

MONA OFFSHORE WIND PROJECT

Appendix to Response to WRs: Griffith Parry, Robert Parry,
Kerry James

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Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Bodelwyddan National Grid Substation	This is the Point of Interconnection (POI) selected by the National Grid for the Mona Offshore Wind Project.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Evidence Plan Process	The Evidence Plan process is a mechanism to agree upfront what information the Applicant needs to supply to the Planning Inspectorate as part of the Development Consent Order (DCO) applications for the Mona Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Inter-array cables	Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
Intertidal access areas	The area from Mean High Water Springs (MHWS) to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities.
Intertidal area	The area between MHWS and MLWS.
Landfall	The area in which the offshore export cables make contact with land and the transitional area where the offshore cabling connects to the onshore cabling.
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition, licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona 400kV Grid Connection Cable Corridor	The corridor from the Mona onshore substation to the National Grid substation at Bodelwyddan.
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore

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Term	Meaning
	substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
Mona Array Scoping Boundary	The Preferred Bidding Area that the Applicant was awarded by The Crown Estate as part of Offshore Wind Leasing Round 4.
Mona Offshore Cable Corridor	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Cable Corridor and Access Areas	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located and in which the intertidal access areas are located.
Mona Offshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area encompassing and located between the Mona Potential Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
Mona Offshore Wind Project Boundary	The area containing all aspects of the Mona Offshore Wind Project, both offshore and onshore.
Mona Offshore Wind Project PEIR	The Mona Offshore Wind Project Preliminary Environmental Information Report (PEIR) that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Offshore Wind Project Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Onshore Cable Corridor	The corridor between MHWS at the landfall and the Mona onshore substation, in which the onshore export cables will be located.
Mona Onshore Development Area	The area in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid substation will be located
Mona Onshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area located between MHWS at the landfall and the onshore National Grid substation, in which the onshore export cables, onshore substation and other associated onshore transmission infrastructure will be located.
Mona PEIR Offshore Cable Corridor	The corridor presented at PEIR that was consulted on during statutory consultation and has subsequently been refined for the application for Development Consent. It is located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables and the offshore booster substation will be located.
Mona PEIR Offshore Wind Project Boundary	The area presented at PEIR containing all aspects of the Mona Offshore Wind Project, both offshore and onshore. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Potential Array Area	The area that was presented in the Mona Scoping Report and in the PEIR as the area within which the wind turbines, foundations, meteorological mast, inter-array cables, interconnector cables, offshore export cables and OSPs forming part of the Mona Offshore Wind Project were likely to be located. This area was the boundary consulted

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Term	Meaning
	on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Proposed Onshore Development Area	The area presented at PEIR in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid infrastructure will be located. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Non-statutory consultee	Organisations that an applicant may choose to consult in relation to a project who are not designated in law but are likely to have an interest in the project.
Offshore Substation Platform (OSP)	The offshore substation platforms located within the Mona Array Area will transform the electricity generated by the wind turbines to a higher voltage allowing the power to be efficiently transmitted to shore.
Offshore Wind Leasing Round 4	The Crown Estate auction process which allocated developers preferred bidder status on areas of the seabed within Welsh and English waters and ends when the Agreements for Lease (Afls) are signed.
Pre-construction site investigation surveys	Pre-construction geophysical and/or geotechnical surveys undertaken offshore and, or onshore to inform, amongst other things, the final design of the Mona Offshore Wind Project.
Point of Interconnection	The point of connection at which a project is connected to the grid. For the Mona Offshore Wind Project, this is the Bodelwyddan National Grid Substation.
Relevant Local Planning Authority	The Relevant Local Planning Authority is the Local Authority in respect of an area within which a project is situated, as set out in Section 173 of the Planning Act 2008. Relevant Local Planning Authorities may have responsibility for discharging requirements and some functions pursuant to the DCO, once made.
the Secretary of State for Business, Energy and Industrial Strategy	The decision maker with regards to the application for development consent for the Mona Offshore Wind Project.
Statutory consultee	Organisations that are required to be consulted by an applicant pursuant to the Planning Act 2008 in relation to an application for development consent. Not all consultees will be statutory consultees (see non-statutory consultee definition).
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

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Acronyms

Acronym	Description
AfL	Agreement for Lease
BEIS	Department for Business, Energy and Industrial Strategy
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EnBW	Energie Baden-Württemberg AG
HVAC	High Voltage Alternating Current
IEMA	Institute for Environmental Management and Assessment
ISAA	Information to support the Appropriate Assessment
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
OSP	Offshore Substation Platform
PDE	Project Design Envelope
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
POI	Point of Interconnection
SoCC	Statement of Community Consultation
TCE	The Crown Estate

Units

Unit	Description
GW	Gigawatt
km	Kilometres
km ²	Kilometres squared
kV	Kilovolt
MW	Megawatt
nm	Nautical miles

1 Applicant's response to Written Representations

1.1 Introduction

- 1.1.1.1 Details of the Applicant's response to the Written Representations (WRs) of Griffith Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade, Kerry James Planning on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade and Robert Wynne Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade are set out in the subsequent sections of this document.
- 1.1.1.2 The Applicant has numbered the WRs in line with the Planning Inspectorate's document library, with subsequent paragraph number e.g. REP1-050.1, REP1-051.1 etc.

2 RESPONSES TO WRITTEN REPRESENTATIONS

2.1 Griffith Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade

Table 2.1: REP1-083 - Griffith Parry

Reference	Relevant Representation Comment	Applicant's response
REP1-083.1	<p>An application for DCO powers ("Order") has been made by Mona Offshore Wind Limited (The "Promoter") in order to construction Mona Offshore windfarm ("Scheme"). The Order includes land, namely plots 06-102 to 06-105 inclusive ("Plots") belonging to Mrs H M Parry, Mrs E W Wade, Mr R W Parry and Mr G W Parry("Objectors"). The Objectors consider that the inclusion of the land will severely prejudice their own proposals for the land.</p> <p>I am instructed to prepare and submit these written representations on my own behalf as part owner of the Plots and on behalf of the Objectors my mother, sister and brother who are co-owners of the Plots. I am instructed to challenge the Promoter's rationale and alleged justification for seeking to take rights and impose restrictive covenants over the Plots. Alternative layouts, design, specification and route proposals are identified in the written representation that meet the Promoter's stated aims for the Scheme, that either do not require the Plots at all or mitigate the impact on the Plots but have not been considered or evaluated in the Promoter's case which inadequately seeks to justify its scheme.</p> <p>I am Griffith Parry. I graduated with a 2:1 honours degree in Land Management from the University of Reading in 1995 and subsequently qualified as a professional associate member (MRICS) of the Royal Institution of Chartered Surveyors in April 1998. I am a Registered Valuer and a Member of the Purchase Association I have worked in the construction and property industry where I have over 30</p>	<p>The Applicant notes the response and addresses the points raised for each issue in the sections below.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>years' experience to the present day. I have submitted evidence and appeared as an Expert Witness before in a Public Inquiries. I have also assisted clients with References and submission of evidence to the Upper Tribunal (Lands Chamber)</p> <p>The Book of Reference records the combined size of the Plots to be 58,292M2 (5.8Ha /14.4 acres). The Plots are located close to the Pen Yr Efail Crossroads where the B5831 bisects the A548. They are some 2 miles south of Abergele and 2.5 miles north of Llanfair Talhaearn, 2 miles east of Betws yn Rhos and 7 miles west of St Asaph. The Plots form part of land comprising a block of 9.68 ha (28.91acres) of flat land ("Property") currently in use as grassed agricultural land pending Robert Parry bringing forward his proposals. It is bordered by 2 caravan camps to the north and a small brook to the east, the A548 to the west and further agricultural land to the south. It enjoys access off the A548. The Objectors own other land directly to the north beyond the caravan camps and on the opposite side of the B5831. One of the Objectors, Robert Parry, has been developing proposals for the Property that will be materially affected or even extinguished by the Promoters proposals. The rest of the Objectors support Robert Parry's proposals and wish to safeguard his ability to implement those proposals.</p> <p>The Promoter is promoting the Order for Mona Windfarm under the Planning Act 2008 ("Act") and Regulation 16 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Notices to inform landowners of this fact were served on 26th March 2024 which advised that relevant representations were able to be made up until 5th May 2024. The Promoter advises that it anticipates the Order to be confirmed in early 2025. Without any modification, Article 21 of the draft Order will give the Promoter a window of 7 years, extendable to up to 10 years by strategic notice serving, in which to commence work on site and/or, abandon the scheme at that time without penalty.</p>	

