

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND
AND WALES) RULES 2006**

THE MORLAIS DEMONSTRATION ZONE ORDER

**Request for Direction under section 90(2A) of the Town and Country
Planning Act 1990, conditions to be attached to the Direction and
Statement of Reserved Matters**

1. Menter Mon Morlais Limited ("the applicant") hereby seeks, pursuant to rule 10(6) of the above mentioned Rules, a direction from the Welsh Ministers under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.
2. The Order would authorise the construction, operation, maintenance, repowering and decommissioning of a generating station with an output capacity of up to 240 megawatts comprising tidal stream devices and associated infrastructure offshore together with infrastructure, cabling and connection to the existing electricity network onshore.
3. The principal works proposed in the Order and which are the subject of this application comprise:
 - 3.1 the laying of export cables each comprising cables for the transmission of electricity and communication within the intertidal area either laid underground, over the surface of foreshore or within trenches (NB: there are also works to be carried out offshore which include an offshore development area including the 'Morlais Demonstration Zone' (area to the west of Holyhead/Holy Island on the Isle of Anglesey, North Wales) covering an area of 35km² but these do not form part of this application).
 - 3.2 Key components of the onshore works are:
 - 3.2.1 Cable landfall works, including:
 - 3.2.2 Up to nine Horizontal Directional Drilling (HDD) ducts or trenched equivalents;
 - 3.2.3 Up to nine transition pits or bays; and
 - 3.2.4 Up to nine export cable tails.
 - 3.2.5 A landfall substation at Ty-Mawr ("Landfall Substation");
 - 3.2.6 A switchgear building at Parc Cybi ("Switchgear Building");
 - 3.2.7 A grid connection substation at the existing Orthios Eco-Park to the east of Holyhead (the site of the former Anglesey Aluminium works) ("Grid Connection Substation");
 - 3.2.8 Onshore cable circuits installed between Landfall Substation, Switchgear Building and Grid Connection Substation, and

3.2.9 Onshore cable route joint bays (along onshore cable route between Landfall Substation, Switchgear Building and Grid Connection Substation).

4. The Order also provides for the construction and maintenance of ancillary works, compulsory purchase of land and interests in land and the temporary closure of highways. Permission is also sought for the temporary use of land for construction, storage and access routes.
5. The development is located in the administrative area of the Isle of Anglesey Council.
6. The applicant's interest in the proposed development is as a prospective purchase of any land required for the development onshore.
7. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the above-mentioned Rules and other publicity required by those Rules.
8. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals	Draft Order Articles/Schedules
The authorised works	Schedule 1
Land which may be acquired or used	Article 22, Schedule 2
Streets subject to street works	Article 7, Schedule 3
Land of which temporary possession may be taken	Article 28, Schedule 9

9. Further particulars of items currently identified as forming elements or possible elements of development proposed are contained in **Appendix 1** to this request.
10. The direction sought is one of deemed planning permission to be granted for the whole development and for each element of it, with certain aspects of design, external appearance, means of access and landscaping being reserved for subsequent approval by the local planning authority to the extent and in the manner set out in conditions attached to the direction. Attached as **Appendix 2** to this Request pursuant to Rule 10(6)(b) are draft conditions which the applicant currently wishes to propose. Attached as Appendix 3 to this Request is a statement of reserved matters pursuant to Rule 10(6)(c).
11. There also accompanies this application pursuant to rule 10(6)(d) of the above-mentioned rules a set of Planning Direction drawings showing some of the elements of development in further detail. These show the planning application boundary, which corresponds with the onshore order limits, and statutorily designated sites and areas which are to be protected, but are otherwise for illustrative purposes only.
12. An Environmental Statement and a Design and Access Statement also accompany this application.

Appendix 1 – Details of the development as set out in the draft Order

Work No. 3

Up to 9 export cables each comprising cables for the transmission of electricity and communication within the intertidal area either laid underground, over the surface of foreshore or within up to 9 open cut trenches with cable protection and connecting Work No. 2 and Work No. 4.

Work No. 4

Up to 9 export cables each comprising cable for the transmission of electricity and communication within the area either laid underground, over the surface of foreshore cliff face and cliff top or within up to 9 open cut trenches with cable protection between Work No.3 and the transition joint bays forming Work No. 5.

Work No.5

Works comprising up to 9 transition joint bays connecting Work No. 4 with Work No. 6.

