



# **Awel y Môr Offshore Wind Farm**

## **Statement of Common Ground 12 – Trinity House**

### **Marine Licence Submission 1**

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# Signatories

Signed	Trinity House to complete upon final SoCG version
Name	Trinity House to complete upon final SoCG version
Position	Trinity House to complete upon final SoCG version
For	Trinity House to complete upon final SoCG version

Signed	The Applicant to sign upon final SoCG version
Name	The Applicant to sign upon final SoCG version
Position	The Applicant to sign upon final SoCG version
For	Awel y Môr Offshore Wind Farm Limited (the Applicant)

# Contents

1	Introduction.....	5
1.1	Background.....	5
1.2	Approach to SoCG .....	5
1.3	The Development .....	6
2	Trinity House remit .....	7
2.1	Introduction .....	7
2.2	Consultation Summary .....	7
3	Agreements Log .....	9

## Tables

Table 1:	Consultation undertaken with Trinity House pre-application. ....	8
Table 2:	Position status key.....	9
Table 3:	Status of discussions relating to shipping and navigation.....	10

# 1 Introduction

## 1.1 Background

- 1 This Statement of Common Ground (SoCG) has been prepared between Awel y Môr Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and Trinity House to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Awel y Môr Offshore Wind Farm (hereafter referred to as 'AyM').
- 2 This SoCG covers the topics of relevance to Trinity House in the marine environment seaward of Mean High-Water Springs (MHWS).
- 3 The need for a SoCG between the Applicant and Trinity House was set out within Rule 6 letter issued by the Planning Inspectorate (PINS) on 23 August 2022.
- 4 Following detailed discussions undertaken through pre-application consultation, the Applicant and Trinity House have sought to progress a SoCG. It is the intention that this document provides PINS with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and Trinity House and will be updated as discussions progress prior to and during the Examination.

## 1.2 Approach to SoCG

- 5 This SoCG has been developed during the pre-examination phase of AyM. In accordance with discussions between the Applicant and Trinity House, the SoCG is focused on issues raised during evidence plan meetings for Shipping and Navigation with Trinity House, of which the Maritime and Coastguard Agency was also present.
- 6 The SoCG is structured as follows:

- ▲ **Introduction:** Outlining the background to the development of the SoCG;

- ▲ **Trinity House remit:** Describing the remit of Trinity House, the relevance of their interest in the Application, the main areas of discussion within the SoCG and a summary of consultation to date; and
- ▲ **Agreements Log:** A record of the positions of the Applicant alongside those of Trinity House as related to the topics of discussion and the status of agreement on those positions.

### 1.3 The Development

- 7 The Application is for development consent for the Applicant to construct and operate the proposed Awel y Môr project under the Planning Act 2008.
- 8 AyM will comprise up to 50 Wind Turbine Generators (WTGs) and will include infrastructure that is required to transmit the power generated by the turbines to the offshore substation via inter-array cables, before being transmitted via export cables to the proposed onshore substation located to the west of St Asaph Business Park (SABP) and then to the existing National Grid Bodelwyddan substation.
- 9 The key offshore components of AyM will include:
  - ▲ WTGs with associated foundations and scour protection;
  - ▲ Inter-array cables and associated cable protection;
  - ▲ Up to two Offshore Substation Platforms (OSPs) with associated foundations and scour protection;
  - ▲ Up to two offshore export cable circuits and associated cable protection;
  - ▲ A meteorological mast (met mast);
  - ▲ Permanent Vessel Moorings (PVMs) and
- 10 More details on the offshore aspects of the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Offshore Project Description (APP-047).

## 2 Trinity House remit

### 2.1 Introduction

- 11 The elements of AyM which may affect the interests of the Trinity House are those covering the intertidal and offshore areas seaward of MHWS, namely those described in the Offshore Project Description chapter of the ES (APP-047). These elements are covered in Part 1 of the draft DCO (AS-014) and will also require a Marine Licence to be granted by Natural Resources Wales (NRW) as the relevant Marine Licensing authority.
- 12 The key application documents forming the basis of discussions with Trinity House are as follows:
  - ▲ The Shipping and Navigation chapter of the ES (APP-055); and
  - ▲ The Navigation Risk Assessment (NRA)(APP-111).
- 13 Whilst Trinity House retains an interest in the following areas with respect to the provisions set out in the DCO and the Marine Licence, Trinity House has not made comment on these areas and as such, they are not covered by this SoCG:
  - ▲ Commercial Fisheries;
  - ▲ Aviation, military and communications (with the exception of Search and Rescue (SAR) which is covered by the Shipping and Navigation technical topic); and
  - ▲ Other Marine Users and Activities.

