

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 29 SEPTEMBER 2021**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **063502 - CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008; AWEL Y MÔR (DENBIGHSHIRE)**

1.00 APPLICATION NUMBER

1.01 The reference number given for this Section 42 consultation of the Planning Act 2008 is 063502.

2.00 SITE

2.01 The Awel y Môr Offshore Windfarm is proposed to be located 10.6km at the closest point off the North Wales Coast, north of Colwyn Bay, in the Irish Sea and to the west of the existing Gwynt y Môr offshore Wind Farm.

3.00 APPLICATION VALID DATE

3.01 The consultation period is 31 August 2021 until 11 October 2021.

4.00 PURPOSE OF REPORT

4.01 The report seeks delegated authority to respond to a consultation under Section 42 of the 2008 Planning Act in relation to the Awel y Môr Offshore Windfarm proposed off the North Wales Coast in the Irish Sea. The Council, as a statutory consultee has been offered the opportunity by the Developer to comment on the Preliminary Environmental Information Report (PEIR) and other supporting documents for the proposal as an adjoining, neighbouring authority.

4.02 Due to the limited timescales prescribed within the Planning Act to make a response on this submission, and as such responses are not a delegated function as stated within the Council's Scheme of Delegation, it is necessary to raise the matter at Committee to seek a resolution permitting Officer's to respond on behalf of the Council.

5.00 BACKGROUND

- 5.01 Awel y Môr Offshore Windfarm Limited proposes to apply to the Secretary of State under Section 37 of the Planning Act for a Development Consent Order (DCO) for the erection of up to 91 no. Offshore Wind Turbines in the Irish Sea off the coast of North Wales, in addition to the associated offshore and onshore infrastructure. The proposed development ('the Project') is being developed by RWE Renewables (RWE), and would be adjacent to the existing Gwynt y Môr windfarm; operational since 2015.
- 5.02 As the Project is an offshore windfarm with a proposed capacity in excess of 100MW it is considered a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (the Act). Accordingly, the Applicant must apply for a Development Consent Order (DCO) from the Secretary of State to build and operate the Project. In addition, as the Project lies within Welsh waters, a Marine Licence is required from Natural Resources Wales.
- 5.03 Awel y Môr is now at the stage where it wishes to consult on its proposals with a number of interested parties, including consultees prescribed under s42 of the Act. Flintshire County Council, is a local authority which neighbours the local authority within which the proposed development is located, as described in section 43(2) of the Planning Act 2008.
- 5.04 A suite of consultation materials have been produced to inform people about the Project and its likely impacts. These include a Preliminary Environmental Information Report (PEIR) and Non-technical summary, as well as a Statement of Community Consultation and Consultation Questionnaire.
- 5.05 The requirements for applications to the Secretary of State for a DCO are set out in the Planning Act 2008, the accompanying Regulations and subsequent guidance issued by the Planning Inspectorate who are responsible for administering the application process. Under Section 42 of the Planning Act, the applicant is required to undertake formal and statutory consultation with a prescribed list of bodies, local authorities and those people with an interest in the land, or whose properties may potentially be affected by the operation of the proposed Project. The Statutory Consultation period for the project has commenced on 31 August 2021 and will conclude on 11 October 2021.
- 5.06 The purpose of the PEIR is to set out the findings of the Environmental Impact Assessment to date in support of the pre-application consultation required under the Planning Act 2008. The EIA will then be finalised and reported in the ES which will accompany the DCO and marine licence applications which are anticipated to be submitted in Q1 2022.

- 5.07 The PEIR provides statutory (those proscribed under the requirements of Planning Act 2008, such as Natural Resources Wales and local authorities), and non-statutory consultees (such as charitable organisations including the Royal Society for the Protection of Birds) as well as the local community, with the information which has been assembled in order to carry out an assessment of the potential environmental effects of Awel y Môr.
- 5.08 The PEIR establishes the existing environment using the results of desktop study, site-specific surveys and consultation, as well as the methodology used within the EIA. The PEIR presents the potential impacts arising from Awel y Môr, based on the baseline information gathered and the analysis in environmental assessments completed. Based on the outcomes of assessment, the PEIR then puts forward any potential mitigation measures that could prevent, minimise, reduce or offset potentially significant adverse effects.

The Proposal

- 5.09 The proposed offshore windfarm area is 106.4km² in area and proposed to be located 10.6km at the closest point off the North Wales Coast, north of Colwyn Bay, in the Irish Sea and to the west of the existing Gwynt y Môr offshore Wind Farm. The proposal would be located in closest proximity to the coasts of Denbighshire, Conwy, Gwynedd and Anglesey. The maximum number of turbines proposed would be between 48-91. The number of turbines depends on the size of the turbines. The taller the turbines are, the fewer would be required. The proposed maximum installed capacity is proposed to be up to 1,100MW of clean renewable energy. This is the equivalent of providing the power for up to approximately 900,000 average UK homes. The maximum turbine height is proposed to be 332m tip height and the maximum rotor diameter is proposed to be 300m.
- 5.10 The proposal includes various offshore and onshore associated development including cable circuits and a grid connection point and sub-station in Bodelwyddan, St. Asaph, Denbighshire.
- 5.11 In comparison to the existing adjacent Gwynt y Môr offshore windfarm, Gwynt y Môr produces 576MW of renewable energy and are approximately a third of the size of the turbines proposed to be constructed in Awel y Môr. The existing Gwynt y Môr turbines have a rotor diameter of 107m, and overall height of 137.9m to blade tip.