Work No. 6

Up to 9 export cables each comprising one or more conducting media for the transmission of electricity and communication laid underground connecting Work No. 5 to the electrical substation referred to in Chapter 2 of Part 2 of this Schedule 1.

Works No. 7

Up to 6 export cables for the transmission of electricity and up to 2 communication cables laid underground and transition joint bays and connecting the electrical substation to the switchgear infrastructure each referred to in Chapter 2 of Part 2 of this Schedule 1.

Work No. 8

Up to 6 export cables for the transmission of electricity each comprising one or more conducting media and up to 2 communication cables laid underground including transition joint bays from the switchgear infrastructure referred to in Chapter 2 of Part 2 of this Schedule 1 to Work No. 9.

Work No. 9

Up to 6 export cables for the transmission of electricity each comprising one or more conducting media and up to 2 communication cables installed by way of horizontal directional drills under both the A55 and the North Wales Coast Line railway line connecting Work No. 8 to the grid connection works referred to in Chapter 2 of Part 2 of this Schedule 1.

Appendix 2

Conditions proposed to be attached to the direction for deemed planning permission

General

- 1) The development hereby permitted shall begin before the expiration of 5 years from the date that the Order comes into force.

Reason: *To ensure that the development is commenced within a reasonable period of time.*

- 2) Amendments to details previously submitted to and approved in writing by the Planning Authority, may be approved only where it can be demonstrated to the Planning Authority that the approval sought does not give rise to any materially new or materially different significant environmental effects from those assessed in the Environmental Statement).

Reason: *For the avoidance of doubt and in the interests of proper planning*

Approval and Implementation of Construction Mitigation Plans

- 3) Prior to the commencement of the development, a CoCP substantially in accordance with the outline CoCP submitted alongside the TWAO application, will be submitted to and approved in writing by the Planning Authority. This CoCP will include as a minimum:
 - a. Surface water drainage Plan
 - b. Construction Noise Management Plan
 - c. Construction Air Quality Management Plan
 - d. Site and Excavated Waste Management Plan
 - e. Habitat Reinstatement Plan
 - f. Onshore Invasive Species Management Plan.

The construction of the development will be carried out in accordance with the approved CoCP.

Reason: *In order to comply with Policy ADN 3 of the Local Plan.*

- 4) Prior to the commencement of development, a Pollution Prevention and Management Plan (PPMP) substantially in accordance with the outline PPMP submitted alongside the TWAO application, will be submitted to and approved in writing by the Planning Authority. The construction of the development will be carried out in accordance with the approved PPMP.

Detailed Design

- 5) To the extent that design principles for any work are set out in the Design and Access Statement, that work must be designed in accordance with the relevant design principle set out therein. Development of each structure shall not commence until, for that structure, details of the layout, scale and external appearance of the structure have been submitted to and approved in writing by the Planning Authority.

Prior to the construction of the landfall substation, switchgear building and the grid connection substation, their external appearance and building heights above ground level will be submitted and approved in writing by the Planning Authority. These elements must be within the parameters specified in Table 1 and buildings 1, 2 and 3 at the landfall substation shall be collectively no greater than 1,739m² in area. (as the same may be amended by approval of the Planning Authority pursuant to Condition 2):

Table 1 – Consented Onshore Building maximum dimensions

Building or Structure	Maximum Height (m)	Maximum Length (m)	Maximum width (m)
Landfall substation building 1	7	62	22.5

Landfall substation building 2	7	28	10
Landfall substation building 3	7	8	8
Switchgear Building	4	9.5	4
Grid Connection Substation	9	104	62

Reason: *In order to secure the satisfactory development of the application site.*

- 6) Prior to the commencement of construction of the development, and substantially in accordance with the Landscape Master Plan submitted alongside the TWAO application, details of both hard and soft landscape works will be submitted to and approved by the Planning Authority.
- a. Hard landscape details shall include boundary details, means of enclosure and hard surfacing areas including materials;
 - b. Soft landscape details shall include planting plans, written specifications including soil depths, and cultivation associated with plant and grass establishment and schedules of plants noting species, planting sizes and proposed numbers and densities.

The construction of the development will be carried out in accordance with the approved landscape details.

Reason: *To comply with Policy AMG 3 of the AONB Plan and Policy PCYFF 4 of the Local Plan and in the interests of proper planning*

Water resources and Flood Risk

- 7) Prior to the commencement of construction a method statement to minimise the impacts of temporary watercourse crossings shall be submitted to and approved by the Planning Authority. The construction of the development will be carried out in accordance with the approved method statement.

