PLANNING, DESIGN AND ACCESS STATEMENT

Point of Ayr Cable Route Foreshore Works

Town and Country Planning Act 1990

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This Planning and Design & Access Statement (PDAS) has been prepared by WSP UK Ltd on behalf of Liverpool Bay CCS Limited (LBCCS), a member of the Eni SpA group (the Applicant), to support a full planning application to Flintshire County Council (FCC).

Planning permission FUL/000246/23 was granted in May 2024, to build new infrastructure and to modify existing facilities at the Point of Ayr Terminal in Flintshire to operate with carbon dioxide (the Consented Development). The Consented Development forms part of the wider HyNet Project that will transport carbon dioxide captured from industries in North Wales and North West England. The captured carbon dioxide will be stored in depleted oil and gas fields in Liverpool Bay.

An application for a Marine License to consent further works from the MHWS to the New Douglas OP was submitted to Natural Resources Wales' Marine Licencing Team in tandem with the application for the Consented Development. Following feedback received on this Marine Licence application, the electrical and fibre optic cables installation has necessitated a realignment to avoid impacts on vessel movements in and out of the Port of Mostyn.

This planning application is a response to that feedback and seeks re-authorisation for part of the same cable installation works, already consented under application FUL/000246/23, but on a new alignment below Gronant Dunes and Talacre Beach. These works will utilise the same construction methodology, but on a new alignment that is approximately 250m further eastwards along Talacre Beach (the Proposed Development).

The Proposed Development is a critical component of the HyNet North Carbon Dioxide Pipeline Project ('the HyNet Project'), which aims to transport captured CO_2 from industries in North Wales and North West England to be stored in depleted oil and gas fields in Liverpool Bay. This project is essential for the UK's net-zero targets, as it will significantly reduce CO_2 emissions.

A revised Marine Licence granted in May 2025 under reference CML2365 necessitated the realignment of the cable installation route to avoid impacts on vessel movements at the Port of Mostyn. The new alignment, approximately 250 meters further east along Talacre Beach, offers various environmental benefits.

An Environmental Impact Assessment (EIA) Screening Opinion (SCR/000421/25) from FCC concluded that an EIA is not required for the Proposed Development. Additionally, a Habitats Regulations Assessment (HRA) determined that the development would not result in significant adverse effects on nearby European Sites, provided that mitigation measures are implemented.

The Site of the Proposed Development includes Gronant Dunes and foreshore areas, characterised by a mix of rural, urban, and coastal landscapes. The site is designated for its ecological significance and is predominantly situated within Flood Zone 3 with a small portion in Flood Zone 2, indicating a low risk of coastal flooding.

The HyNet Project aims to create a low-carbon economy in North West England and North Wales, significantly reducing CO_2 emissions and generating economic benefits through job creation and investment. The Proposed Development is integral to achieving these goals and supports the UK Government's climate change commitments.

This planning application aligns with the Flintshire Local Development Plan (2015-2030) and relevant National Planning Policy (Planning Policy Wales Edition 12, February 2024). The Proposed Development is expected to contribute positively to local and national policy objectives regarding climate change and economic growth.

In conclusion, the Proposed Development is consistent with relevant local and national policies and aims to deliver significant environmental, economic, and social benefits in North Wales and North West England. The PDAS concludes that the application should be approved to facilitate the broader objectives of the HyNet Project and contribute to the UK's net-zero ambitions.

1. INTRODUCTION

1.1.1. This Planning and Design & Access Statement (PDAS) has been prepared by WSP UK Ltd ('WSP') on behalf of Liverpool Bay CCS Limited (LBCCS) ('the Applicant') to support a planning application to Flintshire County Council (FCC) for the:

Installation of an underground section of Horizontal Directional Drilling (HDD) conduit under Gronant Dunes originating from the HDD Entry Pit (consented under FUL/000246/23), to a buried HDD Exit Pit at the Mean High Water Spring (MHWS) line, and burial of a combined electrical and fibre optic cable across Talacre Beach and Foreshore to the Mean Low Water Spring (MLWS) line ('the Proposed Development')

1.1.2. Subject to a grant of planning permission, the Proposed Development will form part of the wider HyNet Project and is critical to ensuring the connectivity and functionality of the New Douglas offshore platform (OP) in Liverpool Bay, which is designed to facilitate the permanent storage of captured carbon dioxide from regional emitters. HyNet is a low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the Northwest of England and North Wales and put the region at the forefront of the UK's drive to Net Zero.

1.1.3. The Proposed Development is seeking re-authorisation of the cable route element of the works consented under application reference no: FUL/000246/23 granted in May 2024 ('the Consented Development') but on a new alignment that is approximately 250m further east along Talacre beach.

1.1.4. The proposed realigned route, in its entirety, will start from the original HDD entry pit location as specified and consented in the Consented Development creating a more direct path, in an approximate north-westerly direction, under the dune system, and across Talacre Beach and the Welsh Channel, to the gap between the sand banks to the east of West Hoyle Spit and onwards to the New Douglas OP.

1.1.5. The Site of the Consented Development is shown alongside the Site for the Proposed Development on the Site Location Plan - Proposed and Consented Development (drawing reference: UK0029984.4176-PF.2.11-SLP-Sheet1) which is submitted alongside this PDAS.

1.2. THE APPLICANT

1.2.1. The Applicant is Liverpool Bay CCS Limited, a member of the Eni SpA group. LBCCS will act as the responsible entity for future licensed operations under the UK Government's proposed regulated regime for CO_2 transport and storage in Liverpool Bay.

1.3. ACCOMPANYING DOCUMENTS

1.3.1. This PDAS is accompanied by the following documents and assessments in line with national and local validation requirements:

- Planning Application Form (Document Reference: PF.2.1);
- Covering Letter (Document Reference: PF.2.2);
- Ownership Certificates (Document Reference: PF.2.3);
- Article 10 Notice (Document Reference: PF.2.4);
- Article 10 Notice Covering Letter (Document Reference: PF.2.5);
- Pre-Application Consultation Report (PF.2.12);
- Environmental Studies Report (Document Reference: PF.3.2);
  - Cultural Heritage;
  - Biodiversity; and
  - Arboriculture.
- Habitat Regulation Assessment (HRA) (Document Reference: PF.3.3);
- Water Framework Directive (WFD) Assessment (Document Reference: PF.3.4)
- Net Biodiversity Benefit (NBB) Report (Document Reference: PF.3.5);
- Construction Environmental Management Plan (CEMP) (Document Reference: PF.3.6);
- Written Scheme of Investigation (Document Reference: PF.3.7)

1.3.2. The schedule of the drawings which form part of this planning application is set out in **Table 1-1** below:

Table 1-1 Planning Application Drawings

Drawing Reference Number	Drawing Title	Scale
UK0029984.4176-PF.2.7-SLP-Sheet1	Site Location Plan	1:2,500 @ A1
UK0029984.4176-PF.2.8-LAY-Sheet1	Existing Site Plan	1:2,500 @ A1
UK0029984.4176-PF.2.9-LAY-Sheet1	Proposed Site Plan	1:2,500 @ A1
UK0029984.4176-PF.2.11-SLP-Sheet1 (For Information Only)	Site Location Plan – Proposed and Consented Development	1:5,000 @ A1

1.4. DOCUMENT STRUCTURE

1.4.1. The PDAS is structured as follows:

- Chapter 1 – Introduction
- Chapter 2 – Project Background

- Chapter 3 – The Site
- Chapter 4 - The Proposed Development
- Chapter 5 – Design and Access
- Chapter 6 – Need and Benefits
- Chapter 7 – Planning Policy Framework
- Chapter 8 – Planning Assessment
- Chapter 9 – Planning Balance and Conclusions

2. PROJECT BACKGROUND

2.1. PROJECT BACKGROUND

2.1.1. Planning permission for the Consented Development was granted subject to planning conditions in May 2024 (application reference: FUL/000246/23), to build new infrastructure and modify existing facilities at the Point of Ayr (PoA) Terminal in Flintshire to operate with carbon dioxide. The Consented Development and Proposed Development will form part of the wider HyNet Project ('the Project') that will transport carbon dioxide captured from existing industry in North Wales and North West England. The captured carbon dioxide will be stored in depleted oil and gas fields in Liverpool Bay.

2.1.2. Power supply from the onshore grid and upgraded telecommunications are required at the New Douglas OP in Liverpool Bay, North Wales, which will receive and distribute CO_2 for storage in the storage sites. This will be facilitated by the Consented Development, the Proposed Development (described in Chapter 3 of this PDAS), and the marine elements of the Project, which have been consented under Marine Licence CML2365. Natural Resources Wales (NRW) has granted the Applicant's (revised) Marine Licence Application (application reference: CML2365), which consents the proposed realigned route within NRW's jurisdiction past the Mean Low Water Springs (MLWS) mark.

