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3rd May 2024

The Secretary of State  
Department for Levelling Up, Housing and Communities  
National Infrastructure Planning Committee  
The Planning Inspectorate  
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Dear Sirs

**MONA OFFSHORE WIND LTD**  
**SECTION 56 PLANNING ACT 2008 DEVELOPMENT CONSENT ORDER**  
**PLANNING INSPECTORATE REFERENCE NUMBER EN010137**

We have been notified that MONA OFFSHORE WIND LTD ("**Promoter**") has made the above application for Compulsory Purchase Powers and we wish to object to the confirmation of this order as submitted on the following non exhaustive grounds:

**1.0 Introduction and Background**

- 1.1 We are Harriett Mary Parry, Robert Wynne Parry, Griffith Wynne Parry, and Elizabeth Wynne Wade ("**Objectors**") being the joint owners of land ("**Property**") affected by this Development Consent Order ("DCO")
- 1.2 The Property is identified as Plots 06-101, 06-102, 06-103, 06-104, 06-105 in the Book of Reference and on the Mona Land Plan.
- 1.3 In line with current government policy although entirely for private profit, the Promoter is proposing to construct scheme to build an offshore wind farm comprising of up to 96 wind turbines within an area of circa 300 square KM offshore from Abergele in North Wales.
- 1.4 Whilst estimates vary according to source and the dates, the Promoter claims that the scheme will generate up to 1.5 Gigawatts of electrical power and this power is intended to be transmitted by cable from its point of landfall between Llandulas and Abergele and then by underground cables to a substation at Bodelwyddan behind St Assaph Business Park.
- 1.5 Notwithstanding that this is a scheme for private commercial profit, the Promoter has sought to use statutory public DCO powers under Section 56 of the Planning Act 2008 to assemble the land that it considers necessary to accommodate its scheme.



- 1.6 The relevant notification of making of the CPO issued by the Acquiring Authority and received by the Objectors is dated 26th March 2024 and specifies that Objections must be made "by 6th May 2024".
- 1.7 The Objectors are a "qualifying person" within the meaning of s.12(2) of the Acquisition of Land Act 1981 and are therefore statutory objectors.
- 1.8 The Objectors are also "Affected Persons" for the purposes of Section 59 and 92 of the Planning Act 2008.
- 1.9 Whilst the Objectors' points of objection are the same and hence are recorded in this single letter of objection, there are in fact 4 separate individual parties objecting here and they should be treated individually as Objectors in their own right.
- 1.10 Section 122 of the Planning Act 2008 states:-

*"122 Purpose for which compulsory acquisition may be authorised*

- (1) *An order granting development consent may include provision authorising the compulsory acquisition of land only if the [F1Secretary of State] is satisfied that the conditions in subsections (2) and (3) are met.*
- (2) *The condition is that the land—*
  - (a) *is **required** for the development to which the development consent relates,*
  - (b) *is **required** to facilitate or is incidental to that development, or*
  - (c) *is replacement land which is to be given in exchange for the order land under section 131 or 132.*
- (3) *The condition is that there is a **compelling case in the public interest for the land to be acquired compulsorily.**" (emphasis added)*

- 1.11 Lord Justice McGowan noted in *Sharkey V Buckinghamshire District Council* that "required" in 2) a) of Section 122 of the Planning Act 2008 does not mean that the land in question has to be "indispensable" however it does not mean that the land is merely "desirable" or "convenient" for the purposes of the scheme either.
- 1.12 It should be further noted that confirmation of the Order also depends on meeting the test that there is a compelling case in the public interest for the land to be acquired compulsorily in Section 3) of the 122 of the Planning Act 2008.
- 1.13 Section 13 of the "Guidance on Compulsory purchase process and The Crichel Down Rules" produced by the Department for Levelling Up, Housing and Communities July 2019 states:



**“13. How will the confirming minister consider the acquiring authority’s justification for a compulsory purchase order?”**

*The minister confirming the order has to be able **to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest.** (emphasis added)*

*Section 18 of the Memorandum to Circular 06/04 ends with :*

*..... Parliament has always taken the view that **land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.** The Human Rights Act reinforces that basic requirement. (emphasis added)*

