measures related to the onshore works:

- Document 8.4 Outline Landscape and Ecological Management Plan;
- Document 8.11 Schedule of Mitigation;
- Document 8.13 Outline Code of Construction Practice, including:
 - Appendix 1, Outline Construction Method Statement; and
 - Appendix 4, Outline Soil Management Plan; and
- Document 2.12 Hedgerow and Protected Tree Plan.

Securing Mitigation

C.2 Mitigation is secured through the DCO, with landscape elements covered under Requirements 8 and 9. Requirement 8 refers to a 'written landscaping scheme', which is to be approved by Denbighshire Council, and which must be 'in accordance with the outline landscape and ecological management plan'. Requirement 13 states that the final 'written landscape and ecological management plan' must be approved by the Council. Mitigation through construction good practice is secured under Requirement 10, which refers to a 'code of construction practice' and various subsidiary plans which again are to be approved by Denbighshire Council. Requirements 10 and 13 are therefore the overarching means of securing landscape mitigation.

C.3 Mitigation measures are described in the ES, and are drawn together in Document 8.11 Schedule of Mitigation. This schedule sets out how mitigation identified in the ES is secured in the DCO documents. Mitigation measures from the onshore LVIA chapter are listed on page 1 of the document. These mitigation measures are secured under DCO Requirements 10 and 13, through the provision of a Landscape and Ecological Management Plan (LEMP) and a Code of Construction Practice (CoCP). These two documents are reviewed below.

Outline Landscape and Ecological Management Plan

C.4 The Outline Landscape and Ecological Management Plan (OLEMP) sets out 'in-principle' mitigation, from which the detailed Landscape and Ecological Mitigation Plan will be developed post-consent. This 'Final LEMP' will be submitted to Denbighshire Council for approval in line with Requirement 13. It combines mitigation measures derived from the LVIA with those arising from the Biodiversity and Nature Conservation chapter of the ES. This review focuses on measures deriving from the LVIA; we have not reviewed the biodiversity sections in detail.

C.5 Section 2 of the OLEMP sets out landscape mitigation. Reference is made to mitigation embedded in site selection, as well as cross references to the CoCP for construction-stage mitigation.

C.6 At paragraph 16, reference is made to "*existing woodland to the west and north of the OnSS*" as providing screening. It is not made clear if this woodland is within the Order Limits or not. If the woodland is within or at the edge of the Order Limits then it should be clearly stated that protection measures will be installed at the outset of construction. It is stated within Section 5 of the OLEMP that "*all retained trees located directly adjacent to working areas will be protected by fencing around Root Protection Areas*". We would expect the OLEMP to make clear that this applies in particular to woodland along the west edge of the Order Limits at the OnSS, as the adjacent woodland is within Bodelwyddan designed landscape.

C.7 We note that there is a woodland area near the OnSS within the Order Limits, centred approximately on grid reference SJ 01011 74597. The woodland is adjacent to the bridle path to the north of the OnSS. Figure 2 does not confirm whether the

woodland will be retained. Given the importance of the woodland and its proximity to the construction compound, we would expect the OLEMP to include clear statements that protection will be applied to this woodland.

C.8 Although general statements on protection of trees are included in Section 5, as noted above, there is no detail on how this will be applied. This is of particular relevance to the OnSS. We note that a number of hedgerows and two ponds are identified for retention in Figure 2. Notes on this Figure also refer to 'retained trees'. We would expect the OLEMP to clearly state how retained features shown on Figure 2, including ponds and hedges, will be protected during the works.

C.9 We note further areas of uncertainty on Figure 2. As well as the woodland noted above, there is an area of farmland between the OnSS and the construction compound with no hatching. Section 4.4 states that the land used for the construction compound "will be reinstated to its previous state". This suggests the land will then be returned to agricultural use. If the strip of land between the OnSS and the construction compound is also to be returned to agriculture, this should be made clear.

C.10 Paragraph 17 introduces the types of landscape treatment proposed around the OnSS, including woodland, hedgerow and native grassland. This is cross-referenced to Figure 2 and the Year 15 visualisations that show maturing woodland (see review of the LVIA in Chapter 4 of this report).

C.11 The extent of proposed planting shown in Figure 2 appears appropriate to achieve the aims listed in paragraph 19. Species are discussed at paragraph 20. Having not undertaken site visits we are not familiar with the prevalent species in the local area, but the native species listed appear to be appropriate. The approach of using 'nurse species' and 'core species' is also appropriate.

C.12 Spacing is mentioned at paragraph 21, though it is stated that this will be agreed in the Final OLEMP, and it is agreed that this does not need to be set out in detail at this stage. Paragraph 23 states early establishment will be carried out 'where it is practical to do so'. Accepting that there are unknowns, the Applicant could be asked to specify areas where advance planting can be committed at this stage. The area north of the Crematorium may be an example of a location that is removed from the focus of construction, and where advance planting could be committed.