2.1.3. The construction of the Consented Development is scheduled to commence during Q3 2025, and Proposed Development in Q1 2026.

2.2. NEED FOR NEW PLANNING APPLICATION

2.2.1. A Marine Licence (ML) application (application reference: CML2365) was submitted by the Applicant to NRW's Marine Licencing Team (NRW-MLT) in March 2024. The marine element of the Project includes the installation of electrical and fibre optic cables from the Mean High Water Springs (MHWS) to the New Douglas Offshore Platform (OP).

2.2.2. Notices were placed in local newspapers, which invited representations from stakeholders, and the public in relation to the ML application. Feedback from stakeholders received on the original ML application, identified that crossing the Welsh Channel to lay the cable could have implications for vessel movements in and out of the Port of Mostyn. LBCCS was therefore requested to explore options to modify the installation method and alignment. In response, the Applicant is proposing a realignment of the combined electrical and fibre-optic cable to avoid impacts on vessel movements in and out of the Port of Mostyn.

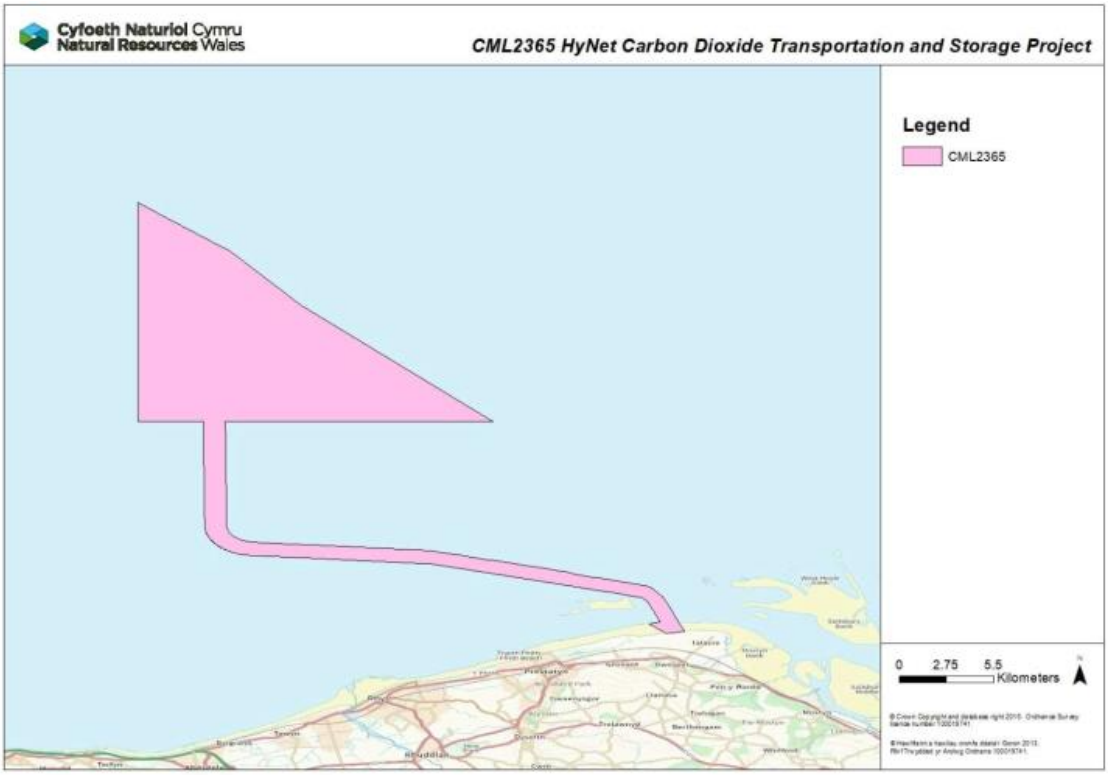
2.2.3. The realigned route falls outside the planning application area boundary of the Consented Development, therefore, consent for the new cable alignment is being

sought from FCC through the submission of this planning application. This planning application seeks re-authorisation of the same works already consented under application FUL/000246/23, but on a new alignment that is approximately 250m further east along Talacre beach. In addition to reducing impact on vessel movements, the new cable alignment will have several benefits compared with the previous alignment including:

- Minimised ecological impact: the realignment has a slightly smaller seabed footprint in the inter-tidal and sub-tidal areas, due to a more direct, straight route.
- Environmental advantages: the realigned cable laying, construction plant, equipment area and the repositioning of the HDD Exit Pit will be an additional 250m away from the Little Tern colony at Gronant Dunes, further reducing potential disturbance during the breeding season. The cable will also be routed through an area with lower Tern foraging distribution and activity (<1.5%).
- Regulatory compliance: the realignment remains compliant with the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD), with no additional adverse effects on designated sites or water quality.
- Improved stakeholder coordination and reduced disturbance to Port of Mostyn: the realignment decreases impact on channel traffic as fewer support vessel movements are required due to the reduced complexity of anchor movements. There will also be collaborative planning in place to avoid conflicts with port operations.
- Operational efficiencies: the simpler cable installation and faster lay operation across the channel avoids complicated and time-consuming manoeuvre of the Cable Laying Vessel (CLV) on anchors within the Welsh Channel. Vessel time in the channel will also be reduced due to shorter pull operation.

2.2.4. To satisfy the marine consenting requirements required for the realigned route, NRW granted the revised ML (application reference: CML2365) on 22 May 2025 with pre-construction, construction, and post-construction conditions. The Licensed Area granted under CML2365 is shown below in Figure 1. NRW were satisfied that there would be no new impacts in respect to European Sites and WFD water bodies from the realignment.

Figure 1 - Map of Licensed Area under Marine License (CML2365)



2.3. ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

2.3.1. A request for an Environmental Impact Assessment (EIA) Screening Opinion (application reference: SCR/000421/25) under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) for the Proposed Development was submitted to FCC on 9th May 2025.

2.3.2. Environmental Impact Assessment (EIA) Screening determines whether a proposed development is likely to have significant environmental effects and therefore requires an Environmental Impact Assessment (EIA) pursuant to the EIA Regulations. While Schedule 1 developments always require an EIA, Schedule 2 developments may require one depending on their nature, scale, and location.

2.3.3. The Screening Opinion decision was issued on the 30th May 2025.

2.3.4. The Opinion concluded that "Although the site is located within the [environmental] designations as set out above, proposed development would be temporary in nature and mitigation measures as set out in the consented cable route would be implemented should planning permission be granted in this new proposed location, therefore it is considered that the proposal would not give rise to significant environmental effect. All potential impacts can be mitigated. The possible effects are considered to be local and not greater than local significance

and any effects can be controlled by management controls/mitigation measures controlled by condition."

2.3.5. Given the above it was considered that the potential impacts would not be significant as to require the submission of a formal EIA.

2.4. HABITATS REGULATIONS ASSESSMENT

2.4.1. The Proposed Development lies within the Dee Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The Site is also located within the Gronant Dunes and Talacre Warren SSSI.

2.4.2. A Habitats Regulations Assessment (HRA) Report (Document Reference PF.3.3) is submitted with this planning application, which provides sufficient information to enable the competent authority, in this case FCC, to determine whether the Proposed Development will lead to Likely Significant Effects (LSE) on the integrity of the affected European sites. The HRA report provides the information required by FCC to enable it to undertake the HRA Screening and information to inform an Appropriate Assessment (AA).

2.4.3. The HRA report concludes that the Proposed Development would not have Likely Significant Effects (LSEs) (alone or in-combination with other plans or projects) on the integrity of a European Site, or any site to which the same protection is applied as a matter of policy.

2.4.4. There will be no significant adverse effects on habitats as there will be no permanent loss of habitat. The area temporarily affected during construction will be small and the habitat will recover in the short term i.e., over a few tidal cycles, as has been the case for other electrical cables previously installed along this coastline.

2.5. PRE-APPLICATION CONSULTATION

2.5.1. As the area of the Site exceeds 1 hectare the Proposed Development is classified as Major Development pursuant to Part 2 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

2.5.2. Statutory PAC requirements to support planning applications for major developments in Wales were enacted in August 2016 through the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (DMPWO). The Applicant has adhered to PAC requirements as prescribed in the DMPWO, section 17 of the Planning (Wales) Act 2015 (the Act), and section 61Z of the Town and Country Planning Act 1990 – as amended (TCPA).

2.5.3. As such, this application is submitted by a Pre-Application Consultation Report (document reference: PF.2.12) which outlines the how the Applicant met its

statutory duties on consultation, what consultation was undertaken, what responses were received and how the Applicant responded.

2.5.4. Based on the comments received during the PAC, no amendments to the Proposed Development are considered necessary.

3. THE SITE

3.1. SITE LOCATION

3.1.1. The Proposed Development is located on land to the north-west of the PoA terminal comprising Gronant Dunes and foreshore ('the Site') in the administrative area of Flintshire County Council. The location of the site is illustrated on the Site Location Plan (drawing reference: UK0029984.4176-PF.2.7-SLP-Sheet1).