Reason: *In order to protect the natural environment and comply with Strategic Policies PS 19 and ADN 3 of the Local Plan.*

- 8) Prior to the commencement of construction a hydrogeological risk assessment will be submitted to and approved by the Planning Authority. This hydrogeological risk assessment will include a detailed risk assessment of the effects of horizontal directional drilling. The construction of the development will be carried out in accordance with the approved risk assessment.

Reason: *In order to protect the natural environment and comply with Strategic Policies PS 5 and ADN 3 of the Local Plan.*

Ecology

- 9) Prior to the commencement of construction, the scope for the following ecological surveys will be submitted to and approved in writing by the Planning Authority. The surveys will be designed to confirm that the ecological baseline has not materially changed since the surveys supporting the ES were undertaken and the approved scope will then be carried out in full.
- a. Otter;
 - b. Water vole;
 - c. Badger;
 - d. Bats;
 - e. Reptiles;
 - f. Great crested newt;
 - g. Breeding birds (including barn owl); and
 - h. Notable plant species, including:
 - i. Spatulate;
 - ii. Fleawort;
 - iii. Golden-hair lichen; and

iv. Spotted rock-rose.

Reason: *In order to comply with Strategic Policy PS 19.*

10) (1) No stage of the works must commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by any part of the onshore works or in any of the trees to be lopped or felled as part of the onshore works.

(2) Where a European protected species is shown to be present, the stage of the works likely to affect the species must not commence until, after consultation with the relevant statutory nature conservation body and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority.

(3) The works must be carried out in accordance with the approved scheme.

(4) In this Requirement, "European protected species" has the meaning given in regulation 40 of the Conservation of Habitats and Species Regulations 2010

Reason: *In order to comply with EIA and Habitat Regulations.*

11) No trenching of cables will be undertaken landward of mean low water springs without a detailed installation methodology being submitted to and approved in writing by the Planning Authority. All trenching works landward of mean low water springs will be undertaken in accordance with this approved installation methodology.

Reason: *In order to comply with the high level marine objectives within the Marine Policy Statement and to minimise the impacts upon Annex I habitats stated in the Habitats Directive.*

Archaeology

12) Prior to the commencement of the construction of the development, a Written Scheme of Investigation (WSI) shall be submitted to and approved by the Planning Authority that will include:

- a. Details of geophysical surveys that have been undertaken;
- b. Proposals and locations for trial trenches;
- c. Mitigation measures for further evaluation or monitoring as required; and
- d. Proposals for monitoring where pre-construction evaluation is not viable (e.g. within the road network).
- e. Proposals for preserving, recording and reporting as appropriate.

The construction of the development will be carried out in accordance with the approved WSI.

Reason: *To accord with Policy AT 4 of the Local Plan to assess sites of heritage importance.*

Traffic and Transport

13) Prior to the commencement of construction of the development a Construction Traffic Management Plan (CTMP) will be submitted to and approved by the Planning Authority. This will include measures to safely manage construction vehicle movements to and from the Landfall substation and measures to maintain access to businesses and residents affected by temporary highway closure.

The construction of the development will be carried out in accordance with the approved CTMP.

Reason: *In the interest of highway safety and residential amenity*

Decommissioning

14) A written scheme of decommissioning must be submitted to and approved in writing by the Planning Authority at least six months prior to any decommissioning works commencing. The written scheme of decommissioning is to include a Code of Construction Practice

(CoCP) and the approved scheme must be implemented as approved in the carrying out of any decommissioning works or relevant part of it.

Reason: *in the interests of proper planning*

Appendix 3 Statement of Reserved Matters

The following matters are intended to be reserved for subsequent approval by the relevant local planning authority under the application for a direction for deemed planning permission for the development provided for in the proposed order under section 90(2A) of the Town and Country Planning Act 1990:

1. Details of the layout, scale and external appearance in respect of each structure
2. Details of hard and soft landscaping including include boundary details, means of enclosure and hard surfacing areas including materials, planting plans, written specifications including soil depths, and cultivation associated with plant and grass establishment and schedules of plants noting species, planting sizes and proposed numbers and densities.

THE WELSH MINISTERS

2019

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Menter Mon Morlais Limited
Neuadd Y Dref, Bulkeley Square, Llangefni, United
Kingdom, LL77 7LR

Eversheds Sutherland (International) LLP
One Wood Street
London EC2V 7WS