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Reference	Relevant Representation Comment	Applicant's response
REP1-083.2	<p>That The Promoter Has Properly Considered All Reasonable Alternative</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> -Department for Energy Security and Net Zero: Overarching National Policy Statement for Energy (EN-1) (Section 4.3.29); and -Environmental Impact Assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(Error! Bookmark not defined.) . Regulation 14 and Schedule 4 of those Regulations; and -Section 8 of the Planning Act 2008: Guidance <p>Section 10 of the main written representations demonstrate how the Promoter has failed to do this and advances further alternatives that have not been considered by the Promoter as it is statutory bound to do.</p>	<p>The Applicant notes the response.</p>
REP1-083.3	<p>That The Promoter Has Consulted And Taken Account Of Responses To Consultation</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> -Sections 42-48 and 49 of the Act also section 37; and - Aarhus Convention On Access To Information, Public Participation In Decision-Making And Access To Justice In Environmental Matters :: 25 June 1998. <p>Section 10 of the main written representations demonstrate how the Promoter had predetermined the route on the Property in advance of contacting the Objectors and then, with their hands tied, continued to inadequately consult, ignore relevant issues raised and cajole discussions instead towards entering into the Promoter's very onerous Heads of Terms.</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> - Section 122(2)(i) and (ii) of the Act and also as interpreted by R. v. Secretary of State for the Environment, ex p. Leicester City Council and Sharkey and Another v Secretary of State for the Environment and South Buckinghamshire Council; and 	<p>The Applicant is a responsible developer committed to listening to the views of stakeholders including landowners and members of the local community. Statutory consultation is a key part of the planning process, one which the Applicant took seriously; a Consultation Report was submitted with the DCO application (APP-037) explaining how the Applicant undertook consultation on the Mona Offshore Wind Project including how it complied with the pre-application consultation requirements set down in the Planning Act 2008 and had regard to all the feedback submitted.</p> <p>The Applicant does not agree to the request made for modification (removal of plots 06-102 to 06-105 from the Order) for the reasons set out in this response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>- the Section 11 Planning Act 2008: Guidance. Section 12 of the main written representations demonstrates that the Promoter has failed to demonstrate that the Plots are “required” at all (given the abundant number of satisfactory alternatives that the Promoter has failed to consider. The Scheme can be achieved perfectly satisfactorily using alternative land.</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> - Section 122(3) of the Act; and - Sections 12 to 14 of the Planning Act 2008: Guidance; and - 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. <p>Sections 13 and 16 of the main written representations demonstrate how the Promoter has not built a case for this as statutorily required and further explains the detriment that the Objectors will suffer in the event that the Order is confirmed in respect of the Plots.</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> - Section 9 of the Planning Act 2008: Guidance; and - Section 17 and 18 of the Planning Act 2008: Guidance. <p>Section 14 of the main written representations demonstrate the failings or lack of information and certainty in the Promoter’s funding case reflecting the Promoter’s indecisiveness and lack of commitment to the Scheme with their commitment not being in place until their Final Investment decision is made at some uncertain point in the future. BP, a parent company to the Promoter has recently changed its policy towards offshore wind farms and is moving back towards hydrocarbon sources of energy making it all the more unlikely that the Final Investment Decision will ever be in favour of committing to the Scheme.</p> <p>The criteria here is set down in:</p> <ul style="list-style-type: none"> - Section 19 of the Planning Act 2008: Guidance; and - Section 15 of the :Guidance on Compulsory purchase process and The Crichel Down Rules” <p>Department for Levelling Up, Housing and Communities July</p>	

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Reference	Relevant Representation Comment	Applicant's response
	<p>2019.</p> <p>Section 15 of the main written representation demonstrates how the Promoter has only addressed third party licencing and permissions as impediments and no consideration has been given to physical or legal impediments or indeed the very real risk that, due to the promoter's parent company's hardening approach to offshore wind, the Final Investment Decision may never be forthcoming.</p> <p>Further, the Order if confirmed without modification will cause the Objectors further detriment due to: - The Promoter's ambiguity about the precise location of the cables makes it impossible to try and mitigate their losses and still proceed with their own proposals (even if possible); and</p> <p>- The Promoters request for a seven year window during which it can serve Notice and commence works which the Promoter will be able to extend to ten years by strategic service of a Notice to Treat.</p> <p>This could result in the land being blighted until circa 2038 when the physical works are eventually likely to complete and the land actually handed back.</p> <p>The Promoter has failed to comply with the essential requirements of the Planning Act 2008 under which it is seeking these powers. It's proposal does not meet the criteria and tests required and confirming the Order over the Plots within the Property are not therefore necessary and it would be an error in law to recommend their inclusion with the Order as Section 122 of the Act cannot be applied. In light of the above the Inspector is invited to recommend modifying the Order to mitigate the impacts on the Objectors. This would be achieved by removing plots 06-102 to 06-105 from the Order prior to confirmation.</p>	
REP1-083.4	<p>Mona Offshore Wind Limited ("Promoter") is promoting a Section 56 Planning Act 2008 (the "Act") Development Consent Order ("Order") for Mona Offshore Windfarm ("Scheme"). The Order includes land, namely plots 06-102 to 06-105 inclusive ("Plots") belonging to Mrs H M Parry, Mrs E W Wade, Mr R W Parry and Mr G W Parry("Objectors").</p>	<p>The Applicant notes the response and has addressed each specific point in more detail below.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>The Objectors consider that the inclusion of the land will severely prejudice their own proposals for the land and for this reason wish to draw the Inspectors attention to several aspects of the Promoter's scheme as follows:</p> <ul style="list-style-type: none"> - The Promoter has failed to comply with the tests and criteria in its enabling guidance and legislation, in particular section 122 of the Act; (see 9.2.1 to 9.2.6 inclusive later) - The Promoter has included excessive land that is not "required" to accomplish the Scheme and is merely included as the Promoter considers it desirable for its own convenience (contrary to section 122(2) of the Act); (see 9.2.3. 12.1,12.2,and 12.2.1 to 12.2.4 inclusive later) - The Promoter has failed to present "compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired" (contrary to section 122(3) of the Act); (see 9.2.4 and 13 later) - That the Promoter has failed to give adequate proper consideration to reasonable alternatives or not considered them at all; (see 9.2.1, 10, 10.2 to 10.3 inclusive later) - The Promoter pre-determined the selected route prior to any contact and consultation commencing. Having thus tied its own hands from before the outset, all purported consultation with the Objectors has been meaningless and had no prospect of changing the outcome that had already been decided. (demonstrated by the fact that the Promoter has ignored the Objectors' objections); (see 9.2.2, 10 and 11 later) - The Promoter has failed to demonstrate that funding is in place (contrary to sections 9, 17 and 18 of the Guidance to the Act); (see 9.2.5 and 14 later) - The Promoter has only addressed impediments in terms of third party consents and failed to consider physical and legal and other impediments; (See 9.2.6 and 15 later) and - The Promoter has not even committed to the Scheme itself and will not, in fact, do so until its own Final Investment 	

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Reference	Relevant Representation Comment	Applicant's response
	<p>Decision is made at some unspecified date in the future (section 1.5.1.3 of the Promoter's Funding Statement). This could be a very severe impediment given the one of the parent company's recent abrupt changes of policy towards offshore wind energy. (see 14 and 15 later)</p> <p>Further, the Objectors will also suffer detriment due to:</p> <ul style="list-style-type: none"> - The Promoter's ambiguity about the precise location of the cables makes it impossible to try and mitigate their losses and still proceed with their own proposals (even if possible); (see 16.1 later) and - The Promoters request for a seven year window during which it can serve Notice and commence works which the Promoter will be able to extend to ten years by strategic service of a Notice to Treat. This could result in the land being blighted until 2038 when the physical works are complete and the land actually handed back. <p>In light of the above the Inspector is invited to recommend modifying the Order to mitigate the impacts on the Objectors. This would be achieved by removing plots 06-102 to 06-105 from the Order prior to confirmation. (see 16.2 later)</p>	
REP1-083.5	<p>The Order includes for an underground cable corridor to transmit the generated power to a substation at St Asaph Business Park, Bodelwyddan. These written representations are submitted on behalf of the Objectors and aims to provide a review of whether the currently promoted solution in terms of the proposed underground arrangements as well as the proposed route over the Property is the optimum solution. It sets out to evaluate whether there is compelling case in the public interest for granting the Promoter the right to take these very detrimental compulsory rights and interests and impose restrictive covenants over the Plots in relation to the negative impact that it will have on the Objectors. It considers alternative possibilities in terms of design, specification, methodology and both overall and localised</p>	<p>The Applicant refers to response REP1-083.21 through to REP1-083.26 regarding site selection and alternatives, and REP1-083.38 regarding the compelling case in the public interest.</p>