3.1.2. The proposed realigned route will start from the original HDD entry pit location, already authorised as part of the Consented Development. The Proposed Site Plan (drawing reference: UK0029984.4176-PF.2.9-LAY-Sheet1) shows the cable route realignment from the HDD Entry Pit creating a more direct path, in an approximate north-west direction, under the dune system, and across Talacre Beach, and the Welsh Channel, to the gap between the sand banks to the east of West Hoyle Spit and onwards to the New Douglas OP.

3.2. SITE DESCRIPTION

3.2.1. The area around the Site is a combination of rural, urban and coastal landscapes. The A548 is located approximately 1km to the south of the Site and is the closest major road. There are a number of small settlements located nearby, including Tanlan, Ffynnongroyw, Picton and Gwespyr to the south, and Tynymorfa to the west. The Point of Ayr Colliery is located 1.5km south / south-east of the Site.

3.2.2. The Proposed Development is located within the Dee Estuary Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar Site. The northern end of the Proposed Development lies directly adjacent to the Liverpool Bay SPA. The Proposed Development is also located within Gronant Dunes and Talacre Warren Site of Special Scientific Interest (SSSI).

3.2.3. The Proposed Development predominantly lies within Flood Zone 3 with a small portion in Flood Zone 2 (located within an area at low risk of coastal flooding and benefitting from significant flood defences) and there are several watercourses adjacent, including the Talacre Brook and several drainage ditches.

3.2.4. The only designated asset within 1km of the Site is the Grade II listed Point of Ayr Lighthouse (record number 520), located approximately 750m east of the Site.

3.2.5. There are also two historic aircraft crash sites on Talacre Beach. A validation heritage walkover survey undertaken in April 2025 has identified these historic assets within the Site.

3.2.6. Dee Estuarine and Western Wales Costal water body are located within the Red Line Boundary (RLB) and the proposed HDD Exit Pit is situated within these waterbodies.

3.2.7. The British Geological Survey (BGS) Mineral Resources of Wales map recorded primary shallow coal resources (Pennine Middle and Lower Coal Measures) and blown sand resources within the Site. The Ground Investigations conducted by WSP on March 2023 indicate that Blown sand deposits (aggregates) have been identified across part of Site and Primary shallow coal deposits have been identified across the entire site with proven depth to coal measures rockhead ranges between 26.22 and 38.70m bgl. However, the Site is not within a Mineral Safeguarding Area (MSA) and there is no forecast of need or landbank of permitted reserves for coal or blown sand in Flintshire.

3.2.8. There are no residential properties within 500m of the works on Talacre Beach. The nearest chalet in the holiday park is over 500m away from the HDD Exit Pit with sand dunes around 10m height in between.

3.2.9. The following Public Rights of Way (PRoW) run within the Site:

- The Wales Coast Path;
- Point of Ayr Coastal Trail and off-road cycle route (NCN 5 and Wales Coast Path link route); and
- Bridleway 409/86/10.

3.3. PLANNING HISTORY

3.3.1. A planning history search was conducted (on 3rd June 2025) to identify applications where decisions had been made in the past five years.

3.3.2. The search concluded that the only submissions considered to be material to the Proposed Development is the application for the Consented Development as well as the Marine License consent discussed above in Chapter 2 of this PDAS.

4. THE PROPOSED DEVELOPMENT

4.1. THE PROPOSED DEVELOPMENT

4.1.1. The Proposed Development is seeking re-authorisation of the cable route element of the works consented under application reference FUL/000246/23 (the Consented Development) but on a new alignment that is approximately 250m further east along Talacre beach. The components of the Proposed Development, and associated construction activities are as follows:

- Construction of part of a cable conduit under the Gronant Dunes using a trenchless HDD method of installation.
- An HDD Exit Pit entailing installation, at approximately 3m below beach level, of a temporary steel prefabricated containment sump, approximately 3m x 3m in width and length, to capture any drilling fluid emitted from the drilling process. This will be of the order of 10m^3 capacity. Reinstatement of the HDD Exit Pit beach area on completion.
- The installation of a combined electrical and fibre optic cable within the HDD conduit.
- The simultaneous lay and burial of the cable across Talacre Beach from the HDD Exit Pit to the MLWS line.

4.1.2. The target depth of burial for the cables is approximately 2.5m, from the HDD Exit Pit across Talacre Beach to the MLWS line. There are no other above or below ground structures proposed as a part of the Proposed Development.

4.1.3. The construction and operation of the cables from MHWS, and beyond the MLWS through the marine environment is covered by a separate Marine Licence (application reference: CML2365) approved in May 2025 by NRW.

4.1.4. The Environmental Statement (ES) associated with the Consented Development assessed the cumulative inter-project and intra-project effects and concluded that no significant inter-project or intra-project effects are anticipated during the construction or operational phases of the Consented Development.

4.1.5. The realigned route of the foreshore cables is contained within the RLB for this planning application to the north-west of the HDD Entry Pit, as shown in the Proposed Site Plan (drawing reference: UK0029984.4176-PF.2.9-LAY-Sheet1), passing under the Gronant dune system, until it reaches the MLWS.

4.2. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

4.2.1. A Detailed Construction Environmental Management Plan (CEMP) accompanies this planning application to avoid pre-commencement conditions for the HDD works. The CEMP includes key documents and associated management plans required during construction including mitigation to manage the environmental impacts of the Proposed Development.

4.2.2. A separate CEMP has been prepared in support of the Consented Development [FUL/000246/23].. The CEMP for the Proposed Development includes:

- Construction Activities and Programme;
- Site Security, Safety, and Welfare;
- Project Environmental Requirements;
- Construction Environmental Management; and
- Construction Management and Mitigation Measures.

4.2.3. Best practice construction management measures and project specific mitigation measures are outlined below:

- Spill kits will be made available on site and personnel will be competent at deploying spill kits in the event of a spillage. In the event of a pollution incident, work should cease in the vicinity of the incident and contaminants must be cleaned up immediately. All incidents must be reported and a Pollution Incident Report form completed. Subsequent waste material resulting from a spillage should be disposed of appropriately.
- An archaeological watching brief, carried out under a WSI approved by the LPA's archaeological advisors, will be undertaken on the excavation of the HDD exit pit and a PAD will be in place prior to any trenching works within the intertidal zone. If any archaeological remains are encountered during construction, works should cease and consultation / advice with the archaeologist should be sought in line with the PAD. The Joint Casualty and Compassionate Centre (JCCC), part of the Defence Business Services (DBS) has confirmed that given the cable alignment is over 100m from the location of the crash sites, there would be no requirement to apply to them for a licence.
- Given the lack of significant changes to the ecological baseline and adverse effects compared to the Consented Development, mitigation measures for the Proposed Development will not differ from those agreed for the Consented Development.
- The installation of the HDD Exit Pit on Talacre Beach are currently programmed to avoid most of the little tern breeding season by carrying out the HDD Conduit, and Exit Pit works during February and March 2026.
- The activities for the installation of the electrical cable on Talacre Beach will be carried out towards the end of the little tern breeding season from early July 2026. The installation works will also be carried out away from the main areas of foraging for the Little Tern.
- A Risk Assessment and Method Statement (RAMS) will be produced as part of the overall mitigation measures for the Proposed Development and requirements for an Ecological Clerks of Works to be present during construction (where required) will be detailed in the RAMS.
- Further measures to mitigate adverse effects on biodiversity receptors will include:
    - Measures to prevent dust and other emissions from construction affecting land beyond the footprint of the Proposed Development;

    - Excavations will be covered or securely fenced (with no potential access points beneath fencing) when the Site is closed (e.g. overnight) to prevent entrapment of animals;
    - Noise and vibration will be controlled and kept to the minimum necessary; and
    - Lighting used for construction will be switched-off when not in use and positioned so as not to spill on to adjacent land or retained vegetation within the Site.
- The public will be informed of the nature, timing and duration of individual construction activities, and the overall duration of the construction works, by newsletters and liaison by the Construction Contractor.
- Clear signage and directions for Public Right of Way (PRoW) diversions will be provided and clearly publicised to maintain access to PRoW network and the wider countryside. Signage to advertise businesses that are open and operating as normal could also be provided.
- Community facilities will be consulted prior to construction where access arrangements will be directly affected.
- Temporary screens around the boundary of the Proposed Development to reduce visual impacts to sensitive receptors and protect pedestrians from any dust generated.
- Works adjacent to Point of Ayr Holiday Park and Haven Presthaven Holiday Park, where practicable, have been programmed outside of the peak holiday seasons.
- Waste generated during the construction of the Proposed Development is anticipated to be minimal. Material excavated from the HDD exit pit will be used to backfill the pit upon completion of the works. The installation of the cable will be achieved through ploughing, a 'self-burial' method, which requires no excavation and therefore no generation of waste.
- Construction waste will be managed and disposed of by the construction contractor(s), in accordance with the waste hierarchy and prevailing legislation. Excavated material will be re-used within the engineering works where possible, thereby minimising the amount of material that will need to be transported off site. Construction methods

4.2.4. The new underground foreshore cables will be installed broadly in a north-west direction from the HDD Entry Pit to the MLWS. The foreshore cables will be directly buried from the HDD Entry Pit to the MLWS at the Foreshore (and on to the New Douglas OP).

