

IN THE MATTER OF AN APPLICATION FOR A DEVELOPMENT
CONSENT ORDER

AND IN THE MATTER OF THE MONA OFFSHORE WIND FARM
PROJECT

AND IN THE MATTER OF THE NATIONAL FARMERS UNION

OUTLINE REPRESENTATIONS

1 Introduction

1.1 These are the Outline Representations of the National Farmers Union (“NFU”) to the application for a Development Consent Order by the Secretary of State identified as the Mona Offshore Wind Farm Projects order.

1.2 The objectives of the NFU are to champion farming in England and Wales and to provide professional representation and service to its members.

1.3 The matters raised in these Outline Representations are matters not only of concern to the farming owners and occupiers of agricultural land affected by this, but also of concern to, and raise points of principle that will affect, members of the NFU having farm holdings that may be affected by similar Offshore Wind Farm schemes.

2 Consultation and Engagement

2.1 There was limited information coming forward about the proposed scheme from Dalcour Maclaren, BPs agents and NFU members were raising concerns with their local NFU agents due to this, issues were raised with the NFU head office. The NFU requested a meeting for all landowners affected by the scheme to hear details from Dalcour Maclaren about the description of the scheme this was offered and took place on 9th November 2023. This meeting was helpful and informative for landowners but Dalcour Maclaren have offered no further meetings to speak to landowners on practical matters including details on impacts to field drainage, the depth of the cables, impact on the soils and how soil will be reinstated, explanation about link boxes, -crossing of the cable route when being constructed, construction of haul roads, road crossing HDD workings, noise impact on dairy cows, and dust impact. -

In regard to voluntary agreements Dalcour Maclaren did send out some draft Heads of Terms (HoTs) back in September 2023 but negotiations didn't really start on the HoTs until the NFU and agents acting had a meeting in December to discuss the HoTs. The agents acting include, Rostons Ltd, Davis Meade Property Consultants, Clough & Co, Wilson Fearnall Ltd, J Bradburne Price & Co and Jackson-Stops.

A meeting was requested on 8th December to discuss the HoTs with DM and some of the issues and comments were raised with DM on 15th December on Teams and after a request two meetings were held in person to discuss the HoTs on 22nd January and the 7th February 2024. Further requests were made to DM for an in person meeting to try to agree outstanding issues, but this was not forthcoming and so the NFU then raised concerns direct to BP and again requested a meeting with BP and DM to try to negotiate the outstanding terms. BP did respond but only to request that the NFU and agents submitted a table with all outstanding issues. A table was submitted on 20th May 2024 and a response was received on 30th May but hardly any of the outstanding issues had been agreed by BP with BP not willing to change their position. The changes to terms and information requested in the table are nearly all standard requested terms which have been agreed on other offshore wind farm NSIP schemes.

NFU and agents have been requesting an in-person meeting to try to negotiate these outstanding terms and finalise the HoTs but this has not been forthcoming. BP has not responded to the NFU at all since the one and only email received on 15th May 2024 and DM replied to the NFU and agents on 5th June 2024 just stating that the populated terms sent out on 30th May 2024 was BPs final position.

The NFU and agents acting believe that BP are not carrying out meaningful negotiations to reach a voluntary agreement. The NFU from working on numerous other NSIP offshore wind projects has seen far more engagement from the developers in question.

The NFU and agents would still like to have an in-person meeting to try to negotiate and finalise a generic set of HoTs.

The NFU and agents acting for clients and members are yet to see a voluntary option agreement but hopefully this will be forthcoming once the HoTs are agreed.

3.0 Compulsory Acquisition and Compelling Case Requirement

3.1 The DCO will contain powers to acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate or is incidental to it.

3.2 Further, the guidance as to negotiations either before or parallel with formal processes may well give rise to a "legitimate expectation" that such will occur, and a failure to conduct such negotiations deprives landowners of the benefit that negotiations may have brought, especially in relation to the where different locations and lesser rights might have been achieved.

3.3 The NFU and the land agents LIG believe that no meaningful negotiations have taken place alongside the formal procedures for compulsory purchase. Therefore, a compelling case cannot be made.