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Reference	Relevant Representation Comment	Applicant's response
REP1-083.6	<p>route amendments which the Promoter either not sufficiently considered or indeed considered at all.</p> <p>I am instructed to prepare and submit these written representations on my own behalf as part owner of the Plots and on behalf of the Objectors my mother, sister and brother to are co-owners in the Plots. In the event that the Order is confirmed then the potential negative ramifications for the Objectors are severe and consequently I am instructed to challenge whether the Promoter's rationale and alleged justification for seeking to take rights and impose restrictive covenants over the Plots. Alternative layout, design, specification and route proposals are identified in the written representation that meet the Promoter's stated aims for the Scheme, that either do not require the Plots at all or mitigate the impact on them but that have not been considered or evaluated in the Promoter's case which inadequately seeks to justify its scheme.</p>	<p>The Applicant refers to response REP1-083.21 through to REP1-083.26.</p>
REP1-083.7	<p>Following an earlier career in agriculture, I graduated with a 2:1 honours degree in Land Management from the University of Reading in 1995 and subsequently qualified as a professional associate member (MRICS) of the Royal Institution of Chartered Surveyors in April 1998. Before, during and since I have worked in the construction and property industry where I have over 30 years' experience to the present day. Initially my property experience was focused on property portfolio investment and management. Later I became involved with regeneration projects including leading on the land issues for developments involving transport and town centre commercial projects being regenerative retail led redevelopments anchored by transport uses. For example, I was in a client role leading and coordinating consultants in respect of substantial investment and development projects at Rotherham and elsewhere in South Yorkshire.</p> <p>I have acted as land acquisition surveyor to the North Wales and North West Railtrack operational railway estate, acquiring land by private treaty and statutory purposes settling claims on the Manchester Airport rail link before</p>	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>joining a specialist infrastructure practice where I worked on land delivery for the Docklands Light Railway, the Cambridge Rapid Light Transit scheme and the Merseyside Rapid Light Rail Scheme.</p> <p>More recently I have specialised in acquiring land and interests by private treaty, compulsory purchase and other statutory powers for infrastructure and civil engineering schemes primarily for rail and especially water utility projects.</p> <p>Since 2007 I have specialised in statutory valuations under the Land Compensation Acts 1961-1973 and associated legislation and hence negotiating and settling claims for acquiring authorities and for affected claimants in Liverpool, the North West and North Wales. I have also given expert evidence at Public Inquiries into Objections to compulsory purchase orders.</p> <p>I was Director of Whitecroft Property Services Limited which specialised in providing advice to businesses and residents who were affected by a Compulsory Purchase Order along with providing businesses with advice in relation to other statutory compensation issues.</p> <p>Since 2021 until last year I was a senior consultant to HS2 on Phase 2B advising on acquisition strategies and impact mitigation.</p> <p>I am a member of the Compulsory Purchase Association and an RICS Registered Valuer.</p> <p>I have submitted evidence and appeared as an Expert Witness before in a Public Inquiries.</p> <p>I have also assisted clients with References and submission of evidence to the Upper Tribunal (Lands Chamber).</p>	
<p>REP1-083.8</p>	<p>One of the Objectors, Robert Parry, has been developing proposals for the Property that will be materially affected or even extinguished by the Promoters proposals. The rest of the Objectors support Robert Parry's proposals and wish to safeguard his ability to implement those proposals.</p> <p>As owners 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. Likewise, the Objectors are</p>	<p>The Applicant has responded to Mr. Robert Parry's representation at REP1-089.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>also "affected persons" for the purposes of Section 59 and 92 of the Act.</p>	
<p>REP1-083.9</p>	<p>THAT THE LAND IS "REQUIRED" AND NO MORE THAN IS "REQUIRED" IS TO BE (10)(11)(12)(13)</p> <p>Section 122 of the Act 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 [Secretary of State] is satisfied that the conditions in subsections (2) and (3) are met.</p>	<p>The Applicant can confirm that the Mona Offshore Wind Project understands the basis on which compulsory acquisition may be authorised.</p>
<p>REP1-083.10</p>	<p>Robert Parry has been developing proposals for the land which are detailed in Robert Parry's written representations and the written representations of Kerry James, Planning Consultant which comments on the planning status of that development and to describe the planning status of the Property which the Inspector will note supports high quality tourism uses including prestigious chalet and guesthouse accommodation combined with tourism associated destination retail.</p>	<p>This is noted by the Applicant and the Written Representations received from Robert Parry and Kerry James Planning have been read in conjunction with this representation and have been responded to separately in response REP1-089 and REP1-084 respectively.</p>
<p>REP1-083.11</p>	<p>The Scheme aims to construct an offshore wind farm comprising of up to 96 wind turbines within an area of circa 300km² offshore from Abergele in North Wales. The Statement of Reasons 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. As the crow flies this is circa 10.25km from the substation destination. Once onshore 15km of 4 No. trenches housing 4 circuits of either 225kv or 275kv cables at a depth of 1.8m is proposed to run between the landing point on shore to the west of Abergele to a National Grid substation behind St Asaph Business Park. There will be 3 cables of circa 200mm diameter for each circuit that may be arranged in trefoil or parallel</p>	<p>The Applicant notes the response, and for clarity, the 1.8 metres refers to the maximum depth of the cable trench as listed in the Project Description (APP-050). The cables themselves will be laid within the cable trench and therefore shallower than 1.8 metres.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>arrangement(1) to be determined in the detailed design. Article 21 of the Draft DCO Order also shows that the Promoter is seeking a window of 7 years following confirmation of the Order in which it can serve either a Notice to Treat or a Notice of Intention to Vest. Notices to Treat reserve a further 3 years before a Notice to Enter need be served and a Notice of Intention to Vest can also prolong the period until actual vesting and entry by several months.</p>	
<p>REP1-083.12</p>	<p>The written representations of Robert Parry and of Kerry James Planning refer.</p> <p>The Promoter has drawn the Limits of Deviation of its scheme along the entire 290m of the western boundary of the Property (to the A548). Some of the land included is intended for use as 3.4ha (8.4 acres) compound for the wider route whilst a 100m corridor is reserved for the actual laying of cables.</p> <p>We are informed that somewhere within the Order limits, most likely within the 100m working corridor, an area 30m wide is to be permanently sterilized for the purposes of hosting 4 trenches each containing a separate circuit on 3 (phased) cables. The precise location of this 30m corridor is to be determined in detailed design.</p> <p>This width of corridor has very significant implications for the Objectors' proposals for the land and this is further compounded by the fact that there is considerable ambiguity about the whereabouts within the 290m included in the Order that the final 30m to be permanently sterilised will be. This along with the timing of when matters move forward, if at all, make the Objectors' proposals impossible to implement.</p> <p>Given that the entire frontage to the A548 is included in the Order limits, It does seem likely that the scheme will severely impact on, if not entirely extinguish the Objectors' access arrangements from the A548.</p> <p>The Property is @96,806m² (9.8Ha/23.91acres) and the limits of deviation here including the compound account for circa 58,292m² (5.83Ha/14.40 acres) or @ 60.21% of the Property on a temporary basis with further land severed by</p>	<p>The Applicant refers to relevant representation response RR-021.23 and RR-021.24 in the Applicant's Response to Relevant Representations (PDA-008). There is currently no vehicular access from the A548 into plot 06-103. There is an access point into plot 06-104 in the south-western corner from the unclassified road. The Applicant is of the view that once construction has finished, the Interested Party would be able to establish a new access along the circa 290 metres of road frontage into plot 06-103 from the A548, providing the access did not interfere with the permanent easement, and subject to obtaining all necessary approvals and consents,</p> <p>As detailed in the Project Description (APP-050) at 3.7.2.14, "The Mona Onshore Cable Corridor will be up to 74 m wide (including the temporary construction width) to allow up to four cable circuits to be installed. In localised stretches of the Onshore Cable Corridor, the total width may be increased to 100 m (e.g. trenchless technique crossings)". The width of the onshore cable corridor is shown on the Works Plans (AS-003) within the Order Limits. 3.7.2.16 clarifies that "Once installed, the cables will occupy a permanent easement approximately 30 m wide, although the easement may be wider where obstacles are encountered or where cables are installed using trenchless techniques."</p> <p>The exact location of the permanent easement will be ascertained following installation of the cables determined following installation of the cables determined by detailed design post-consent .</p> <p>The width of the cable corridor (74 metres) and permanent easement (30 metres) are illustrated in the Indicative Cable Corridor Cross Section drawing (REP1-018) .</p> <p>Schedule 8 of the draft Development Consent Order (C1 F04) sets out the restrictive covenants that would be placed on the land by plot number to ensure maintenance and decommissioning can be undertaken and the integrity of the cables are maintained throughout the project.</p> <p>Whilst the Interested Party has, during discussions with the Applicant's agent, Dalcour Maclaren, disclosed that alternative uses were being considered for the</p>