4.2.5. The installation of the cables under the Gronant Dunes will utilise HDD equipment. This technique will be used to avoid causing disturbance to the ground surface, and disturbance to the ecologically sensitive dune system. The HDD process involves drilling a tunnel from an entry pit behind the dunes to an exit pit located just below the MHWS line.

4.2.6. Figure 2 provides an illustration of the HDD technique which will be adopted during construction of the Proposed Development.

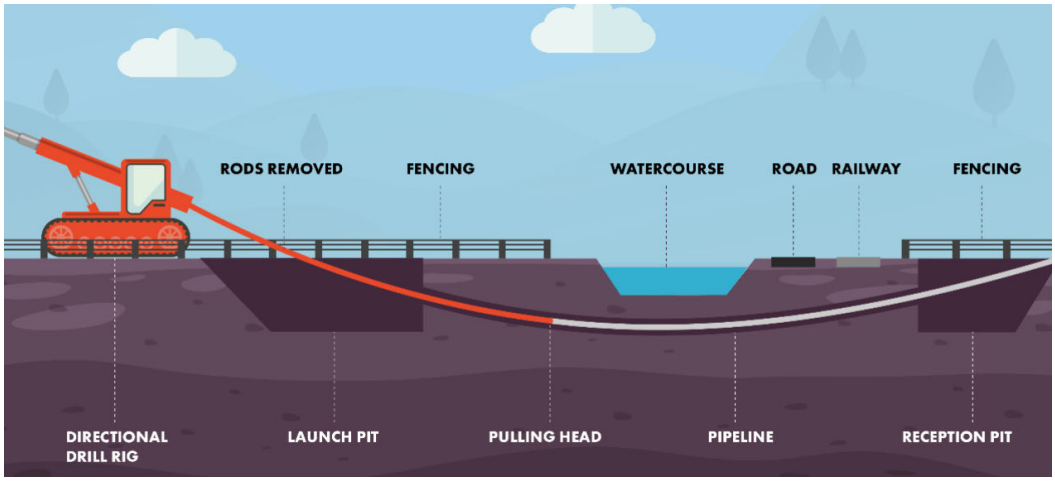


Figure 2 1- Illustration of HDD Technique for cable installation

4.2.7. The exit pit for the Gronant dune system HDD on the intertidal side will be placed between 2-3m below ground level into the sand with temporary pumps and storage tanks sited close to the pit to contain any drilling fluid. As the pit will be at around the same depth as the proposed cable depth, and given the Applicant's experience with similar installations, it is not expected that any external cable protection will be required.

4.2.8. Access to the beach will be from the Talacre beach car park. Temporary matting will be placed to facilitate vehicle access within the Foreshore Area over the soft sand as necessary.

4.2.9. The method for the installation of the cables across the intertidal area, given the known geological conditions, is to use a plough, of cable trencher, to simultaneously lay and bury the cable as it moves along the cable route. This is achieved by the cable laying vessel beaching on the intertidal area at the MLWS line. The cables will then be pulled by excavators, and guided on rollers pre-installed on the beach, pegged at approximately 3m intervals. The cable will then be attached to the HDD pulling equipment, located on the shoreward side of the dunes, and pulled to the HDD Exit Pit, and drawn through the HDD conduit under Gronant dunes to the HDD Entry Pit (consented under FUL/000246/23).

4.2.10. Once the pull is complete, the cable laying vessel will use the plough or cable trencher, to simultaneous lay and bury the cable across the intertidal area. This is instead of the previously proposed method that would have been required to first lay the cables to the landfall, and then two vessel passages to bury the cables. This reduces potential disturbance from the cable laying vessel activities. As agreed

with NRW, and the Port of Mostyn, during determination of the Marine Licence for these activities, this new alignment will avoid bird foraging areas, and disruption to the operation of Port of Mostyn. Figure 3 below illustrates the typical plant and equipment for cable installation across inter-tidal similar to cables historically installed from the offshore wind farms between Prestatyn and Rhyl.

Figure 3 2- Typical plant and equipment for cable installation across inter-tidal similar to offshore wind farm cables historically installed between Prestatyn and Rhyl.

4.2.11. The intertidal works are envisaged to take up to 8 weeks. This is expected to be separated into two different periods: one for the Gronant dunes HDD works (estimated at around 4 weeks), and another for the cable pulls (for indicative timeframes see Table 6.7 of the CEMP), during which certain locations will be closed off entirely to the public. Temporary diversions will be arranged across the dunes during this period for pedestrian use.

4.2.12. As part of the construction works, a temporary fence will be erected to safeguard both the public and workforce and provide security of the works. This temporary fencing will be removed upon completion of the works.

4.2.13. Traffic and access management including an Outline Construction Traffic Management Plan (CTMP) has been consented under the Consented Development (application reference: FUL/000246/23) and does not form part of this planning application.

4.3. CONSTRUCTION COMPOUND

4.3.1. A temporary localised construction compound for the foreshore cables has been consented under the Consented Development (application reference: FUL/000246/23) and does not form part of this planning application. It will be in the Talacre Beach car park and be used to provide access to the intertidal works area, for parking vehicles, and for welfare trailers. Facilities for the storage of oils, fuels or chemicals will be arranged within the consented temporary localised construction compound and will be stored on impervious bases and surrounded by impervious bund wall and located away from watercourses or water bodies. There will not be any storage of construction materials / chemicals / fuel within the RLB or near to the Proposed Development in Gronant Dunes.

4.3.2. Access to the intertidal works will be from the Talacre Beach car park and along the base of the dunes via the route identified and authorised as part of the Consented Development, and does not form part of this planning application.

5. DESIGN AND ACCESS

5.1. INTRODUCTION

5.1.1. The Proposed Development is seeking re-authorisation of the cable route element of the works authorised under the Consented Development, on a new alignment that is approximately 250m further east along Talacre Beach. The focus of the design work has therefore been on the delivery of an efficient engineering solution which minimises impacts on the Port of Mostyn, the local community and environment.

5.1.2. The requirement for a Design and Access Statement is set out within Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

5.1.3. Article 7 sets out that a design and access statement must explain:

- the design principles and concepts that have been applied to the following aspect of the development:
  - environmental sustainability;
  - movement to, from and within the development;
  - character; and
  - community safety.
- the context of the development and how the design takes this into account;
- the approach adopted to access and how policies relating to access in the development plan have been taken into account;
- how any specific issues which might affect access to the development have been addressed; and
- how features which ensure access to the development are to be maintained.

5.2. LOCAL CONTEXT

5.2.1. The location of the Proposed Development is described in full in Chapter 3 of this PDAS. This section describes the local landscape to show how the development would affect nearby receptors.

5.2.2. The EIA Screening outlines that "...there are no areas important sensitive, historic or landscape value within 2km of the Site. The Proposed Development comprises buried infrastructure that will not be visible on completion of construction."

5.2.3. The surrounding area is a blend of rural, urban, and coastal environments. Approximately 1km south of the Site lies the A548, the nearest major road. Close by are small settlements such as Tanlan, Ffynnongroyw, Picton, and Gwespyr to the south, and Tynymorfa to the west. The Point of Ayr Colliery is situated 1.5km to the south/southeast of the Site.

5.2.4. The Site is located within the Dee Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), and Ramsar Site. The northern end of the Site is adjacent to the Liverpool Bay SPA. Additionally, it is within the Gronant Dunes and Talacre Warren SSSI. The Site predominantly lies within Flood Zone 3 with a small portion in Flood Zone 2, which is an area of low coastal flood risk with significant flood defences. Nearby watercourses include Talacre Brook and several drainage ditches.

5.3. DESIGN

5.3.1. The Proposed Development involves the laying of underground cables which would not be visible following completion of construction works. The location of the cables is dictated by the existing infrastructure at the PoA Terminal and the route of the existing pipeline. HDD is proposed beneath the mature vegetation around the terminal and beneath the dunes and so these areas would not be affected by the works. The grassland would be reinstated following completion of the trenching works.

5.4. ACCESS

5.4.1. Access to the beach will be from the Talacre beach car park and along the base of the dunes via the route identified and included within the RLB of the Consented Development, therefore it does not form part of this planning application.

5.4.2. No additional means of permanent access are being provided as part of the Proposed Development and is therefore not considered relevant to this PDAS.

