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## Morlais Project

# Rebuttal Proof of Evidence - Seascape, Landscape and Visual Impact Assessment

Applicant: Menter Môn Morlais Limited  
Document Reference: MOR-SLR-DOC-003  
Rebuttal Proof of Evidence - Seascape, Landscape and Visual Impact Assessment  
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Morlais Document No.: MOR-SLR-DOC-003  
File No.: MMC560

Status:  
Final Issue

Version No:  
F1.0

Date:  
23/11/2020

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## **Rebuttal Proof in Relation to the Potential Seascape, Landscape and Visual Effects of the Project**

### **1. Introduction**

1.1 This Rebuttal Proof of Evidence relates to the main Seascape, Landscape and Visual Impact Assessment (SLVIA) Proof of Evidence prepared in relation to the proposed Morlais tidal energy development. It has been prepared by Simon Myers, Associate Landscape Architect, SLR Consulting Ltd. This Proof of Evidence responds to points made by other parties in their submissions in relation to the Project.

1.2 There are three relevant Proofs of Evidence that raise points in relation to SLVIA issues, prepared by:

- Mr Richard Sumner, Natural Resources Wales;
- Mr Ian Gates, consultant to Isle of Anglesey County Council; and
- Mr Richard Hill, Royal Yachting Association.

### **2. Mr Richard Sumner, Natural Resources Wales**

2.1 There are five broad issues raised in Section 4 of Mr Richard Sumner's PoE:

- a) The visual effects of the offshore tidal device deployment and how these would harm the public's experience of natural beauty and special qualities of the AONB (paragraphs 4.1 to 4.8);
- b) How the current scheme could be improved to better address the sensitivities of the AONB and achieve a more sustainable balance with the AONB's conservation and enhancement requirements (paragraphs 4.9 to 4.13);
- c) The need to resolve landscape mitigation measures for the onshore landfall cable site (paragraph 4.14);
- d) The Development Deployment Protocol – the additional information and amendments required to ensure the worst-case effects of the scheme can be controlled and monitored (paragraphs 4.15 to 4.21); and
- e) Should the scheme be approved, a compensation package to bring conservation and enhancement to the AONB in other ways would be required (paragraph 4.22).

2.2 It is intended to seek to resolve these, where possible, through the Statement of Common Ground. Alternatively, it is expected that the proposed round table discussion would be appropriate to cover the issues raised rather than this rebuttal. However, two of these points would benefit from clarification prior to the Public Inquiry; point c) mitigation measures for the cable landfall site, and point d) the Device Deployment Protocol.

Mitigation measures for the cable landfall site

2.3 A specific photomontage to illustrate the predicted appearance of the cables attached to the cliff has been prepared.