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	<p>the scheme during construction.</p> <p>Of far greater concern however is the permanently sterilized corridor. That is at least 345m long and at 30m wide so the total area sterilized will be circa 10,350m² (1.035Ha/2.56acres) or @10.69% of this Property.</p> <p>The permanent loss, or sterilisation with onerous restrictive covenants, of 10.69% of the site through the middle of the Property, means that the scheme as evidenced by Robert Parry and BR Design, even if the access concerns can be addressed, is likely to lose the density necessary for it to be feasible.</p> <p>For instance, a scheme reduced in size and scale due to the impact of the Mona Scheme on the Property is unlikely to be able to cover the initial set up costs and overheads that the unfettered scheme could absorb. This again causing a further material risk to Objectors' proposals.</p> <p>The width of the corridor is unjustifiably wide and also, without any modification of the proposed CPO powers then the route will likely be located in the most commodious location possible with further material and severe implications.</p> <p>Equally concerning is the fact that if the Order is confirmed then the Promoter is seeking to reserve for itself a window of 7 years, extendable to up to 10 years by strategic notice serving, in which it can commence the works leaving Robert Parry and the Objectors totally unable to progress any proposals whatsoever during this period.</p> <p>The Promoter has failed to take any account of the Objectors' very serious and material concerns and reasonable requests to mitigate the impact by making alternative arrangements or modifying the design and routing and it is now necessary to make these written representations and appeal to the reporting Inspector to consider the merits of these matters on and the correct basis independently and in line with the proper legislation and guidance.</p> <p>The combined effect of the sterilised area, the consequent severance, together with the highway access issues and the time period for implementation that the Promoter is seeking</p>	<p>land, this written representation is the first time that details and drawings have been shared with the Applicant as to the extent of the proposed development, that being the chalet and guesthouse accommodation combined with tourism associated destination retail, as stated in REP1-083.10. Following a meeting Dalcour Maclaren had with the Interested Party on the 30th May 2023, the Applicant had understood the Interested Party was considering a cycling hub or a solar farm.</p>

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	<p>to reserve will almost undoubtedly bring about the catastrophic loss of Robert Parry's scheme and the obvious benefits of this to the wider area will likely be lost to all. In the absence of the scheme, Robert Parry and the Objectors would proceed with their proposals unimpeded.</p>	
<p>REP1-083.13</p>	<p>The Promoter is promoting the Order for Mona Windfarm under the Act and Regulation 16 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Notices to inform landowners of this fact were served on 26th March 2024 which advised that relevant representations were able to be made up until 5th May 2024.</p> <p>The Promoter advises that it anticipates the Order to be confirmed in early 2025. Without any modification, Article 21 of the draft Order will give the Promoter a window of 7 years, extendable to up to 10 years by strategic notice serving, in which to commence work on site and or, abandon the scheme at that time without penalty.</p>	<p>The Applicant notes the response and refers to the timetable in the Rule 8 letter (PD-010).</p>
<p>REP1-083.14</p>	<p>Notwithstanding the Objectors' experience to the contrary, as will be demonstrated in section 11 of this written representation, the Promoter's Statement of Case advises that the Promoter has consulted widely with affected parties and accommodated requests for mitigation of impact wherever possible as required by Section 42 to 49 of the Act and that it is in negotiation with all affected parties with the aim of agreeing and documenting terms with them in accordance with Section 25 of the Guidance(2). The Order is requested as a "backup" to enable the scheme to be implemented in the event that agreement ultimately cannot be reached. If confirmed then the Order will enable the Promoter to proceed to implement the scheme to a specification and manner entirely of its own choosing commencing any time within 10 years of the confirmation date. In seeking these powers under the Act the Promoter is obliged, as a minimum, to evidence the following:</p>	<p>The Applicant notes the response and refers to the draft Development Consent Order (C1 F04) which sets out the proposed time limit of 7 years for the authorised project to commence (paragraph 1, Schedule 2) and for the exercise of authority to acquire land compulsorily (paragraph 21, Part 5).</p>
<p>REP1-083.15</p>	<p>THAT THE PROMOTER HAS PROPERLY CONSIDERED ALL REASONABLE ALTERNATIVES(3)(4)(5)(6)</p>	<p>A detailed response to the site selection process was provided in response to in RR-021.2 in the Applicant's Response to Relevant Representations (PDA-008).</p>

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	<p>The Promoter is also obliged to properly consider alternatives to its Scheme in full and in part.</p> <p>For instance, the Department for Energy Security and Net Zero: Overarching National Policy Statement for Energy (EN-1)(5) provides:</p> <p>“4.3.29 It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the Secretary of State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant).” (emphasis added)</p> <p>Further, the Act provides for the requirement for an Environmental Impact Assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(6). Regulation 14 and Schedule 4 of those Regulations oblige the Promoter to consider reasonable alternatives:</p> <p>14.—(1) An application for an order granting development consent for EIA development must be accompanied by an environmental statement.</p> <p>(d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment; (emphasis added)</p> <p>And at Schedule 4:</p> <p>2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. (emphasis added)</p> <p>Section 8 of the Planning Act 2008: Guidance (7) advises:</p> <p>“8. The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The</p>	

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	<p>applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.” (emphasis added) Section 10 of these written representations will demonstrate that the Promoter has inadequately considered macro-route alternatives and failed to consider local route alternatives to avoid or at least mitigate the impact on the Objectors at all, despite requests.</p>	
<p>REP1-083.16</p>	<p>THAT THE PROMOTER HAS CONSULTED AND TAKEN ACCOUNT OF RESPONSES TO CONSULTATION (8)</p> <p>The Promoter is obliged to “consult” by virtue of Section 42 – 48 especially Section 44 of the Act and Section 49 obliges it to take account of responses. The Aarhus Convention (9) obliges likewise duties to provide information for meaningful consultation and involve citizens with the decision making process.</p> <p>Section 37(3)(c) of the Act requires a consultation report to be submitted with the Order application and Section 37(7) advises that “the consultation report” means a report giving details of—</p> <p>(a) what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application,</p> <p>(b) any relevant responses, and</p> <p>(c) the account taken of any relevant responses.</p> <p>Section 104(4) of the Act obliges the Secretary of State to be satisfied that deciding the application in accordance with any relevant national policy statement would not lead to the United Kingdom being in breach of any of its international obligations.</p> <p>One of the UK’s international obligations would be to the Aarhus Convention which it ratified in 2005. Article 6 of this convention obliges bodies such as the Promoter to early release and circulation of all “relevant information” before decisions are made and gives landowners, citizens and NGOs the right to participate in decision-making processes in respect of their land.</p>	<p>A response on the Applicant’s consultation process has been provided to the Interested Party via the relevant representation response RR-021.9 in the Applicant’s Response to Relevant Representations (PDA-008). This sets out the process followed as per the Consultation Report (APP-037). The Applicant notes that all headings provided in this written representation are addressed within the Consultation Report (APP-037).</p>

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	<p>Sections 10 and 11 of these written representations will demonstrate how the Promoter had predetermined the route on the Property in advance of contacting the Objectors and then, with their hands tied, continued to inadequately consult, ignore relevant issues raised and cajole discussions towards entering into the Promoter's very onerous Heads of Terms.</p>	
<p>REP1-083.17</p>	<p>THAT THE LAND IS "REQUIRED" AND NO MORE THAN IS "REQUIRED" IS TO BE (10)(11)(12)(13)</p> <p>Section 122 of the Act 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 [Secretary 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. (emphasis added) McCulloch J In R. v. Secretary of State for the Environment, ex p. Leicester City Council (14) stated that the word "required" in the above context meant that the land had to "stand with the phrase " ...[the land is] needed in order to.....[accomplish something]..." (emphasis added) Roch J in Sharkey and Another v Secretary of State for the Environment and South Buckinghamshire Council (in the first instance)(12) stated: "Because of the nature of the power given to [Promoters], namely, to deprive the owner of his land against that owner's will, I prefer and adopt the stricter meaning of the word "required" In my judgment the word means that the compulsory acquisition of</p>	<p>The Applicant can confirm that the Mona Offshore Wind Project understands the basis on which compulsory acquisition may be authorised.</p>

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	<p>the land is called for; it is a thing needed for the accomplishment of one of the activities or purposes set out in the section..... and without the use of compulsory purchase powers, the necessary purpose is unlikely to be achieved.” (emphasis added)</p> <p>On the appeal of that case(13) McCowan J confirmed the above and added:</p> <p>I agree with Roch J. that the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity or the achieving of the purpose; or, to use another similar expression, that it is essential. On the other hand, I do not find the word "desirable" satisfactory, because it could be mistaken for "convenient," which clearly, in my judgment, is not sufficient. I believe the word "required" here means "necessary in the circumstances of the case." (emphasis added)</p> <p>Parker J and Scott LJ agreed with LJ McGowan and the first instance case was upheld.</p> <p>This position is confirmed in the Section 11 Planning Act 2008: Guidance (15) 122 (i) the land is required for the development to which the development consent relates. For this to be met, the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development “ (emphasis added) AND “122 (ii) the land is required to facilitate or is incidental to the proposed development. An example might be the acquisition of land for the purposes of landscaping the project. In such a case the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate.” (emphasis added)</p> <p>Section 12 of these written representations will demonstrate the Objectors view that the Promoter has not demonstrated</p>	