6. NEED AND BENEFITS

6.1. INTRODUCTION

6.1.1. This section of the PDAS provides a summary of the need and benefits of the Proposed Development in the context of its relation to the Main Onshore Carbon Dioxide Pipeline (consented by the HyNet Carbon Dioxide Pipeline Development Consent Order 2024) and wider HyNet Project of which the Proposed Development is integral.

6.2. OVERVIEW OF HYNET PROJECT

6.2.1. The HyNet Project is an innovative low carbon and hydrogen energy project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. HyNet was announced as a 'Track-1' cluster by the UK Government in 2021 to be prioritised for deployment in the mid-2020s.

6.2.2. HyNet will use state-of-the-art technology to build new infrastructure whilst also upgrading and reusing existing infrastructure which is currently involved in fossil fuel production.

6.2.3. This revolutionary project has the potential to reduce CO_2 emissions by 10 million tonnes every year by the early 2030's – the equivalent of taking 4 million cars off the road and produce enough hydrogen to meet 50% of the UK's Net-Zero targets (Hynet Project, 2021).

6.2.4. The Proposed Development facilitates the construction of the wider PoA Terminal and Foreshore Works which is an essential component of the Main Onshore Carbon Dioxide Pipeline and the HyNet Project, as it will enable the captured CO_2 to be stored permanently within the depleted oil and gas fields in Liverpool Bay.

6.3. CLIMATE CHANGE COMMITMENTS

6.3.1. Welsh Government have declared a climate emergency in Wales and have laid out plans for the public sector to be carbon neutral by 2030 (Welsh Government, 2019). FCC have set the target date of 2030 to decarbonise Council operations and promote the protection and enhancement of the county's natural environment. FCC have undertaken a consultation on their Climate Strategy and operational plan to help meet this goal.

6.3.2. This approach demonstrates that FCC and Welsh Government recognise the importance of achieving Net Zero carbon emissions and are striving to reach Net-Zero ahead of the UK target of 2050. The PoA Terminal and Foreshore Works

Proposed Development will play a key role in supporting these ambitions within Wales and across the UK.

6.4. BENEFITS

6.4.1. The benefits of the Proposed Development in comparison to the Consented Development include:

- Minimised ecological impact: the realignment has a slightly smaller seabed footprint in the inter-tidal and sub-tidal areas, due to a more direct, straight route.
- Environmental advantages: the realigned cable laying, construction plant, equipment area and the repositioning of the HDD Exit Pit will be an additional 250m away from the Little Tern colony at Gronant Dunes, further reducing potential disturbance during the breeding season. The cable will also be routed through an area with lower Tern foraging distribution and activity (<1.5%).
- Regulatory compliance: the realignment remains compliant with the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD), with no additional adverse effects on designated sites or water quality.
- Improved stakeholder coordination and reduced disturbance to Port of Mostyn: the realignment decreases impact on channel traffic as fewer support vessel movements are required due to the reduced complexity of anchor movements. There will also be collaborative planning in place to avoid conflicts with port operations.
- Operational efficiencies: the simpler cable installation and faster lay operation across the channel avoids complicated and time-consuming manoeuvre of the Cable Laying Vessel (CLV) on anchors within the Welsh Channel. Vessel time in the channel will also be reduced due to shorter pull operation.

7. PLANNING POLICY FRAMEWORK

7.1. PLANNING POLICY CONTEXT AND OVERVIEW

7.1.1. The Proposed Development is located within the administrative area of Flintshire County Council (FCC). The Statutory Development Plan comprises:

- Future Wales; The National Plan 2040;
- Flintshire Local Development Plan (LDP) 2015-2030; and
- Strategic Development Plan for Wales

7.1.2. Although outlined on the Flintshire County Council website as part of the Statutory Development Plan the Strategic Development Plan for Wales is yet to be formally adopted and as such is not discussed in this Statement further.

7.1.3. There are several other local and national planning policy documents and statutory instruments which represent material planning considerations in the decision-making process:

- Adopted Flintshire Supplementary Planning Guidance Notes (SPGNs);
- Informal Local Planning Guidance Notes;
- Planning Policy Wales: Edition 12 (2024);
- Technical Advice Notes (TANs); and
- Well-being of Future Generations (Wales) Act 2015.

7.2. STATUTORY DEVELOPMENT PLAN

7.2.1. The following sections provide a summary of the relevant policies of the statutory development plan.

NATIONAL PLANNING POLICY

7.2.2. Future Wales – the National Plan 2040 ('Future Wales') is the national development framework, setting the direction for development in Wales to 2040. It forms the highest tier of the development plan structure in Wales. Strategic Development Plans, which are not yet in place, cover regional and sub-regional scales and Local Development Plans consider issues at the local scale. The following policies are of relevance to the Proposed Development:

> Policy 1: Where Wales Will Grow identifies Wrexham and Deeside as National Growth Areas, this is supported by Policy 20 which focuses specifically on the growth of Wrexham and Deeside.
>
> Policy 9: Resilient Ecological Networks and Green Infrastructure supports the enhancement of biodiversity and states "In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a

net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based- approaches to site planning and the design of the built environment.".

Policy 17: Renewable and Low Carbon Energy and Associated Infrastructure sets out that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet Wales' future energy needs. It also states, *"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"*.

LOCAL PLANNING POLICY

The Flintshire Local Development Plan (LDP) 2015-2030

7.2.3. FCC adopted the LDP in January 2023. The Flintshire LDP focuses on delivering sustainable development in the County up to 2030. The Flintshire LDP sets out 19 Objectives. Objective 15: Minimise the causes and impacts of climate change and pollution is of particular relevance to the Proposed Development:

7.2.4. The Flintshire LDP sets out strategic policies which relate to the overarching themes of the plan and set the context for translating the strategic objectives into policy proposals and guidance. The plan then sets out a series of Development Management Policies under range of overarching headings.

7.2.5. The policies considered of particular relevance to the Proposed Development and excerpts of those policies are listed below:

STRATEGIC POLICIES

Policy STR2: The Location of Development

"New development will be directed to the following locations: i. Allocated Sites; ii. Principal Employment Areas as detailed in policy PE2; iii. Sustainable settlements based on the first three tiers of the settlement hierarchy."

Policy STR3: Natural and Built Environment, Green Networks and Infrastructure

"The majority of new development in Flintshire during the Plan period will be provided by a combination of commitments and new sites located in accordance with the sustainable settlement hierarchy."

Policy STR4: Principles of Sustainable Development, Design and Placemaking

"To promote and create new sustainable places, all development will be designed to a high standard in line with the sustainable placemaking design principles and

should achieve local distinctiveness, be inclusive and accessible, and mitigate and adapt to climate change."

Policy STR6: Services, Facilities and Infrastructure

"An essential element in planning for sustainable places is to ensure that the physical and social infrastructure exists, or can be provided, to ensure that when and where development occurs, it can be sustainably accommodated within communities.

Delivered through a combination of recognised infrastructure providers, public organisations, and private investment, new development will contribute to the provision of a range of key infrastructure…"

Policy STR7: Economic Development, Enterprise and Employment

"In order to sustain Flintshire's role as a sub-regional economic hub, the Plan will support this by: iv. Providing the opportunity to realise the creation of 8-10,000 jobs in key sectors, over the plan period."

Policy STR13: Natural and Built Environment, Green Networks and Infrastructure

"Environmental networks can, and do, have a variety of roles in protecting and enhancing biodiversity, defining the landscape setting of places, defining the transition from urban to countryside, and facilitating well-being through amenity, recreation and active leisure. The key is to balance these sometimes conflicting roles, achieving a sustainable balance.

Development should identify, respect, protect, enhance and connect Flintshire's environmental assets, to create a multifunctional network of natural and historic resources."

Policy STR14: Climate Change and Environmental Protection

"The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:…

> …vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution, unstable and contaminated land and former landfill sites"

Policy PC1: The Relationship of Development to Settlement Boundaries

"New development will be permitted within settlement boundaries as defined on the Proposals Maps, on allocations and within Principal Employment Areas subject to complying within other Plan policies.

Outside settlement boundaries new development will be permitted for:…

d. other development which is appropriate to the open countryside and where it is essential to have an open countryside location, rather than being sited elsewhere"

Policy PC2: General Requirements for Development

"All development should:

a. harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape;

b. not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution;

c. take account of personal and community safety and security in its design and layout;

d. maximise sustainable travel choice by having safe and convenient access by foot, cycle, public transport and vehicles;

e. not have an unacceptable effect on the highway network or highway safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and maneuvering;

f. not result in or be susceptible to problems related to foul and surface water drainage, land stability, contamination, flooding, or pollution of light, air and water, either on or off site."