- 2.4 This photomontage has been prepared for a location on the Isle of Anglesey Coastal Path/Wales Coast Path, near South Stack Road, to the west of the beach at Abraham's Bosom. This is included as Appendix R-A. This location was selected as it represents a publicly accessible location, relatively close to the cable landfall (approximately 300m), where a greater proportion of the cliff face is visible. The beach itself is not currently accessible due to the condition of the steps and adjacent cliffs. A location on South Stack Road closer to the landfall cable was considered, but a smaller proportion of the cliff face was visible. In addition, a location at the Range (South Stack Cliffs Nature Reserve) was considered but the greater intervening distance (compared with the selected location) meant that the landfall cables would comprise smaller elements in the view.
- 2.5 There are several points that are relevant to securing mitigation for the cable landfall, should it be necessary to attach cables to the cliff:
- Horizontal directional drilling (HDD) remains the preferred approach to construction;
  - Trenched cables across the beach and above ground cables attached to the cliff face are therefore a reserve option if HDD is not a feasible option;
  - There are a range of options to mitigate the cable landfall, which would be influenced by the detailed design of the Project, should it be necessary to attach cables to the cliff;
  - The Landscape Management Plan offers a suitable to secure appropriate mitigation;
  - The final Landscape Management Plan would be covered by a condition in the deemed planning consent; and
  - This condition requires the approval of Isle of Anglesey County Council as the Planning Authority, and it is expected that they would consult with NRW as part of this process.
- 2.6 Reviewing the engineering detail for the proposal to attach cables cliff as part of the preparation of the photomontage highlights important points. The engineering detail for the cables at the cliff top show a bend radius that would mean the cables would extend approximately 2m above the cliff top. However, this is broadly based on that the cliff face being perpendicular to the landform at the clifftop. Analysis of the cliff landform identifies that this a more convex shape, with the transition to the landform above having a curved profile. Therefore, it is expected that the cables can be integrated more effectively with the existing landform. Should it transpire that the cables still extend 2m above the landform it is expected that this could be mitigated, following construction, through measures that include small local landform alterations and reinstatement of the adjacent field boundary.
- 2.7 It would be appropriate to consider detailed mitigation for the cable landfall once there is certainty over the construction method for the landfall cable and when the detailed design work is undertaken. This would ensure that the seascape, landscape and visual mitigation is appropriate and necessary. As described above, the planning condition and Landscape Management Plan provide a mechanism for ensuring these measures are delivered.

## Device Deployment Protocol

2.8 Menter Môn has recently prepared a process flow diagram to clarify the Device Deployment Protocol requirements to NRW and IoACC. This reflects the content of the draft Transport and Works Act Order (TWAo), but also clarifies the steps in the process. It is expected that similar Device Deployment Protocol requirements would be included in the Marine Licence. The relationship between the TWAo and Marine Licence is described in the document titled *“Applicant’s note on the draft Order, the controls that it provides and its relationship with other consenting regimes”*.

2.9 Appendix R-B comprises the process flow diagram that has been prepared. This shows the steps that would form integral parts of the Device Deployment Protocol, together with accompanying notes that provide more detail. This process addresses the points raised by Mr Richard Sumner in relation to prominent emergent tidal devices, the colour of surface emergent devices and monitoring the incremental changes across the Morlais Demonstration Zone.

## 3. Isle of Anglesey County Council

3.1 The Proof of Evidence prepared by Mr Ian Gates describes the context of the Project and the predicted effects. Broadly the content of this and the key conclusions drawn are consistent with the SLVIA prepared for the Project. It is accepted that there would be significant effects on seascape, landscape and visual receptors as a result of the Project. Menter Môn has agreed to a package of compensation with IoACC, which would be secured through a section 106 agreement, which is secured through a condition of the deemed planning permission. This approach to compensation will be set out in the Statement of Common Ground with IoACC which is close to completion.

## 4. Royal Yachting Association

4.1 The Proof of Evidence prepared by Mr Richard Hill for the Royal Yachting Association (RYA) makes several references to recreational “amenity” in relation to the issue of recreational amenity for offshore receptors such as people travelling on recreational vessels. Recreational amenity is multifaceted, relating to how an area is used and how the project would affect such users. Visual amenity is one relevant way in which offshore recreational receptors could be affected by the project. The navigation aspect of recreational amenity is addressed in the Rebuttal Proof of Evidence prepared by Commander Paul Brown. Other aspects of recreational amenity will be covered in the evidence of Dr Edward Jones and Mr David Bell.

4.2 The SLVIA (Core Document MDZ/A25.24 Environmental Statement Volume 1 (Main Report) – Chapter 24 SLVIA) presents an assessment of the predicted effects of the project. It also describes the measures that have been incorporated in the Project Design Envelope to mitigate these as far as possible. Importantly Section 24.6.5.5.5.6 of the SLVIA identified the potential for significant effects on the users of recreational vessels within approximately 2km of the MDZ. At greater distances it is predicted that the potential visual effects would reduce with increasing distance due to the relative scale of the structures that form part of the Project.