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	<p>that their land is “required” either at all or in the event that the Inspector concludes that there is a case then that the land included in the order is excessive and unnecessary in the circumstances of the case and merely included for the Promoter’s convenience.</p>	
<p>REP1-083.18</p>	<p>THAT THERE IS A “COMPELLING CASE IN THE PUBLIC INTEREST” FOR THE LAND OR RIGHTS BEING TAKEN THAT OUTWEIGHS THE LOCAL IMPACT AND PRIVATE LOSS OF THE AFFECTED PARTY(16)(17)(18)(19)</p> <p>Section 122 of the Act further states: - “(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.”(16) (emphasis added) Sections 12 to 14 of the Planning Act 2008: Guidance (11) advise: “12. In addition to establishing the purpose for which compulsory acquisition is sought, section 122 requires the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. 13. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. 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. 14. In determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.” (emphasis added) In addition Section 13 of the “Guidance on Compulsory purchase process and The Crichel Down Rules”(17) produced by the Department for Levelling Up, Housing and Communities July 2019 states: “13. How will the confirming minister consider the acquiring</p>	<p>Whilst DLUP guidance on compulsory acquisition (in its previous ODPM Circular 06/2004 version) is referenced in the 2013 DCLG Guidance on procedures for the compulsory acquisition of land under the Planning Act 2008, it is the 2013 Guidance that is the primary document for relevant commentary on the tests that need to be satisfied in relation to compulsory acquisition for nationally significant infrastructure projects under the Planning Act 2008.</p>

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	<p>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)Sections 14 to 16 of the same Department for Communities and Local Government Guidance continue by explaining that "...the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition." When addressing the question of whether to grant powers of compulsory acquisition the decision maker is also bound to have regard to Article 1 of the First Protocol of ECHR (protection of property)" (emphasis added) Sections 13 and 16 of these written representations will demonstrate the detriment that the Objectors will suffer in the event that the Order is confirmed in respect of the Plots.</p>	
<p>REP1-083.19</p>	<p>THAT FUNDING IS IN PLACE OR THAT THERE IS A REASONABLE PROSPECT OF IT BEING SO AND HOW SHORTFALLS WILL BE MET (20)(21)(22)</p> <p>Section 9 of the Planning Act 2008: Guidance (20) advises: "9. The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire. They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available. Otherwise, it will be difficult to show conclusively that the compulsory acquisition of land meets the two conditions in section 122" (emphasis added) And sections 17 and 18 provide: "17 Any application for a consent order authorising compulsory acquisition must be accompanied by a statement explaining how it will be funded. This statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. It</p>	<p>The Applicant refers to the Funding Statement (APP-025) and its three Annexes (APP-026, APP-027 and APP-028) which clearly demonstrate the ability of the joint venture partners for the Mona Offshore Wind Project to secure the requisite funds to develop the project and satisfy any compensation claims for the acquisition of the land and rights needed for the project. Section 1.8.1.5 of the Funding Statement (APP-025) states "Article 33 of the draft DCO provides that the Applicant may not exercise a number of powers until it has put in place a guarantee or security equal to its potential liability to compensation under the DCO, or the Secretary of State confirms that no such guarantee is required because the Applicant has provided financial information sufficient to demonstrate that it has appropriate funding in place without a guarantee or alternative form of security to meet any liability to pay compensation under the DCO."</p>

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	<p>may be that the project is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty about the assembly of the necessary land. In such instances, the applicant should provide an indication of how any potential shortfalls are intended to be met. This should include the degree to which other bodies (public or private sector) have agreed to make financial contributions or to underwrite the scheme, and on what basis such contributions or underwriting is to be made.</p> <p>18. The timing of the availability of the funding is also likely to be a relevant factor. Regulation 3(2) of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 allows for five years within which any notice to treat must be served, beginning on the date on which the order granting development consent is made, though the Secretary of State does have the discretion to make a different provision in an order granting development consent. Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of" (emphasis added) Section 14 of these written representations will demonstrate the failings or lack of information and certainty in the Promoter's funding case reflecting the Promoter's indecisiveness and lack of commitment to the Scheme.</p>	
<p>REP1-083.20</p>	<p>THAT THERE IS NO IMPEDIMENT TO THE IMPOSITION OF THE SCHEME (23) (24)</p> <p>Section 19 of the Planning Act 2008: Guidance (23) advises: "19. The high profile and potentially controversial nature of major infrastructure projects means that they can potentially generate significant opposition and may be subject to legal challenge. It would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant national policy statement. In addition, applicants will need to be able to</p>	<p>The Applicant notes the response.</p>

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	<p>demonstrate that:</p> <ul style="list-style-type: none"> • any potential risks or impediments to implementation of the scheme have been properly managed; • they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent.” (emphasis added) <p>And Section 15 of the :Guidance on Compulsory purchase process and The Crichel Down Rules” Department for Levelling Up, Housing and Communities July 2019 states: “The acquiring authority will also need to be able to show that the scheme is unlikely be blocked by any physical or legal impediments to implementation” (emphasis added) Section 15 of this written representation will consider the Promoter’s approach to impediments to the Scheme. Deciding whether or not to confirm an Order such as the one for the scheme clearly requires the Secretary of State’s deep consideration of many aspects of the scheme in relation to the relevant legislation and guidance. The Objectors believe that the Promoter has not properly complied with the requirements of the Act and the guidance and sections 10 to15 of these written representations will now deal with this</p>	
<p>REP1-083.21</p>	<p>WHETHER PROMOTER HAS PROPERLY CONSIDERED ALL REASONABLE ALTERNATIVES16 ROUTES CONSIDERED AND REPORTED IN THE PEIR REPORT</p> <p>The Promoter was successfully awarded the bid for the Mona Offshore Windfarm lease area in February 2021. This marks the commencement of the design of the current proposals. Only some 35 months later, in January 2024, the Promoter submitted the Order application to the Planning Inspectorate for acceptance as a Nationally Significant Project (“NSP”). The Preliminary Environmental Information Report (“PEIR”) was published in April 2023 to coincide with the</p>	<p>The Applicant notes the detailed review of the onshore site selection process. The “parallel analysis screening reasons” referred to in Table 4.17 of the Site Selection and Consideration of Alternatives chapter (AS-016) relates to the screening undertaken for the landfall location. Table 4.15 of AS-016 states that at Belgrano West and Belgrano East “The required width immediately parallel to the Gwynt y Môr Offshore Wind Farm cables meant that it is not feasible to engineer a route at this landfall location”. For this stage in the site selection process, the required width sought is detailed in Table 1.1 of Site Selection Area of Search Identification annex (APP-081) as 100 m, with a transition joint bay compound of 100 m by 150 m (within an onshore cable corridor area of search approximately 500m in width).</p> <p>The Applicant strongly believes that it has undertaken a robust site selection process. The site selection process was undertaken via an iterative and</p>

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	<p>commencement of the public consultation process (in line with Section 44 of the Act) which ran between 19 April 2023 and 04 June 2023.</p> <p>Sections 4.8.5, 4.8.6 and Table 4.17 of Volume 1, chapter 4 of the PEIR(25): Site selection and alternatives claims that 16 on shore routes were originally considered as wide apart as West of Llanddulas and East of Rhyl. These 16 routes can be seen in Figure 4.14 on page 38 of PEIR(25) and included:</p> <ul style="list-style-type: none"> -Rhyl West A which broadly and partly followed the route of Awel y Mor to the Substation at St Asaph Business Park: - Belgrano West C and Belgrano East B which broadly and partly followed the route of Gwynt y Mor (believed to be a 30m wide permanent easement with only 2 no. 132kv circuits within it) to the Substation. Notwithstanding these readymade corridors, with surplus space for additional capacity, they were immediately dismissed along with a further 10 routes for “parallel analysis screening reasons” which have neither been explained nor shared. This left only 3 routes for any detailed consideration whatsoever, namely Llanddulas East B, Llanddulas East A and Llanddulas East C. <p>Both Llanddulas East A and B routes affected the Plots as did all the theoretical Llanddulas West Routes.</p> <p>First contact with the Objectors was made by the Promoters in June 2022 (some 16 months after award of the lease). An indicative cable route plan was shared by email with the Objectors on 12 August 2022 (26) clearly showing the current proposed route (Llanddulas East A) albeit with a wider 300m corridor than the current 100m wide Order works corridor or Limits.</p> <p>Therefore, within the 17 months from being awarded the Promoter had identified, investigated, presented, reviewed and selected 1 out of 16 different routes each of up to 15km (9 miles) in length – a total of approximately 240km (144 miles). It seems clear that the review could not have been a proper review of the reasonable alternatives as the Promoter is obliged to carry out.</p>	<p>multidisciplinary approach. Engineering, constructability, cost, environmental, landowner, community, and stakeholder considerations were all used in the development of onshore cable route options. A series of internal Mona Offshore Wind Project team workshops were held to ensure each of the factors were considered effectively.</p> <p>A meeting was held between the Applicant's land agent and the Interested Party (IP) on 13th September 2022 as part of the non-statutory consultation. Whilst the IP was clear that they did not wish for cables to impact the land, no reference was made to alternative uses for the land nor were alternatives routes suggested. No feedback was received on the alternative routes which the Applicant put forward as part of the non-statutory consultation.</p> <p>The representation notes that the onshore cable route is approximately 15km in length (where it could be 10km in length as the crow flies). This difference in length is related to topographical constraints on the route of the onshore cable corridor and its construction feasibility.</p> <p>The use of existing above ground power transmittal on poles or pylons or “pylon sharing” is not a feasible option as the Applicant cannot control equipment/apparatus owned by other parties e.g. National Grid Electricity System Operator (NGESO). Additionally, from a Health and Safety perspective, it is not possible to have two asset owners sharing the same infrastructure, and in particular, the isolation of assets for safe working is not feasible without also isolating third party assets.</p> <p>Regarding the use of new above ground cables on poles/pylons or the use of part underground and part new or existing poles/pylons, as explained in Table 4.8 within Section 4.6.2 of Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (APP-051) overhead lines were considered by the Mona Offshore Wind Project as reasonable spatial and geographical alternatives to buried onshore cables. Overhead lines were discounted to reduce associated potential environmental effects, primarily associated with the long-term visual impact associated with large-scale pylons This is detailed as a primary measure to reduce potential for impacts on landscape and visual resources in Table 6.20 of Volume 3, Chapter 6: Landscape and Visual Resources (APP-069).</p> <p>In addition to the strategic-level decision making, a preliminary engineering feasibility assessment undertaken to define the scope of the Mona Offshore Wind Project stipulated that underground cables are less affected by weather conditions, offer higher reliability and security than overhead cables, are less prone to</p>