Policy PC3: Design

"All new development should:

a. be of a high quality, distinctive and inclusive design which respects and enhances the site and its surroundings in terms of its siting, layout, scale, height, design, density, use of materials and landscaping, and creates a sense of place;

b. retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity;

c. ensure that new materials are appropriate, durable and sympathetic to the character and context of the site;

d. protect and enhance the townscape, architectural, historic and cultural built environment;

e. incorporate suitable provision of space about dwellings, amenity space, landscaping and planting;

f. create attractive, accessible and safe and healthy places with natural surveillance, visibility and sensitive lighting;

g. incorporate Sustainable Urban Drainage Schemes to bring about multiple benefits as an integral part of the development;

h. protect the living conditions of nearby occupiers from any harmful effects of new development including overlooking, harm to outlook, increased activity/disturbance/noise.

Policy PC4: Sustainability and Resilience for Development

"Development should:

a. be sustainably located and accessible to non – private car means of travel, so as to reduce carbon emissions;

b. be designed so as to be resilient and adaptable to the effects of climate change;

c. incorporate planting, landscaping and design features within a Sustainable Management of Natural Resources (SMNR) approach which mitigate the effects of climate change such as increased rainfall events and high temperatures;

d. make efficient use of resources through sustainable construction techniques and materials, including layout, siting and orientation to maximise solar gain, water conservation and waste reduction; and incorporate renewable energy technologies and carbon sinks where appropriate."

Policy EN2: Green Infrastructure

"Development proposals will be required to protect, maintain and enhance the extent, quality and connectivity of the green infrastructure network, including designated and non-designated green spaces…

Where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required."

Policy EN3: Undeveloped Coast and Dee Estuary Corridor

"Within the undeveloped coast development will only be permitted where:

a. it can be demonstrated a coastal location is essential;

b. it conserves and enhances the open character of the coast;

c. it would not unacceptably harm areas of nature conservation, landscape or biodiversity;

d. it would not harm existing or proposed recreational or active travel routes

e. extensive coastal protection measures are not required; and

f. it would not be potentially at risk of flooding nor unacceptably increase erosion or flooding or interfere with natural coastal processes."

Policy EN4: Landscape Character

"New development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. Landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement."

Policy EN6: Sites of Biodiversity Importance

"Development will not be permitted that would result in an adverse effect on the integrity of sites of international nature conservation importance. Proposals where adverse effects on site integrity cannot be ruled out would not be supported.

Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided."

Policy EN7: Development Affecting Trees, Woodland and Hedgerows

"Development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted.

Where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where:

a. the development maximises their retention through sensitive design measures; and

b. where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and c. it results in a net benefit in biodiversity."

Policy EN8: Built Historic Environment and Listed Buildings

"The County's buildings and features of special architectural and historic importance, and their settings, will be preserved.

a. development proposals affecting listed buildings will be permitted only where:

i. the alteration and/or extension to a listed building or its curtilage ensures that the special architectural character or historic interest is preserved;

ii. the change of use of a listed building or its curtilage contributes towards the retention of a building or its sustainable re-use without having an adverse effect on its character, special interest or structural integrity;

iii. the total or substantial demolition of a listed building, is accompanied by the strongest justification and convincing evidence that the proposal is necessary and unavoidable."

Policy EN11: Green Wedges

"Certain other forms of development may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction; renewable and low carbon energy generation; engineering operations; and local transport infrastructure.

Other forms of development would be inappropriate development unless they maintain the openness of the green wedge and do not conflict with the purposes of including land within it."

Policy EN13: Renewable and Low Carbon Energy Development

"All renewable or low carbon energy proposals will be permitted provided that:

i. the development does not prejudice the purpose of the ILSAs to maximise opportunities for large scale solar PV development;

ii. ii. the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;

iii. iii. there would not be unacceptable loss of public amenity or accessibility to the area;

iv. iv. the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered;

v. v. there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;

vi. vi. any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;

vii. vii. in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground; viii. adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use."

Policy EN14: Flood Risk

"In order to avoid the risk of flooding, development will not be permitted:

a. in areas at risk of fluvial, pluvial, coastal and reservoir flooding, unless it can be demonstrated that the development can be justified in line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding;

b. where it would lead to an increase in the risk of flooding on the site or elsewhere from fluvial, pluvial, coastal or increased surface water run-off from the site;

c. where it would have a detrimental effect on the integrity of existing flood risk management assets: or

d. where it would impede access to existing and proposed flood risk management assets for maintenance and emergency purposes."

Policy EN15: Water Resources

"Development affecting water resources will only be permitted if:

a. it would not have a significant adverse impact on the capacity and flow of groundwater, surface water, or coastal water systems;

b. it would not pose an unacceptable risk to the quality of groundwater, surface water, or coastal water; and

c. it would have access to adequate water supply, sewerage and sewage treatment facilities which either already exist, or will be provided in time to serve the development, without detriment to existing abstractions, water quality, fisheries, amenity or nature conservation; and

d. there is no adverse effect on the integrity of the River Dee and Bala Lake SAC in particular through the treatment of waste water."

Policy EN18: Pollution and Nuisance

"New development which is sensitive to the effects of existing noise, vibration, odour, dust, light or other pollution or nuisance, will be permitted only if it can be demonstrated that appropriate measures can be taken to mitigate any potential

adverse effects. New development which would create an increased risk of noise, vibration, odour, dust, light or other pollution or hazard will only be permitted if:

a. it would not unacceptably harm general amenity or living conditions; and

b. it would not impose significant restrictions on the use or development of surrounding land.

If new external lighting is proposed, particularly in or near to the AONB, this should be considered as part of an overall landscaping scheme and kept to a minimum to avoid light pollution"

Policy EN19: Managing Waste Sustainably

"Proposals for new development should:

a. demonstrate how the production of waste will be minimised during all stages of the development and how wastes which do arise would be managed in a sustainable way, in accordance with the waste hierarchy.

b. demonstrate, where relevant, that adequate facilities and space for collection, composting and recycling of waste materials has been made."

7.3. OTHER MATERIAL CONSIDERATIONS

PLANNING POLICY WALES: EDITION 12 (2024)

7.3.1. Planning Policy Wales: Edition 12 (PPW) was published by the Welsh Government in February 2024.

7.3.2. Chapter 2 of PPW (People and Places: Achieving Well-being Through Placemaking) sets out the importance of the planning system in the creation of sustainable place. Figure 4 defines five 'key planning principles':

- Growing our Economy in a sustainable manner.
- Making best use of resources.
- Facilitating accessible and healthy environments.
- Creating and sustaining communities.
- Maximising environmental protection and limiting environmental impact.

7.3.3. Chapter 3 of PPW (Strategic and Spatial Choices) of PPW refers to Climate Change, Decarbonisation and the Sustainable Management of Natural Resources.

7.3.4. Chapter 6 of PPW (Distinctive and Natural Places) sets out policies in relation to the historic environment, landscape, biodiversity, water quality, flood risk, air quality, noise and lighting.

TECHNICAL ADVICE NOTES (TANS)

7.3.5. Technical Advice Notes (TANS) have been produced by the Welsh Government to provide additional guidance on specific environmental topics and are material considerations in the determination of planning applications.

7.3.6. The following TANS are considered relevant to the Proposed Development:

TAN 5: Nature Conservation and Planning (2009)

7.3.7. TAN 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 11: Noise (1997)

7.3.8. Tan 11 provides advice on using the planning system to reduce noise impacts without placing unreasonable burdens on development. It sets out key considerations for local authorities when making policies or deciding applications involving noise-generating or noise-sensitive development.

TAN 12: Design (2016)

7.3.9. TAN 12 provides advice to help achieve the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion.

TAN 15: Development, Flooding and Coastal Erosion (2025)

7.3.10. TAN 15 provides technical guidance to support PPW and Future Wales policies on flooding and coastal erosion. It outlines a framework for assessing related risks and offers advice on their impacts, adaptation and resilience.

TAN 18: Transport (2007)

7.3.11. TAN 18 provides guidance on integrating land use and transport planning, including development location, regional transport plans, parking and design.

TAN 21: Waste (2014)

7.3.12. TAN 21 advises on how land use planning can support sustainable waste management and resource efficiency, reflecting EU and Welsh policy drivers.

TAN 23: Economic Development (2014)

7.3.13. TAN 23 provides guidance on how the planning system can support economic development including employment uses, rural enterprises and regeneration, while balancing environmental and social considerations.

TAN 24: Historic Environment (2017)

7.3.14. The purpose of TAN 24 is to provide guidance on how the planning system considers the historic environment in particular protected and designated historic assets, archaeological remains, historic landscape and conservation areas.

PLANNING GUIDANCE NOTES

7.3.15. FCC has adopted a range of Adopted Supplementary Planning Guidance Notes (SPGN) and informal Local Planning Guidance Notes (LPGN). Those considered relevant to Proposed Development are:

- SPGN No. 3 Landscaping.
- SPGN No 4. Trees and Development.
- SPGN No 6. Listed Buildings.
- SPGN No 8. Nature Conservation and Development.
- SPGN No 8a. Great Crested Newt Mitigation Requirements.
- SPGN No 28. Archaeology.