Initial Assessment

- 5.12 Both the offshore and onshore elements of the project are located some distance from the boundary with Flintshire County Council. The site is over 20km from the County Boundary and from the Point of Ayr at Talacre which would have distant views of the proposal should it receive consent and be developed.

- 5.13 The DCO application would be accompanied by an Environmental Impact Assessment, and the PEIR indicates the topics to be assessed which are considered to be comprehensive. The only impacts on Flintshire appear to be related to transport and landscape/seascape and visual impact.
- 5.14 Due to the distance the proposed development is from Flintshire, the development is unlikely to have any direct effects on Flintshire. However, it is likely that the turbines would be visible from locations within the County Boundary. The site is some distance from Flintshire and only likely to be visible from the very western coastal strip in Flintshire and also from higher ground; particularly the AONB. However, a landscape consultancy has been commissioned to make comments on the Landscape/ Seascape and Visual impact of the project on behalf of the North Wales authorities. Furthermore, due to the distance the proposed development is in relation to Flintshire, it is considered that the visual impact on Flintshire and its receptors would not be significant.
- 5.15 In relation to highways impacts, the traffic and transport implications of the onshore aspects of the project are described in Chapter 9, Volume 3 of the PEIR; this identifies that anticipated impacts will be restricted to highways under the control of Welsh Government, Denbighshire County Council and Conway County Borough Council. Significant impact on highways within Flintshire is not anticipated and therefore the Highways Authority have already stated that they do not intend to provide highway comment in regard of onshore operations.
- 5.16 However, there appears to be some uncertainty regarding how the components would be transported ready for assembly offshore, and if the highway would be used, or if it would be rail based, and/or with involvement from the use of the Port of Mostyn. As such, the traffic and transport implications of the offshore works do not appear to have been considered. If the Port Of Mostyn continues to be used as a construction base for offshore works, there is potential for any associated increase in vehicular movements or the transport of long loads, to generate highway impacts within Flintshire. That also brings a wider question about whether Mostyn Docks will act as a wider base for these works. Further information regarding the number/frequency/size of additional vehicular movements to/from the Port Of Mostyn will be requested within the Council's response.
- 5.17 Comments received following the Council's own internal consultation will be considered as part of the Council's response to the statutory consultation. However, it is not envisaged that there would be considerable concern from other Council Officers given the distance the project is from Flintshire.

- 5.18 In relation to community benefits, RWE has a long history of supporting affected local communities. As the Awel y Môr project progresses, RWE and the Awel y Môr Stakeholder Team will work with communities to develop their approach to supporting the local area. At this stage, however, the details of any community benefits package associated with the project have not been finalised.
- 5.19 RWE plan to hold a public consultation on this matter in early 2022 through which RWE will invite local people and groups to help shape how the project can best support the community. At this stage FCC will have another opportunity to comment on this consultation. The Council has a Social Value Officer who works with developers, contractors and suppliers to ensure that FCC maximises social value and community benefits through procurement. When the consultation on the community benefit fund is taking place the Social Value Officer will have an opportunity to provide comments on behalf of the Council.
- 5.20 There also is a dedicated officer who is directly involved with the grants panel for the neighbouring Gwynt y Môr Offshore Windfarm. This panel assesses grant applications for those communities impacted by the Gwynt y Môr windfarm and therefore, FCC would hope that similar grants would be available to communities in Flintshire should they be affected by the Awel y Môr project should it receive consent. The Council's response will request that FCC officers are kept informed about the consultation associated with the community benefits or grants that may be available as a result of the development of this project.

6.00 RECOMMENDATION

- 6.01 That the final response on the Section 42 Consultation for the Awel y Môr Offshore Windfarm (Preliminary Environmental Information Report) be delegated to officers in consultation with local members (Ffynongroyw, Gronant and Trelawnyd Gwaenysgor).
- 6.02 Following the submission of the DCO application, the Council will be consulted again and requested to produce a Local Impact Report. The Planning Committee will be notified again at this subsequent stage of the DCO application and will have a subsequent opportunity to comment on the proposal and the contents of the Local Impact Report produced by the Council in relation to the submission.

LIST OF BACKGROUND DOCUMENTS

Awel y Môr Preliminary Environmental Information Report (PEIR),
Non-technical summary, Statement of Community Consultation,
Supporting Documents and Consultation Questionnaire.

<https://awelymor.cymru/>

National & Local Planning Policy

Contact Officer: Hannah Parish
Telephone: 01352 703253
Email: hannah.parish@flintshire.gov.uk