4.0 Term

4.1 A term is being sought in perpetuity and agreement has not been reached with BP on this as on other NSIP offshore wind farm schemes to a term of 99 years. The NFU has been given no reason as to why the Mona Offshore Wind Farm Scheme needs to be in perpetuity.

5.0 Cables and Ducting

5.1 The NFU would like to see cables with a minimum depth of 1.2m to the top of the tile. BP are only prepared to give a minimum depth of 1.2m to the top of the cable duct. We do understand that there may be engineering reasons for the cable/ducting to go deeper or shallower but a request has been made to see a detailed plan/cross section of the trench/ducting but this has still not been provided.

Where cables are laid at a shallower depth due to engineering reasons landowners and occupiers must be provided with a plan to highlight where the cable is shallower as this will impact day to day agricultural operations.

6. Jointing bays and Link Boxes

6.1 There is still great concern over the design and siting of link boxes/ancillary apparatus. Details regarding the link boxes including the size and design is lacking. Drawings have been requested but have not been forthcoming we have only been told that there is an indicative design in the Project Description document and that that further design information will not be available until the construction team are on board.

Link boxes do normally stand proud above ground level and due to the number located on a linear scheme they can be parallel or staggered and so do greatly interfere with agricultural operations and are a hazard to farm machinery. It is

extremely important to have further design information on link boxes and the siting of them. The preference is that link boxes are located within field boundaries where possible, and BP must accept the interference they cause. Due to so many underground cable schemes coming forward there is now a greater understanding of the size of link boxes and the interference caused generally.

7. Enabling Works

7.1 The NFU and agents have been requesting that no permanent/physical works take place before the main construction notice is served. As an example under Environmental Mitigation this must not include any tree planting for mitigation and that no trees on the route should be felled or lopped until consultation and agreement has been reached with landowners.

8. Construction and Compound Notices

8.1 A 3 month written notice has been requested but BP are only willing to provide a 28 day written notice with a verbal 2 month prior notice. A 3 month written notice is now becoming the normal and this is the minimum time period acceptable for landowners and occupiers due to the scheme going through livestock farms. Each landowner and occupier is hoping that verbally they will know well in advance of 3 months before construction is going to start so that necessary on farm plans can be made.

9. Outline Code of Construction

9.1 The NFU has particular that it would like to see included in the outline code of construction/ environmental management plan which covers how practical on the ground matters are dealt with during and after construction. Wording covers the following:

- a. Agricultural Liaison Officer
- b. Records of Condition
- c. Biosecurity
- d. Irrigation
- e. Soil Statement, Soil treatment and Soil Aftercare.
- f. Agricultural Land Drainage
- g. Agricultural Water Supplies

9.2 The NFU and agents have been requesting for this wording to be included into the Voluntary HoTs and Option Agreement and as yet this has not been agreed.

10. Access Routes to the Order Limits

10.1 Access routes to the construction strip are yet to be agreed with landowners and occupiers. This has been requested under the voluntary discussions.

11. Discharge of Water

11.1 No details have been provided to landowners and occupiers on how any increase in surface run off of water from the haul road or the construction compounds will be dealt with during construction. Landowners and occupiers due to the very wet winter we have just had do not want to see discharge of water on to the land surface. Drains to be discharged into will also need to be agreed.

12. Reinstatement

12.1 The NFU and agents have been trying to agree the wording in the voluntary agreement discussions on 'Reinstatement' and have requested that reference is made to not only the record of condition that will take place before works start but also to the 'Soil Statement'. It is the soil statement which will record the condition of the soils before works start and so it is very important that this is referenced so the Soil Statement will be used to monitor reinstatement and aftercare of soils during the restoration operations.

13. Field Drainage

13.1 At the present time the NFU and agents are looking for further detailed wording in regard to how field drainage will be dealt with pre and post construction. Detailed wording which the NFU has put forward has still not been agreed and this has been agreed on other NSIP schemes.

14. Easement Width

14.1 The NFU and agents would like confirmation that the final easement width will be no greater than 30m.

15. Request to Attend Hearings and make Representations

15.1 The NFU will if required lodge a full Written Representations in due course and requests to make oral representations at the issue specific hearings and the compulsory acquisition hearing or any other hearings which may be held on behalf NFU members which are directly affected by the proposed projects.

Louise Staples MRICS, FAAV
NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

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