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

7.3.16. The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies in Wales to carry out sustainable development by improving the social, economic, environmental and cultural well-being of Wales. The Act identifies the following seven wellbeing goals which public bodies need to take into account when making decision which could affect people and communities in Wales:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh Language; and
- A globally responsible Wales.

7.3.17. The Act describes the goal of a prosperous Wales to be:

"An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change).

8. PLANNING ASSESSMENT

8.1. INTRODUCTION

8.1.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This chapter identifies the main planning considerations arising from the development plan applicable to this planning application as well as other material considerations warranting the grant of planning permission for the Proposed Development.

8.1.2. In the context of the consideration of the main effects of the Proposed Development, the main planning and environmental issues are:

- The Principle of the Proposed Development;
- Biodiversity;
- Arboriculture;
- Cultural Heritage;
- Green Infrastructure (Net Benefit for Biodiversity);
- Green Wedge; and.
- Water.

8.1.3. Other planning and environmental considerations are detailed hereafter.

8.2. PRINCIPLE OF THE PROPOSED DEVELOPMENT

8.2.1. FCC's pre-application response (application reference: [redacted] confirmed that the principle of development at this site has been deemed acceptable by virtue of the Consented Development (application reference: FUL/000246/23). In addition, the grant of the Marine Licence (application reference: CML2365) which incorporates the revised alignment for the Proposed Development further supports this case.

8.2.2. This planning application aims to re-authorize the same works previously consented under application FUL/000246/23 but on a new alignment approximately 250 meters further east along Talacre beach. The benefits of the new cable alignment, beyond reducing impacts on vessel movements, include:

- A smaller footprint due to a more direct route;
- Realigned cable laying and repositioned HDD Exit Pit;
- An additional 250 meters (2,300 meters in total) away from the Little Tern colony at Gronant Dunes;
- Routing through an area of lower foraging distribution;
- More efficient, direct crossing of Talacre Beach and Welsh Channel;

- Reduced disturbance to the Port of Mostyn;
- Faster cable lay operation avoiding complicated manoeuvres of the Cable Laying Vessel on anchors within the Welsh Channel;
- Decreased impact on channel traffic due to fewer support vessel movements; and
- Reduced vessel time in the channel due to a shorter pull operation.

8.2.3. Additionally, the Proposed Development is a key enabler to the wider HyNet Project which is providing significant environmental, economic and social benefits to the region and the UK. The needs and benefits of the Proposed Development are discussed in detail in Chapter 5 of this PDAS.

8.2.4. For the reasons outlined above it is considered that the Proposed Development is consistent with policies and **Policy 1: Where Wales Will Grow** and **Policy 17: Renewable and Low Carbon Energy and Associated Infrastructure** of Future Wales.

8.2.5. Additionally, the Proposed Development will assist Flintshire County Council in meeting its statutory objectives to sustainably improve the wellbeing of Wales as placed upon it in the **Well-Being of Future Generations (Wales) Act 2015**.

8.2.6. **Planning Policy Wales** Edition 12 (2024) Chapter 2 sets out the importance of the planning system in the creation of sustainable place through growing economy in a sustainable manner by maximising environmental protection and limiting environmental impact. Additionally, PPW Chapter 3 refers to Climate Change, Decarbonisation and the Sustainable Management of Natural Resources. The Proposed Development aligns with PPW's objectives, contributing to the creation of sustainable places.

8.2.7. The Proposed Development is also in accordance with Policy STR14: Climate Change and Environmental Protection and Policy EN3: Undeveloped Coast and Dee Estuary Corridor of the Flintshire LDP.

8.2.8. Accordingly, it is considered that the principle of the Proposed Development is well established and supported through national and local planning policies.

8.3. BIODIVERSITY

8.3.1. An Environmental Studies Report **(Document Reference: PF3.2)** has been prepared and submitted along with this PDAS to support the planning application. The report has been provided instead of an Environment Statement, as the Proposed Development does not qualify as EIA Development. The scope and methodology utilised in the Environmental Studies Report are detailed in full in the report itself.

8.3.2. Additionally, a HRA – Stage 1 & 2 **(Document Reference PF.3.3)** has been completed in support of the planning application. The assessment considers the

potential for adverse effects on the integrity of 'European Sites' resulting from the Proposed Development.

8.3.3. Stage 1 Screening identified the potential for LSEs on several qualifying habitats and species, including intertidal mudflats and sandflats, wintering bird species such as teal, curlew and redshank, and migratory fish species including salmon and lamprey.

8.3.4. The HRA concludes with an Appropriate Assessment (AA). The AA establishes what, if any, adverse effects the Proposed Development will have on the integrity of identified European Sites. The AA then takes into account any proposed mitigation measures and the potential for further in-combination Adverse Effects on Site Integrity (AESI) that may arise from other projects.

8.3.5. The AA considers three European Sites:

- The Dee Estuary/Aber Dyfrdwy SAC and RAMSAR;
- The River Dee and Bala Lake/Afon Dyfrdwy A Llyn Tegid SAC; and
- The Dee Estuary SPA/RAMSAR - Breeding, Passage and Wintering Birds.

8.3.6. The AA concludes that with mitigation secured through the CEMP, with measures including seasonal working restrictions, pollution controls, and ecological supervision that there would be no Adverse Effect on Site Integrity (AESI) on any of the sites identified.

8.3.7. The Environmental Studies Report identifies the biodiversity baseline for the Proposed Development as well as any potential ecological impacts and measures required to mitigate these impacts.

8.3.8. During the construction phase, direct impacts are anticipated within designated sites and Section 7 Priority Habitats located within the Site boundary. These include temporary habitat loss and physical disturbance, particularly in relation to the construction of the HDD exit pit and associated cable installation in the intertidal zone. Indirect impacts may also occur due to noise, vibration, pollution, dust, and vehicle activity, with potential to affect sensitive habitats and species, especially during vulnerable periods in the ecological calendar.

8.3.9. However, a suite of mitigation and best practice measures will be implemented to avoid significant adverse effects. These include careful timing of works at Talacre Beach to minimise disturbance to the breeding little tern population, with HDD works scheduled for February–March 2026 and cable installation timed for the end of the breeding season in July 2026. Works will be located outside of the main foraging areas and will be subject to ecological monitoring throughout.

8.3.10. Protected species within the Gronant Dunes, including sand lizard, natterjack toad and great crested newt, will be safeguarded through the use of trenchless HDD methods, avoiding any above-ground disturbance to dune habitats.

8.3.11. All mitigation will be secured through the CEMP, supported by a Precautionary Working Method Statement (PWMS), a Biosecurity Risk Assessment (BRA), and an Invasive Non-Native Species (INNS) Management Plan. An Ecological Clerk of Works (ECoW) will be present during key phases to oversee compliance and ensure environmental protection measures are properly implemented.

8.3.12. As it is concluded that the mitigation is secured, the Proposed development is in accordance with Policy EN6: Sites of Biodiversity and Geodiversity Importance of the Flintshire LDP which states that *"Development will not be permitted that would result in an adverse effect on the integrity of sites of international nature conservation importance. Proposals where adverse effects on site integrity cannot be ruled out would not be supported."*

8.4. CULTURAL HERITAGE

8.4.1. The Environmental Studies Report finds that within the Site of the Proposed Development there are no designated heritage assets, and only one asset within 1km of the Site, the Grade II listed Point of Ayr Lighthouse.

8.4.2. The Environmental Studies Report finds that the Site is expected to have high archaeological potential, particularly within alluvial tidal flat deposits.

8.4.3. Two WWII aircraft crash sites are located nearby to the Proposed Development: the Supermarine Spitfire I X4173 (Coflein ID 544351) and Supermarine Spitfire V P7692 (Coflein ID 544352). The cable alignment avoids both crash sites by over 100 meters, eliminating the potential need for a Ministry of Defence licence. The use of HDD will minimize disturbance to archaeological layers, and an archaeological watching brief will be conducted during excavation of the HDD exit pit. A Protocol for Archaeological Discoveries will also be in place to manage any unexpected archaeological findings in the inter-tidal area.

8.4.4. Temporary minor impacts on the setting of the Point of Ayr Lighthouse are anticipated due to noise and vibration arising from construction activities, but these are not considered significant due to mitigation measures outlined in the CEMP which is submitted alongside this PDAS.

8.4.5. With the implementation of the above mitigation, there will be no significant adverse effects on Cultural Heritage assets, and it is therefore considered that the Proposed Development is in accordance with Policy EN8: Built Historic Environment and Listed Buildings of the Flintshire LDP.

8.4.6. Additionally, the Proposed development also adheres to TAN 24: Historic Environment (2017)

8.5. ARBORICULTURE

8.5.1. Policy EN7: Development Affecting Trees, Woodlands and Hedgerows of the Flintshire LDP seeks to protect trees, woodlands and hedgerows from harm.