### 2.2 Consultation Summary

- 14 Table 1 in this section briefly summarises the consultation that the Applicant has undertaken with Trinity House including both statutory and non-statutory engagement during the pre-application and post-application phases.

Table 1: Consultation undertaken with Trinity House pre-application.

DATE AND TYPE	DESCRIPTION OF CONSULTATION
19/11/2019	Introductory meeting to introduce the project to Trinity House per-Scoping.
26/02/2020	Project update and an update to the Scoping assessment in relation to shipping and navigation.
June - July 2020	Trinity House comment on the Scoping Report received via the Scoping Opinion.
02/10/2020	Post-scoping meeting with Trinity House and MCA.
August-October 2021	Statutory consultation under Section 42 of the Planning Act 2008.
06/12/2021	Post-statutory consultation meeting to discuss changes to the project boundary and layout post-PEIR.



### 3 Agreements Log

- 15 The following sections of this SoCG set out the level of agreement between the Applicant and Trinity House for each relevant component of the Application identified in paragraph 12. The tables below detail the positions of the Applicant alongside those of Trinity House and whether the matter is agreed or not agreed.
- 16 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 2 below.

Table 2: Position status key.

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or Trinity House is not considered to result in a material outcome on the assessment conclusions.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or Trinity House is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

Table 3: Status of discussions relating to shipping and navigation.

DISCUSSION POINT	APPLICANT'S POSITION	TRINITY HOUSE POSITION	POSITION STATUS
ENVIRONMENTAL IMPACT ASSESSMENT			
Planning and policy	The assessments presented in the Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) have had due regard to all relevant plans and policies of relevance to shipping and navigation insofar as relevant to the Trinity House.	Agreed.	Agreed
Consultation	Trinity House has been adequately consulted regarding shipping and navigation to date and is satisfied with the outcomes of consultation with other stakeholders.	Agreed – but TH would prefer not to comment on consultation with other stakeholders.	Agreed
Assessment scope and methodology	The EIA has identified and assessed the identified likely significant effects relevant to shipping and navigation as identified within the Scoping Report and Scoping Opinion, and as assessed in the Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111).	Agreed.	Agreed
	The Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) have appropriately identified and assessed a worst-case scenario for shipping and navigation.	Agreed.	Agreed
Baseline characterisation	The Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) adequately characterise the baseline environment with respect to shipping and navigation.	Agreed.	Agreed
Mitigation measures	The mitigation measures described in Section 9.9 of the Shipping and Navigation chapter of the ES are appropriate.	Agreed.	Agreed
	The Framework Layout Commitments identified in Section 19 of the NRA (APP-111) are appropriate for informing the overarching layout design process that will be completed post-consent in the detailed design phase.  As per REP1-025 Marine Licence Principles, the MCA and Trinity House will agree the array layout plan before commencement of offshore works.	Agreed.	Agreed
	The conclusions of the shipping and navigation chapter of the ES (APP-055) and the NRA (APP-111) appropriately reflect the potential for risks to shipping and	Agreed.	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	TRINITY HOUSE POSITION	POSITION STATUS
Outcomes of the EIA and NRA	<p>navigation users (receptors) during the construction, operation and decommissioning phases of AyM.</p> <p>In NRA terms, the potential risks from AyM are As Low As Reasonably Practicable (ALARP) on the understanding that appropriate mitigation measures (as described in Section 9.9 of the Shipping and Navigation chapter of the ES) are implemented through the Marine Licence (as per REP1-025 Marine Licence Principles).</p> <p>In EIA terms, no significant effects have been identified on shipping and navigation receptors.</p>		
	Based on the conclusions of the shipping and navigation chapter of the ES (APP-055) and the NRA (APP-111), the identified cumulative risks are ALARP (subject to the implementation of mitigation via Marine Licence conditions (REP1-025), therefore no significant cumulative effects in EIA terms have been identified.	Agreed.	Agreed
Development Consent Order	Regarding arbitration, the Applicant considers that A36 of the dDCO (REP2- 016) ensures there is no interference with Trinity House's statutory rights, duties and privileges. To the extent that these are not interfered with, Trinity House will be subject to the provisions of A44 (and also A43 in respect of Requirements). The wording of A36 clearly states that 'nothing in [the] Order' shall prejudice or derogate from Trinity House's rights, duties or privileges. Making this change to A44 is therefore not necessary as it is already provided for in A36.	With reference to our Deadline 1 Written Representation – this matter remains a point for discussion.	Ongoing point of discussion



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