- 1.14 Evidence will be adduced to demonstrate that much of the design of the scheme, certainly to the extent that it impacts on landowners and certainly the Objectors and the Property, has been developed for general and commercial convenience to the Promoter and in furtherance of its private profit rather than from the view that there is a compelling case in the public interest that outweighs the harm done. In its commercial pursuit, the Promoter has failed to take proper account of representations from the Objectors which is unfair.
- 1.15 In addition to the above the Objectors wish to object to the Order on the following non exhaustive grounds:

**2.0 The Onshore Power Transmittal Route Generally**

- 2.1 The applicant has not demonstrated that the route proposed is the most appropriate route for the scheme. The Power Transmittal Route seeks to terminate at a substation at Bodelwyddan which, as the crow flies, is some 10KM from where the cable breaks land. The route selection report purports to have carried out a Brown Red Amber Green (“BRAG”) report to show that the 14.75KM route selected is optimum. However at least 4 alternative routes have been identified and evidence will be adduced to demonstrate how they are at least equivalent to and often superior to the selected route in terms of the BRAG report and general common sense.

**3.0 General Disruption During Construction**

- 3.1 The implementation of the scheme on shore will be extremely disruptive both on private land and to the wider public for instance by it causing widespread disruption to traffic flows and the public highway generally and thereby to statutory and essential services to locals and visitors including tourists. This will be to the detriment of local, businesses, residents and visitors alike. It is also likely to cause noise, dust, vibration, fumes and other disturbances generally which are a concern. The Promoter has failed to evidence that these have been given proper consideration when developing its scheme.



## 4.0 The Onshore Power Transmittal Methodology

### 4.1 Pylons

4.1.1 The Promoter has dismissed pylons as a means of power transmittal simply on the grounds of “aesthetics” without adequate or indeed any consideration of other factors and advantages. Neither has the Promoter considered the use of existing pylons already in situ. The Promoter has also failed to consider a proposal whereby power transmittal could be partly by pylon and partly by underground cable. Evidence will be adduced to demonstrate how adopting a more open minded approach to these methodologies achieves a considerably better solution for all parties, including the Promoter, rather than the one currently proposed which is instead driven by Promoter convenience and maximizing rates of return.

### 4.2 Underground Cables

4.2.1 The Promoter's preference is for underground cables through previously undisturbed virgin lands largely within Conwy Council's “Special Landscaped Area”.

4.2.2 However, due to issues with cables heating then the Promoter is limited in the capacity of cable that can be deployed underground thereby necessitating 4 cables which, the Objector is told will sterilize a 30Metre strip of their Property. Cables on pylons are open to the environment and the benefits of air cooling and so can carry a much higher capacity and so less cables and consequently, less easement width would be needed. The scale of the powers sought therefore go beyond that which is reasonably required to achieve the implementation of the Scheme.

4.2.3 The Promoter claims that 1.5Gigawatts of electricity will be generated and this will require a transmittal cable capacity of 1.5M KVA. They advise that this will be accommodated in 4 cables with considerable distances between them so that a large area of 30 metres in width is required for an easement and is land which will be sterilized by the scheme. However, the Statement of Reasons advises that a capacity of only up to 225- 275KVA will be provided for each of the 4 cables thereby only giving transmittal power of 1M KVA or 1GigaWatt. Underground cabling will therefore be a bottleneck in the amount of power that the current scheme can produce as well as stymie future upgrades which could easily be overcome had the Promoter considered an above ground pylon scheme.

4.2.4 Evidence will be adduced that effective alternative arrangements could be installed with the cables that can assist with for instance, venting and cooling, but other issues as well and increase the capacity of the cable runs that are there and again reduce the need for this excessive width of easement and consequent and unnecessary sterilization of the land.

4.3 There are clearly therefore alternative routes as well as alternative methods of “laying” the power transmittal cable(s) that would greatly lessen or even prevent the adverse





impacts on the Objectors and their Property altogether and the Objectors will demonstrate these at Inquiry.

## 5.0 The Onshore Route Selection Locally and Impact on Objector

5.1 Locally the cable travels from a North Westerly direction towards the A548 but crosses the B5381 into plot 06-100 in a gradual sweeping arc over the A548 and into the objector's land. Unnecessarily, the entirety of the Objector's frontage to the A548 (almost 290 meters) is within the Limits of Deviation and a similar amount to the frontage of plot 06-100. The cables splay out to take this 90 degree bend as slowly and gradually as they possibly can. However this is not a water or sewerage pipe or high pressure hydrocarbon or gas or some other hazardous liquid transmitted under pressure necessitating a gradual circumference. It is understood that electricity is quite able to endure sharp 90 degree turns and bends which would greatly lessen the impact in terms of amount of land affected on the objector's plots as well as on the neighbouring plots 06-100. A request to look into and amend this issue has been ignored by the promoter.