8.5.2. The Environmental Studies Report provides analysis on the potential impact of arboriculture resulting from the Proposed Development. The report confirmed that there are no records for tree preservation orders, conservation area, ancient woodland or veteran trees within the application boundary and therefore no impact to arboriculture will arise as a result of the Proposed Development.

8.5.3. On this basis the Proposed Development accords with Policy EN7: Development Affecting Trees, Woodland and Hedgerows of the Flintshire LDP and Policy 9: Resilient Ecological Networks and Green Infrastructure of Future Wales.

8.6. GREEN INFRASTRUCTURE (NET BENEFIT FOR BIOIVERSITY)

8.6.1. A Net Benefit for Biodiversity (NBB) and Green Infrastructure Statement (Document Reference: PF.3.5) has been produced to support this Planning Application.

8.6.2. The NBB and Green Infrastructure Statement has been prepared in line with Welsh Government guidance, which requires developments in Wales to maintain and enhance biodiversity and support resilient ecological networks using a stepwise approach. This assessment builds on the Biodiversity Net Gain (BNG) work undertaken for the Consented Development, supported by updated ecological walkover surveys and assessments.

8.6.3. The Proposed Development adopts sensitive construction techniques and a refined route alignment to minimise disturbance and avoid sensitive habitats, helping to deliver biodiversity benefits in line with the NRW DECCA framework (Diversity, Extent, Condition, Connectivity, and Aspects of ecosystem resilience). The HyNet Project also in turn contributes to wider decarbonisation goals in Wales, further supporting ecological resilience.

8.6.4. Long-term biodiversity enhancements are secured through management agreements with NRW, including site-specific plans for Gronant Dunes and Talacre Warren. Measures include selective scrub clearance, dune slack enhancement, and control of invasive non-native species, collectively delivering a net benefit to dune habitats and associated species.

8.6.5. Further habitat and species management measures have been secured under Condition 8 of the Consented Development, and the Applicant will submit a

detailed habitat management strategy prior to construction to discharge this requirement.

8.6.6. The above demonstrates that the Proposed Development adheres to Policy 9: Resilient Ecological Networks and Green Infrastructure of Future Wales and STR13: Natural and Built Environment, Green Networks and Infrastructure and Policy EN7: Development Affecting Trees, Woodland and Hedgerows of the Flintshire LDP.

8.7. GREEN WEDGES

8.7.1. The Site falls within an area designated within the Flintshire LDP as Green Wedge.

8.7.2. Policy EN11: Green Wedges protects areas designated as green wedges from development. The route of the proposed cables lies within an area designated as green wedge.

8.7.3. Planning Policy Wales sets out that the purpose of a green wedge is to:

- prevent the coalescence of large towns and cities with other settlements; manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of an urban area; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.

8.7.4. There is a presumption against development within green wedge. However, Policy EN11 set out types of development which may be permitted in these areas. Policy EN11 sets out that:

> *"Certain other forms of development may be appropriate in the green barrier provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction; renewable and low carbon energy generation; engineering operations; and local transport infrastructure.*
>
> *Other forms of development would be inappropriate development unless they maintain the openness of the green barrier and do not conflict with the purposes of including land within it."*

8.7.5. The core principle of both policies is to restrict development from green barriers which could harm the purposes of including land within it.

8.7.6. All elements of the Proposed Development are below ground so there will be no permanent impact on the green wedge. It is therefore considered that the Proposed Development would maintain and enhance the openness of the green wedge and would not compromise any of its purposes. As such the Proposed

Development is considered to be not inappropriate development and therefore adheres with Policy EN11: Green Wedges of the Flintshire LDP.

8.8. WATER

8.8.1. This WFD assessment has evaluated the potential impacts of the Proposed Development upon the following WFD water bodies:

- The River Dee (North Wales) Transitional WFD Water Body (GB531106708200), which is currently achieving Moderate Status;
- The North Wales Coastal WFD Water Body (GB641011650000), which is currently achieving Moderate Status; and
- The Dee Carboniferous Coal Measures Groundwater (GB41102G204800).

8.8.2. Both the River Dee (North Wales) Transitional WFD Water Body and the North Wales Coastal WFD Water Body are heavily modified due to navigation, ports, harbours, and coast protections uses.

8.8.3. The Proposed Development is unlikely to impact the studied water bodies as it has been designed to mitigate the impacts related to the installation of the new cables, for example, by adopting standard practices of sediment control during the construction stage. Construction methods have been adopted, where practicable, to eliminate impacts, such as HDD crossings.

8.8.4. The Proposed Development will not prevent the achievement of WFD mitigation measures set for the Dee (North Wales) Transitional WFD Water Body (GB531106708200) or the North Wales Coastal WFD Water Body (GB641011650000).

8.8.5. The Proposed Development has been assessed to have no impact upon the Dee Carboniferous Coal Measures Groundwater WFD Water Body.

8.8.6. Construction impacts will be mitigated through best-practice measures set out in the CEMP that accompanies this application.

8.8.7. Therefore, it is concluded that with the proposed mitigation in place the Proposed Development is WFD compliant and adheres to Policy EN15: Water Resources of the Flintshire LDP.

8.9. PUBLIC RIGHTS OF WAY

8.9.1. During the Proposed Development's construction phase the Public Right of Way (PRoW) Bridleway 409/86/10 will be diverted as appropriate to ensure alternative access to recreation in the area surrounding the Site. It is therefore considered that there will be no significant adverse effects on PRoWs arising from the

Proposed Development and demonstrating compliance with **Policy EN2: Green Infrastructure** of the Flintshire LDP.

8.10. OTHER CONSIDERATIONS

Noise

8.10.1. The Proposed Development's EIA Screening identified that there is the potential for noise impacts arising through the Proposed Development's construction phase. These impacts will be minimised through the implementation of measures set out in the CEMP.

8.10.2. As detailed in the EIA Screening, at request from NRW the impact of Electromagnetic Fields (EMF) arising from the Proposed Development through its operation were investigated. It was concluded that impacts associated with EMF will be negligible.

8.10.3. Given the above it is considered that the Proposed Development adheres to STR14: Climate Change and Environmental Protection, PC2: General Requirements for Development andEN18: Pollution and Nuisance of the Flintshire LDP.

Lighting

8.10.4. During its operation the Proposed Development will be wholly underground and therefore no lighting is required.

8.10.5. The EIA screening request identified that some lighting may be required during the construction phase of the Horizontal Directional Drilling (HDD) Exit Pit. The measures set out in the CEMP will minimise the impacts of lighting.

8.10.6. The Proposed Development therefore complies with the requirements of **PC3: Design** and **EN18: Pollution and Nuisance** of the Flintshire LDP.

Transport

8.10.7. The Consented Development's ES concluded that no significant adverse impact on traffic will arise as a result of the Proposed Development. This assessment included an assessment of traffic associated with the Foreshore Works and therefore its findings are applicable to the Proposed Development.

8.10.8. Construction activity will generate only limited vehicle movements, primarily during the initial phase. These will mostly comprise workforce travel to and from the Site. Construction traffic will be controlled through a Construction Traffic Management Plan, (CTMP) secured under the Consented Development.

8.10.9. Once operational, the Proposed Development will be underground and unstaffed, with no routine maintenance visits required.

8.10.10. With the above, the Proposed Development complies with Policy PC5: Transport and Accessibility of the Flintshire LDP.

Surface Water Drainage

8.10.11. The Applicant notes the Supplementary Planning Guidance Note (SPGN) 29 surrounding the Management of Surface Water for New Development and the National Standards for Sustainable Drainage published in 2019. Given that all elements of the Proposed Development will be underground there will be no change to Surface Water Drainage and the Applicant considers that the completion of the Pro Forma contained within SPGN29 is not required for this application.

9. PLANNING BALANCE AND CONCLUSION

9.1.1. Express planning permission is sought for:

> *"Installation of an underground section of Horizontal Directional Drilling (HDD) conduit under Gronant Dunes originating from the HDD Entry Pit (consented under FUL/000246/23), to a buried HDD Exit Pit at the Mean High Water Spring line, and burial of a combined electrical and fibre optic cable across Talacre Beach and Foreshore to the Mean Low Water Spring line".*

9.1.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning Act 2004 state that development proposals should be determined with reference to the Development Plan unless any relevant material considerations indicate otherwise.

9.1.3. The supplementary documents submitted alongside this Planning Statement which are summarised in this PDAS show that the Proposed Development will not result in unacceptable adverse impacts to the environment.

9.1.4. This Planning Statement undertakes an assessment of the proposals against national and local development plan polices, with due regard to relevant material considerations. As an overview the overarching conclusions set against the policy context for the Proposed Development creates a compelling case for the approval of this planning application. With this in mind, the Proposed Development should be approved without delay.