**Appendix R-A: Photomontage of Landfall Cables from Isle of Anglesey Coastal Path/Wales Coast Path**





Distance to cables: 300 m

Camera: Nikon D600

Focal Length: 50mm

Camera Height: 1.5m

Date: 02/10/2020

Time: 13:55

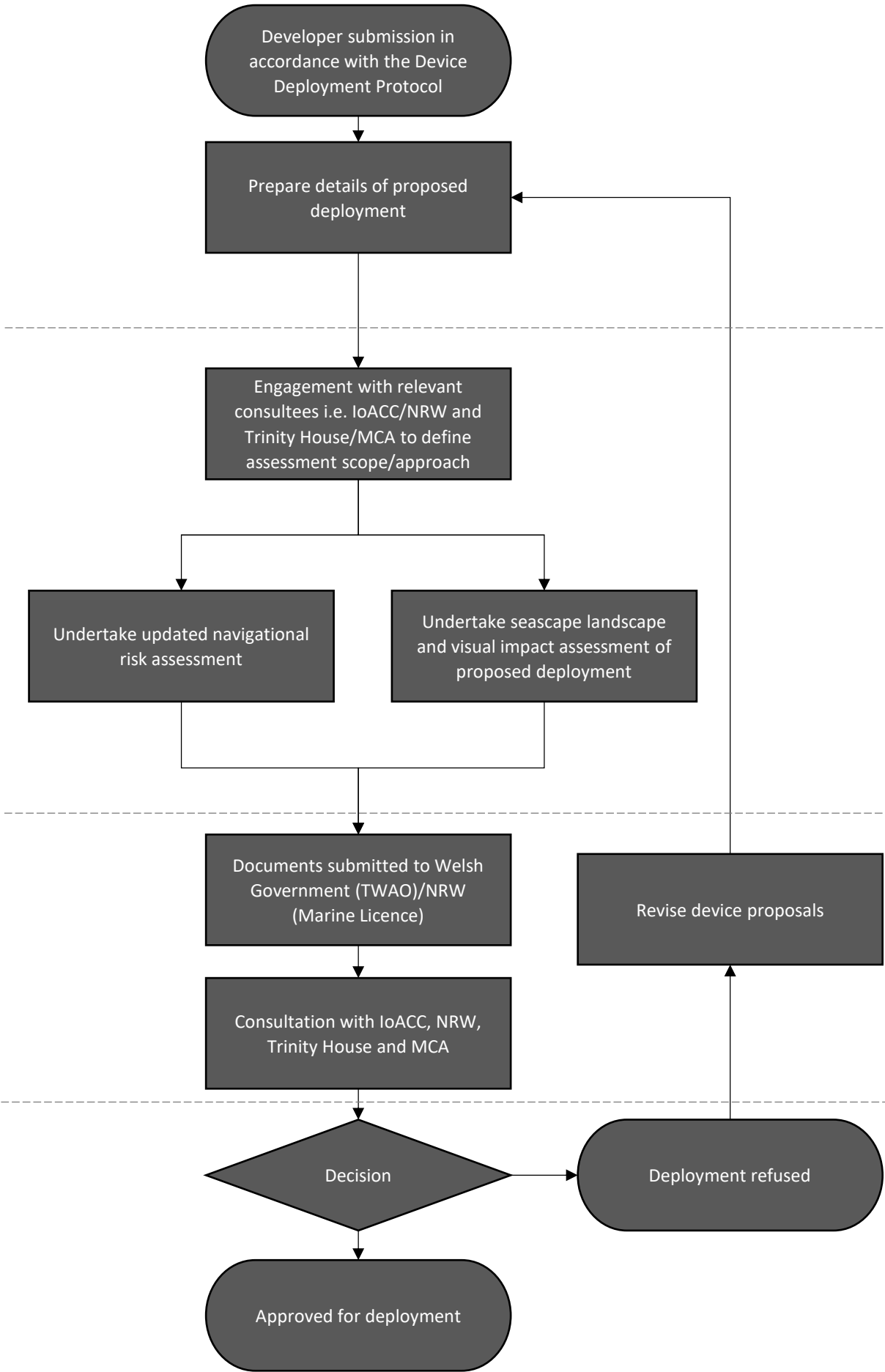
View at a comfortable arm's length (approx. 500mm)