C.13 Paragraphs 26 and 27 discuss the onshore cable corridor. Mitigation measures include the reinstatement of ground cover or agricultural use and reinstatement or replacement of removed hedges. Details of the nature of the replanted hedges are not given. Paragraph 26 refers to "*protection of all retained trees during the construction phase where practicable*". There should be a clear commitment to a) retain all trees not required to be removed for construction, and b) to adequately protect all retained trees.

C.14 Section 4 sets out mitigation proposals, with particular reference to areas of biodiversity interest, and in all other areas at Section 4.4. This Section provides clearer commitments than are provided in Section 2, and cross-references between the sections would be beneficial. For example, paragraph 58 clearly states that replanted hedgerows "*will comprise a locally appropriate mixture of at least seven woody species and including heavy standard trees at a 3:1 ratio for any lost.*"

C.15 This section also refers to a three-year aftercare period, which is not mentioned in Section 2. The three-year aftercare period is referred to in other places in the OLEMP (e.g. paragraph 131). We note that DCO Requirement 9 refers to "*a period of five years after planting*", and it follows that the aftercare period should be extended accordingly.

C.16 Section 5 covers protection of retained habitats. As noted above, this section makes clear that "all retained trees will be protected by Root Protection Orders" (paragraph 76). Again, better cross-referencing would make the document clearer.

C.17 Section 7 discusses biodiversity enhancements that include measures shown on Figure 2. Again details are presented here that are not included in Section 2, for example "*locally sourced black poplar*" is specified for woodland at the OnSS (paragraph 134).

C.18 In conclusion, the OLEMP presents a suite of mitigation measures that will benefit both landscape and biodiversity. The OLEMP does not include any measures which in our view are not appropriate, and appears sound as a basis for development of the Final LEMP. However, the document lacks clarity in places. Many of the comments above could be addressed simply by adding further cross referencing and checking for consistency between sections. We recommend seeking further detail from the Applicant with reference to protection of existing features, and advance planting at the OnSS.

Outline Code of Construction Practice

C.19 The purpose of the Outline CoCP is given in Section 1.3 of the document. It provides the 'key elements' that will be detailed in the Final CoCP, which will need to be approved by Denbighshire Council. A number of environmental management plans form appendices to the Outline CoCP.

C.20 Section 2 of the document sets out high level principles. It provides limited detail but includes references to the appendices where appropriate.

C.21 Section 3 provides more detail on general operation of the construction works. We note that Section 3.4 Screening and Fencing could usefully include reference to protective fencing to be installed around retained trees, woodland and hedgerows. Section 3.17 Clearance of Site on Completion appropriately references the OLEMP in relation to reinstatement works. Otherwise there is no specific reference to landscape mitigation. This appears appropriate given the high level of the document.

Outline Construction Method Statement

C.22 The Outline CMS includes further detail in relation to general site management (Section 2). Section 2.12 Ecological Management makes reference to the OLEMP, and provides appropriate commitments on protection of retained habitat, approaches to removal of vegetation, and reinstatement. This Section appears consistent with the OLEMP. Section 2.17 Restoration and Reinstatement refers to ecological reinstatement in line with the Final LEMP, including hedgerow replanting. It is clearly stated that hedgerows will be replanted on the cable route (paragraph 59).

C.23 Section 3 provides further details in relation to onshore components. Section 3.9 Onshore Substation Platform Earthworks identifies pre-commencement measures that include 'vegetation clearance', but should also include for the identification and protection of all vegetation to be retained. Otherwise, the measures set out are an appropriate basis for development of a detailed CMS that will be submitted for Council approval.

Outline Soil Management Plan

C.24 The Outline SMP provides "*details of mitigation measures and best practice handling techniques*" to ensure soil resources can be adequately restored post-construction. In relation to the OnSS area, it is noted that "*there may be a requirement to remove soil off-site*". Other than general good practice measures, specific details of how or where topsoil would be stored are not provided. The measures set out are appropriate basis for development of a detailed SMP that will be submitted for Council approval.

Hedgerow and Protected Tree Plan

C.25 Document 2.12 Hedgerow and Protected Tree Plan presents a plan of all the hedgerows and important hedgerows to be removed, alongside woodland areas and Tree Preservation Orders (TPO) within and close to the Order Limits. The sections of hedgerow, including important hedgerows, that are to be removed as part of the works are cross-referenced to Schedule 10 of the DCO. No TPOs are shown within the Order Limits.

C.26 Without having been on site we are unable to comment on the accuracy of this Plan. However, we note that aerial photos indicate an area of woodland within the Order Limits that is not identified as such on the Plan. This woodland, discussed above, is in the vicinity of the OnSS, centred approximately on grid reference SJ 01011 74597. We note that this woodland is relied on for mitigation in the OLEMP and we comment above on the importance of securing the retention and protection of this woodland. Assuming retention of this woodland can be clearly secured in the OLEMP, there may be no risk in its omission from this Plan.