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	<p>Llanddulas East A was selected and was the only route taken through the BRAG report (27) however it did have some options (North and South) in parts of the route. Section 1.3.1 of the BRAG Report gives an overview of the post PEIR site and route selection process. It describes that the point of landfall was fixed per a previous decision and that a 300m wide corridor around the current route was considered between the point of landfall and the substation site.</p> <p>Section 1.3.3 on page 18 of the BRAG Report specifically describes the refinement of the corridor down to a 74m width and gives an overview of the original site and route selection process. This is discussed again in section 1.4.2 where visual plans show certain areas where north and south options of the already pre-determined route. This refinement stage coincided with the public consultation period although the Promoter had still not contacted the Objectors by that stage.</p> <p>The plan on page 21 of the BRAG report shows the first post refinement to 74m wide route corridors option entitled Section 3 North and Section 3 South. This page 21 plan broadly correlates with Sheet 6 of the Works and Land plans and book of reference. The first plot on the west or left hand side of that plan is therefore 06-100 to the west of the A548 and then the subsequent plots on the east of the A548 are the Plots within the Property. It can be seen that the Plots are included in both option for section 3-N and Option for Section 3-S. The Plots, having been pre-selected prior to landowner involvement, has therefore been included in the Order throughout. The Promoter having tied its own hands in this regard from the outset, has therefore fettered itself from carrying out any sincere and earnest meaningful consultation or having any genuine discussion as to alternatives or as to means that the impact could be mitigated on the Objectors. This shows how poor the site selection and consultation process has been and consequentially how biased and unfair the process has been for a private company to seek to impose its will on private individuals solely for its own commercial gain and to the</p>	<p>interference from external factors, reduce the risk of electrocution or injury to people or animals, are less prone to explosion or fire, and are easier to maintain.</p> <p>Regarding coordinated asset sharing with Gwynt y Môr Offshore Wind Farm and / or Awel y Môr Offshore Wind Farm onshore transmission assets – both of these projects have obtained planning consent (and Gwynt y Mor is operational). The consent for Awel y Mor is sized for that project only and the Applicant has no ability to compel these projects to strategically coordinate. The ultimate decision for the connection point and type of connection (coordinated or single radial) for the Mona Offshore Wind Project was determined by National Grid Electricity System Operator (NGESO). Mona Offshore Wind Project was scoped into the Holistic Network Design (HND) process as a pathway to 2030 project by NG ESO. Ultimately, NGESO concluded, through the HND process, that the preferred connection option representing the most optimal design considering all criteria for the Mona Offshore Wind Project was a single radial grid connection into Bodelwyddan substation in Denbighshire, North Wales (and not to coordinate with Gwynt y Môr Offshore Wind Farm and / or Awel y Môr Offshore Wind Farm onshore transmission assets).</p>

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	<p>detriment of the affected parties. Section 1.2.1.8 of Volume 5, Annex 4.2: Site Selection BRAG Report states that the primary site selection principle consideration to which they will adhere is:</p> <p>“Shortest route preference to reduce impacts by minimising footprint for the Mona Offshore Cable Corridor and Mona Onshore Cable Corridor as well as considering cost (hence ultimately reducing the cost of energy to the consumer) and minimising transmission losses”</p> <p>However the reality is that, as the crow flies the substation site is a little over 10km from where the cables make landfall but the actual route being proposed is almost 50% longer at 15km.</p> <p>The Inspector will also notice that in addition to failing to consider alternative options for plots all the way from landfall as far as plot 06-105 there has been no consideration of the following when selecting the currently proposed route:</p> <ul style="list-style-type: none"> - The use of new above ground power transmittal on poles or pylons; - The use of existing above ground power transmittal on poles or pylons; - The use of part underground and part new or existing poles or pylons; - Route sharing with and possible upgrade to Gwynt Y Mor Scheme which comes ashore slightly to the east of Abergele and runs directly to a substation adjacent to the new one proposed for the Scheme. Alternative route options Belgrano West C and Belgrano East B but these were immediately dismissed by PEIR for “parallel analysis screening reasons” ; and/ or - Route sharing with and possible upgrade to Awel Y Mor Scheme not even yet built which comes ashore slightly to the east of Rhyl and will also run directly to a substation adjacent to the new one proposed for the Scheme. Given the Awel Y Mor scheme has yet to finish its design and commence on site it would appear to be an unrivalled opportunity to collaborate with those parties. 	

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REP1-083.22	<p>CONSIDERATION OF OTHER ALTERNATIVES – POTENTIAL PYLON ALTERNATIVE</p> <p>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.</p> <p>The Gas and Electricity Markets Authority grants (“GEMA”) licences to local Distribution Network Operators (“DNOs”) such as Scottish Power Electricity Networks (“SPEN”). These licences include provisions that allow and in fact, where appropriate, oblige a DNO to use its network assets efficiently, which can encompass renting out spare capacity which promotes efficiency and benefits consumers.</p> <p>Section 6 of the Electricity Act 1989 deals with the grant of these DNO Transmission Licences. Section 7 governs the conditions for doing so. Section 9 sets out the general duties of the DNO, including the obligation “to develop and maintain an efficient, coordinated, and economical system of electricity distribution” as well as “facilitate competition...”. Utilising spare capacity through rental agreements can be seen as part of fulfilling these duties. Section 25 – Bestows the power of enforcement onto GEMA to enforce compliance with the terms of the DNO licence, which includes provisions related to the use of network assets. This oversight ensures that any renting of spare capacity is done within the regulatory framework designed to protect consumer interests and network reliability.</p> <p>The Utilities Act 2000 amended the Electricity Act 1989 and introduced further provisions for the regulation of the electricity market. It supports the principles of efficient operation and management of electricity networks, which can include the rental of infrastructure.</p> <p>I have raised the prospect of line sharing with staff at SPEN and was advised that they do have other such arrangements</p>	<p>Regarding the use of new above ground cables on poles/pylons or the use of part underground and part new or existing poles/pylons, as explained in Table 4.8 within Section 4.6.2 of Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (APP-051) overhead lines were considered by the Mona Offshore Wind Project as reasonable spatial and geographical alternatives to buried onshore cables. Overhead lines were discounted to reduce associated potential environmental effects, primarily associated with the long-term visual impact associated with large-scale pylons This is detailed as a primary measure to reduce potential for impacts on landscape and visual resources in Table 6.20 of Volume 3, Chapter 6: Landscape and Visual Resources (APP-069).</p> <p>In addition to the strategic-level decision making, a preliminary engineering feasibility assessment undertaken to define the scope of the Mona Offshore Wind Project stipulated that underground cables are less affected by weather conditions, offer higher reliability and security than overhead cables, are less prone to interference from external factors, reduce the risk of electrocution or injury to people or animals, are less prone to explosion or fire, and are easier to maintain.</p>