**CABLE LANDFALL**  
**VIEW FROM ISLE OF ANGLESEY COASTAL PATH / WALES COAST PATH**



## **Appendix R-B: Device Deployment Process Flow Diagram**

Device Deployment Protocol Process



**Notes:**  
The Device Deployment Protocol applies to the construction and repowering of all surface emergent tidal devices and operational hubs in the restricted areas and the remainder of the array area details i.e. it is applicable to the deployment of surface emergent devices and electrical hubs throughout the Morlais Demonstration Zone (MDZ). A comparable protocol would be applicable to both the Transport and Works Act Order (TWAO) and the Marine Licence (ML). This process flow diagram has been prepared to provide Isle of Anglesey County Council (IoACC) and Natural Resources Wales (NRW) with more detail on how it is envisaged the Device Deployment Protocol would be implemented.

**Information Requirements:**  
The Developer would be required to prepare and submit details for each deployment. These would include the dimensions of the proposed device or electrical hub. Images and or drawings of the proposed devices would be provided, including details of which elements would be surface emergent and how these would be marked for navigation safety e.g. colouring and lighting. For each deployment an updated seascape landscape and visual impact assessment (SLVIA) and/or an updated navigational risk assessment (NRA) would be prepared.

**Assessment Process:**  
The SLVIA would be specific to the offshore structures and any associated mitigation. It would need to be undertaken in accordance with the assessment methodology for the environmental statement or any subsequently published best practice guidance.

A key part of the updated SLVIA would be to identify whether any proposed deployment in the restricted zone - northern would be visually prominent. It shall include an assessment of the cumulative impacts of the proposed deployment with any operational or consented deployments. The assessment of each deployment would also serve as a check on the overall development to ensure the overall deployment of devices is in accordance with the design envelope considered through the EIA process, effectively monitoring change throughout the MDZ. It would be good practice for the assessment process to include consultation with the relevant bodies to ensure the work is appropriately scoped. In the case of an updated SLVIA, it would be appropriate to agree key assessment parameters such as the study area and viewpoints to be included.

Note that the landscape and visual mitigation for terrestrial components of the project would be secured through planning conditions and the Landscape Management Plan. The Landscape Management Pan would be required by a pre-commencement condition and would be discharged IoACC. It is expected that IoACC would consult with NRW prior to discharging the condition.

Where applicable, as defined in the TWAO and ML, an updated NRA would be submitted for each deployment.

**Developer Submission and Consultation Requirements:**  
The Developer would submit document to Welsh Ministers with respect to The TWAO and Natural Resources Wales with respect to the ML.

The TWAO requires consultation with IoACC and NRW in relation to seascape, landscape and visual impacts, together with Trinity House and the Maritime and Coastguard Agency (MCA) in relation to navigational risks. It is expected that the ML would require similar consultation.

**Decision:**  
The decision to approve a submission made under the TWAO would be made by Welsh Ministers, noting that a parallel approval would be required under the ML. It would be reasonable to expect that approval would be given to any proposed deployment where the proposal is within the parameters set out in the ES and there are no new likely significant effects arising from those described in the Environmental Statement. The TWAO allows for any approval to an equivalent document pursuant to a condition of a marine licence granted for the tidal works or an agreed amendment to such a document shall be deemed to be approval of the Welsh Ministers. This means that in practice it is likely that the deployment of devices and electrical hubs would be secured through the ML.

Should a deployment be refused it may be appropriate to consider amendments to the proposals and re-submit the required information.