5.2 The Objectors land has a special value to them arising from the unique potential not present or available to the parcels on the other 3 quadrants of Pen Yr Efail Crossroads. In an attempt to preserve that position a request was made that the Promoter positioned the cables so that they travelled slightly further to the south along plot 06-100 (the owner of which is understood to be in advanced discussions with the Promoter towards accepting the cables) and crossed to the south of Property and to the south of the pylons already in place there before resuming the route to the far south of the Objector's Property beyond the land already sterilised by the existing pylons. The response obtained on 11/09/23 via the Promoter's agent's was:

*"that to go to the south of the line, we would need to cross an additional road and then be running parallel between the pylon route in your land and the one just to the south, which again would be very limiting."*

This demonstrates how the Promoter is aware of alternative arrangements but has not been prepared to consider them preferring to dismiss them out of hand merely due to their being slightly more commodious to itself. It has instead selected the Objector's property for convenience as well as commercial reasons rather than for compelling reasons in the public interest which outweigh the loss suffered by the affected party to whom no regard has been given.

5.3 Insufficient evidence has been provided to demonstrate that this project will secure the most efficient and effective use of the Property which is unique in planning and amenity terms enabling it to be deployed for a number of alternative options and uses not available to adjacent and neighbouring land. This will be to the detriment of the local community and economy.

5.4 The Order, if confirmed, will sterilize not only the excessive route of the cable but also render the retained land sterile by virtue of the fact that it will be unfeasible to develop in isolation. This would not be the case if the transmittal route or methodology selected



was different or in fact that requested small local changes had been taken seriously and accommodated.

## **6.0 Consultation**

6.1 In addition to the evidence of poor consultation and lack of any meaningful engagement beyond the minimum necessary lip service believed to be necessary to secure these draconian powers, the Promoter has sought to discourage and disincentivise proper debate at Public Inquiry by declining to produce hard copies of the documents to statutory objectors. The DCO notice received on 26 March 2024 advised as follows:

*“Provision of hard copies of the ES will be subject to a maximum charge of £7,000, plus VAT, to cover printing and delivery costs.”*

One of the Objectors is in their late 80's unable to drive and with vision difficulties and unable to read a computer screen and yet the Promoter expects her to travel to either Llandudno or Rhyl in order to inspect hard copies of the document as the Promoter's charges for them are simply prohibitive.

## **7.0 Conclusion**

- 7.1 The Promoter has not demonstrated that it has fully considered the impact that the Order and the use of this Land will have upon the landowners and its current and future plans.
- 7.2 Any potential public benefit resulting from the use of all or part of this land does not outweigh the harm, which would be caused to the Objectors.
- 7.3 It is clear that in choosing to locate the cables on the Objector's land then the Promoter has merely paid lip service to the Objector's issues and instead has ploughed on regardless not due to the “compelling case in the public interest” or “indispensable” nature of the land to the scheme but rather due to general and commercial convenience and desirability in furtherance of its private profit. Better alternative routes and solutions have been dismissed out of hand due to the Promoter's assumption that the draconian powers it seeks will be granted to it as a matter of course. This is unfair.
- 7.4 The alternatives that are referred to in section 4.0 (to be evidenced further at Inquiry) would each enable the Objectors to withdraw these objections. The suggestions in Section 5.0 (to be evidenced further at Inquiry) would alleviate the strength of the Objectors' objections. Each alternative deserves a proper robust investigation and the Promoter put to strictly evidence why they have not considered them.
- 7.5 The Objectors therefore request to have their objections treated as a Statutory Objections and be given the opportunity to air their views to the proposal at a Public Local Inquiry where the issues they raise can be given a fair hearing by the Inspector who will duly report to the Secretary of State having proper regard to the need to strike a fair balance between weighing up whether the public benefit is sufficiently significant to outweigh the damaging impact of the taking of interest this land or, on the other hand, whether the land's inclusion in the Order has merely been for the convenience of and desirability of the Promoter's return on investment.




Kindly keep us informed of progress with the DCO and the Public Inquiry process.

Yours faithfully

  
Mrs H M Parry

  
Mr R W Parry

  
Mr G W Parry

  
Mrs E W Wade

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