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	<p>in place and are generally open minded to the idea although it would be entirely subject to regulatory approval and some capacity improvements would likely be necessary to accommodate the additional load on their AC line. They advise that, in the first instance, contact should be made with the “connections team” who will help design and evaluate proposals and ultimately grant a licence. The party commenting was not aware that any such approach had been made by Scheme. This would tend to confirm the Objectors' suspicions that such an arrangement has not even been considered.</p>	
<p>REP1-083.23</p>	<p>DESCRIPTION OF AND POTENTIAL TRANSMITTAL SHARING WITH AC LINE</p> <p>The AC Line runs directly through the Property in plot 06-103 and in fact there are 2 pylon towers contained on the Property referred to as towers AC128 and AC127. This line belongs to SPEN and transmits power from Dolgarrog Hydroelectric Plant to the major substation at Connahs Quay. Enroute to Connahs Quay, from the Objectors' Property, the AC line almost identically follows the corresponding section of the Mona Scheme's onshore route and in fact if a “pylon sharing” arrangement could be developed with SPEN i.e. to use the transmittal capacity between tower AC128 i.e. within Plot 06-103 being approximately 5km from point of landfall then this would save the trenching operations for almost 10km of the remaining route only rejoining the currently proposed route at the tower which is believed to be AC103 or AC104. The pylons route from AC128 through to AC103 is shown in yellow on the following overlays of the works and land plans for the Scheme. The working corridor for the Scheme is shown partly in pink and partly in blue. The saving of 4No. lengths of circa 10km of trench and cable laying would itself save some 848,538m² (84.85ha/ 209.6 acres) of land (according to the plot sizes recorded in the book of reference) from such severe disruption. Instead, the general public and all the affected landowners would merely have to</p>	<p>The use of existing electricity poles or pylons or “pylon sharing” is not feasible as the Applicant cannot control equipment/apparatus owned by other parties e.g. National Grid Electricity System Operator (NGESO). Additionally, from a Health and Safety perspective, it is not possible to have two asset owners sharing the same infrastructure, and in particular, the isolation of assets for safe working is not feasible without also isolating third party assets.</p>

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	<p>tolerate the upgrade of these pylons and their “restringing”. In doing this the Promoter would actually save up to 2/3 of the cost of 10.5km (70%) of the entire onshore route corridor construction costs.</p> <p>The AC line comprises standard 132KV towers approximately 30m tall. It currently has a maximum capacity and is in use for 3no. circuits of 132KV. It is understood however that these circuits could be upgraded to 275KV and SPEN do have many circuits at this capacity in Cheshire and Merseyside and indeed 400KV for instance, the Kincardine to Blairingone XL OH Line Route.</p> <p>Planning policy is not particularly supportive of new pylons or pylon upgrades. For that matter however, neither is policy supportive of the long scars and disruption to hedgerows and so on that inevitably result of laying underground cables. It is understood that there are permitted development rights to upgrade and increase the capacity of the existing cables on these pylons and also to raise the height of these pylons by 15%. It seems quite achievable that a suitable upgrade could be designed to “condense” the existing services and accommodate the Scheme’s requirements. There is therefore the very real prospect of being able to transmit Scheme power along the AC line which, given the excessive disruption that the current proposal would cause, is surprising that it has not been considered already.</p> <p>What would be proposed would be sharing of apparatus similar to the way that train operating companies purchase track access from Network Rail rather than a connection into the SPEN DNO network.</p> <p>This is a very real and practical alternative to the chaos and disruption currently proposed from the A548 all the way to the Bodelwyddan substation terminus and until this option has been exhaustively explored and categorically discounted as not being viable then it is premature to attempt to argue that any of the land from plots 06-102 onwards all the way to Bodelwyddan is either “required” or “indispensable” or “necessary in the circumstances of the case for the accomplishment of the Scheme”. It is</p>	

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	<p>premature to argue that Sections 122(2) and 122(3) of the Act apply by the virtue of the fact that the Promoter has failed to consider this alternative in accordance with its statutory duties to do so. [AUTHOR PLEASE REFER TO FIGURES ON PAGES 17 AND 18 OF REPS]</p> <p>The Objectors strongly support a proposal to share transmittal of power along the AC Line whether it was merely to cross plots 06-103 to 06-105 and into plot 06-106, returning to an underground solution from tower AC126 onwards solution or whether it be to follow the entire route to tower AC103/4 (close to plots 11-202 or 10-188) close to Bodelwyddan substation terminus. In the event that this proposal was implemented, the Objectors would be minded, subject to reasonable agreement i.e. re timescales, to permit the Promoter to use the temporary compound proposed for plot 06-103 to facilitate the connection to tower AC128. Further, the Objectors are prepared, if necessary, to permit the use of other adjacent land (edged grey on later figures, and within their title CYM795223) not currently within the Order area to be used to facilitate this arrangement.</p>	
<p>REP1-083.24</p>	<p>CONSIDERATION OF OTHER ALTERNATIVES – LOCAL ALTERNATIVES TO PLOTS 06-102 TO 06-105</p> <p>As explained in 10.1, above Llanddulas East A was selected by June / July 2022 and was the only option consulted on or considered in the BRAG report albeit with minor north and south route options to the east of the Property. No options have ever been considered as alternatives to the Plots. However there are very satisfactory local alternatives which are equally capable of accomplishing the Scheme. These are now considered and have been tabulated for ease of reference.</p> <p>Firstly Alternatives A to C are described and compared as these routes remove the cables almost entirely from the Plots and minimise the need for interaction between the Promoter and the Objectors although the Objectors have indicated that in the event that one of these routes was selected then it will, subject to reasonable matters such as</p>	<p>Alternative route options A to C as put forward in the representation all require moving the cable route to the south of the overhead electricity cables which run through plot 06-104 (B5 Land Plan (Onshore) AS-005). The Applicant refers to RR-021.24 (Response to Relevant Representations (PDA-008)) which sets out the engineering constraints of routing to the south of this overhead line.</p>

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	<p>timing, support the Promoter were possible. The main landowners here have also confirmed that they would support the proposals subject to proper compensation and safeguards being in place Alternatives D and E are then described and compared. These routes still affect the Plots, however, the impact on the Objectors is greatly mitigated. There is only one other landowner affected here and as before they have confirmed that they would support the proposals subject to proper compensation and safeguards being in place. The Objectors also would be minded to support this arrangement in the event that AC pylon sharing and Alternatives A to C were properly found to be unsatisfactory.</p>	
<p>REP1-083.25</p>	<p>CONSIDERATION OF OTHER ALTERNATIVES – LOCAL ALTERNATIVES TO PLOTS 06-102 TO 06-105 [PLEASE REFER TO TABLES ON PAGES 20, 21 AND 22 OF REPS]</p>	<p>The Applicant notes the alternative route alignments provided by the Interested Party in this area and refers to REP-083.24 above.</p>
<p>REP1-083.26</p>	<p>EXPLANATION AND COMPARISON OF LOCAL PLOT ALTERNATIVES D AND E [PLEASE REFER TO TABLES ON PAGES 23 - 27 OF REPS]</p>	<p>Alternative routes D and E assume a smaller 12 metre wide permanent cable easement. As illustrated in the Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018), the permanent cable easement is 30 metres to accommodate up to 4 cable circuits required and therefore these routes are not feasible.</p>
<p>REP1-083.27</p>	<p>Section 10.1 of this submission demonstrates how the Promoter did not consider route sharing along existing routes to the same or adjacent destination. It details how the Llanddulas East A route was preselected certainly before any engagement with landowners. It also shows how the preselected route was the only route discussed in the BRAG report. Section 10.2 demonstrates how the Promoter has not considered any other solution other than underground cables along the entire (pre-selected) route and that pylons and pylon sharing could potentially be a satisfactory and less disruptive solution along all or part of the route. Section 10.3 demonstrates that local alternatives to the Plots</p>	<p>The Applicant refers to REP1-083.21 through to REP1-083.26 above.</p>

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	<p>are available and that the other main landowner affected in the event that this was progressed has advised that he is happy to host the cables, subject to proper compensation of course.</p>	
<p>REP1-083.28</p>	<p>SPECIFIC CONSULTATION WITH THE OBJECTORS REGARDING THE PROPERTY Correspondence and dialogue were held through June to August / September 2023 when more detail and information was provided by the Promoter however, when representations have been attempted to be made, the Promoter has simply brushed them off and not made any offer of accommodation, rather than engage meaningfully. For instance, a request was made that the Promoter positioned the cables so that they were routed in accordance with Alternatives A to C discussed earlier. The response obtained on 11 September 2023(28) 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." Clearly, no serious consideration was given to what the Objectors had suggested. Meaningful engagement and consultation would ordinarily be a two way process, comprising of several stages whereby firstly the Promoter would present its Scheme and secondly gather the affected parties views and comments and concerns and thirdly act on those comments and concerns (in line with Section 49 of the Act and the Aarhus Convention) by modifying the Scheme and then re-presenting the revised Scheme to the affected parties and receiving further comments for consideration and amendment or adjustment. However with the Plots having already been selected for the Scheme, the Promoter's agents have had no scope to "consult" and so the exercise has been merely one of presenting its Scheme, disregarding affected party's concerns and requests and then reiterating its proposals whilst passive aggressively referring to CPO powers in a</p>	<p>The Applicant and its agent have been in correspondence with the Interested Party since March 2022 and the Applicant has conducted its consultation activities in compliance with the Planning Act 2008.</p> <p>An indicative onshore cable corridor was presented at statutory consultation, and at this location there were two alignment options, Section 3-N, which went north, and Section 3-S which went south. These are shown on Figure 1.5: Onshore Cable Route Option Locations (Section 3N and 3S) of APP-082 F5.4.2 Environmental Statement - Volume 5, Annex 4.2: Site Selection BRAG Report. The Applicant received feedback from the Interested Party that they preferred the alignment of Section 3-S on the basis that Section 3-N would cause potential disruption to their family and their neighbours. This feedback, along with the output from the BRAG assessment, contributed to the project selecting the Section 3-S alignment. The Interested Party's responses can be found at Mon_075_001_020623 and Mon_075_002_020623 in E3.1 Consultation Report Appendices - Part 3 (D.25 to F) (APP-040).</p> <p>At statutory consultation, the Interested Party also raised concerns on crossing the B5381 with traffic approaching from the east. The Applicant used this feedback to inform the Outline Construction Traffic Management Plan, specifically Appendix A. HGV access route plan (APP-225, J26.13 Outline Construction Traffic Management Plan.</p> <p>The Applicant welcomes a discussion on acquiring the land rights sought through voluntary agreement. To date, the Interested Party has turned down several requests for a meeting to discuss the issued Heads of Terms for such a voluntary agreement.</p>

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	<p>thinly veiled attempt to portray the impression that matters are finalised and the cables and their impact are inevitable and that those affected are best advised to “protect themselves” by entering into binding agreements to grant powerful overriding options in favour of the Promoter one of the terms of which prohibit those enter the terms from making representations against the Order.</p>	
<p>REP1-083.29</p>	<p>OTHER CONSULTATION ISSUES I.E. HARD COPIES OF DOCUMENTS AND LIBRARY COPIES</p> <p>In addition to the evidence of poor consultation and lack of any meaningful engagement, the Promoter has sought to discourage and disincentivise proper debate at Public Inquiry by declining to produce hard copies of its evidence documents to statutory objectors. The Order notice received on 26 March 2024 advised as follows:</p> <p>“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.”</p> <p>One of the Objectors is in her 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 Library in order to inspect hard copies of the document as the Promoter's charges for them are simply prohibitive.</p> <p>In fact, I visited Rhyl Library on the 23 of May 2024 in order to inspect the hard copy documents for the Scheme only to be advised that nothing at all had been received (despite the “consultation” closing on May 5th). They did advise that someone had emailed them on or around 13th May asking if the library was agreeable to holding the documents there. Llandudno library confirmed the same position.</p> <p>I visited Rhyl library again on 13 June 2024 and was then advised that they had only just received a 2 page piece of A4 paper with a QR code on it which apparently takes viewers to the document library on Planning Inspectorate Website.</p> <p>This further shows the extremely low regard that the Promoter has for any earnest and meaningful consultation</p>	<p>The Applicant has set out its position in relation to the provision of hard copy documents in its Response to Relevant Representations (PDA-008). Following the writing of that response, further correspondence has been received from the Interested Party on 30th July 2024 to state the land interests have ‘managed with our own copies of what documents we need from the Inquiry Library’. The Applicant is still willing to provide hard copy documents to the IP if needed.</p>

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	<p>and engagement on its scheme and any consideration of the severe implications this has for those affected by it. Contrary to the Promoter's claims at 1.6.1.10 to 1.6.1.13 of the Statement of Reasons that it has undertaken extensive consultation with statutory and non-statutory consultees as well as to the wider public, the Objectors do not consider this to have been the case for them at all.</p> <p>In summary, the 15 route alternatives in the PEIR report have not been properly and reasonably considered whilst the shared pylon option and Alternative A to E locally have not been considered at all. Instead the route through the Property was pre-determined, probably from the outset but certainly in advance of August 2022 and consequently it has never, in fact, been consulted on with the Objectors or the public or it seems any other stakeholders. Any mitigation requests have merely been dismissed without proper consideration contrary to the obligation of Section 49 of the Act and the Aarhus Convention.</p>	
<p>REP1-083.30</p>	<p>WHETHER THE LAND IS "REQUIRED" AND NO MORE LAND THAN IS REQUIRED IS INCLUDED IN THE ORDER</p> <p>Section 10.1 above demonstrates that the Promoter has given inadequate consideration of the 16 routes it purports to have considered in the PEIR(25) report. Section 10.2 explains how sharing the AC pylon line could be a workable solution and cause a fraction of the upheaval proposed by the Order.</p> <p>Section 10.3 shows how the Promoter has failed to consider local alternatives to the Plots which was later found to be because the route through the Property was already historically pre-determined.</p> <p>The crux of the matter is that, in the absence of having carried out a proper and thorough review, of those options as the Promoter is required to do, then, whether or it can claim that the Plots can, in any way, be claimed to be "required" or "indispensable" or "necessary in the circumstances of the case for the accomplishment" of the Scheme. It is clear to the Objectors that, without the</p>	<p>Please see the Applicant's response at REP1-083.21.</p>

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	<p>essential analysis being undertaken, the only conclusion that can be arrived at is that the land is merely convenient and desirable and as such does not pass the tests set down in the Sharkey case (13) for. Section 122(2) of the Act. Notwithstanding the above, The Promoter claims in 1.5.1.10 of the Statement of Reasons that it has adhered to the “objective to avoid or minimise compulsory acquisition”. Accordingly, the rest of this section will consider whether the amount of land comprising the Plots is proportionate and “required” or “indispensable” or “necessary in the circumstances of the case for the accomplishment” of the Scheme.</p>	
<p>REP1-083.31</p>	<p>EXTENT OF THE LAND TAKEN IN THE ORDER AREA</p> <p>It is understood that the cables will not be adopted as part of the National Grid until after they leave the Bodelwyddan substation so to all extents and purposes these cables would remain as private cables through the Property. Nevertheless, it is understood that they will be constructed to adoptable standard. However the Promoter is seeking a considerably larger and more excessive area of land than National Grid would require were they laying these cables. Firstly, the Promoter is requesting an extraordinarily large amount of land in terms of a 40,000m² construction compound and then a construction corridor of 100m width and a final permanent sterilised easement area of 30m.</p>	<p>The Applicant can confirm that the cables will not become ‘adopted’ and will remain the responsibility of the Applicant until the transmission assets are transferred to the Offshore Transmission Owner (OFTO). The Applicant is a separate developer to National Grid, and as far as the Applicant is aware, National Grid has not constructed cables for an offshore wind farm.</p> <p>The Applicant refers to the definition of Work No. 13 in the draft Development Consent Order (AS-010) as “temporary construction compounds and laydown areas with a total maximum area of 37,500 m² and access to Work Nos. 12 and 14 during construction including works to the public highway and visibility splays”.</p> <p>As detailed in the Project Description (APP-050) at 3.7.2.14, “The Mona Onshore Cable Corridor will be up to 74 m wide (including the temporary construction width) to allow up to four cable circuits to be installed in localised stretches of the Onshore Cable Corridor, the total width may be increased to 100 m (e.g. trenchless technique crossings)”. The width of the onshore cable corridor is shown on the Works Plans (AS-003) within the Order Limits. 3.7.2.16 clarifies that “Once installed, the cables will occupy a permanent easement approximately 30 m wide, although the easement may be wider where obstacles are encountered or where cables are installed using trenchless techniques.”</p> <p>The exact location of the permanent easement will be ascertained following installation of the cables determined by detailed design post-consent.</p>
<p>REP1-083.32</p>	<p>PROMOTERS STATED REASONS FOR THE AMOUNT OF LAND TO BE USED.</p> <p>The Promoter has merely sought to state that the</p>	<p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include dimensions of the onshore cable corridor cross-section. The annotated figure is found in Deadline 1 Submission - S_D1 5.6</p>

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	<p>excessively large areas of land are required rather than to provide any actual evidence required temporarily and permanently so when challenged, the Promoter's response in points 6) of the by email dated the 11 August 2023 (29) advised that:</p> <p>"The (trench) separation distance (hence the width of the corridor) is required for several reasons these being ease of construction, electrical separation (i.e. safety), thermal independence and ease of maintenance²⁹." (emphasis added)</p> <p>These 4 reasons for requiring the land will now be considered, namely, ease of construction, ease of maintenance, electrical separation and thermal independence.</p>	<p>Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p> <p>The Applicant can only provide an indicative cross-section at this time as the cable specification and formation (flat or trefoil) and the physical parameters of the cable installation works will not be determined until the detailed electrical design phase is undertaken by the principal contractor.</p>
<p>REP1-083.33</p>	<p>WIDTH REQUIRED FOR (EASE OF) CONSTRUCTION (100m)</p> <p>No justification for the 100m construction corridor easement has been given other than partly because it is included for "ease of construction".</p> <p>National Grid have carried out several "undergrounding" schemes involving converting 400KV overhead circuits on pylons into below ground cables such as in the Dorset ANOB completed in 2022. National Grid's own literature confirms that a working area of only up to 65m (30) was required. National Grid also carried out the Hinkley Point C Connection Project through the Mendip Hills which again was 400KV cables and again their literature confirms that a working area of only 65m (30) was required. The following image shows the actual cables connecting into a jointing box on one of the lines (note that the circuit cables are laid in line here rather than the more compact trefoil arrangement as proposed for the Scheme). National Grid also carried out the Hinkley Point C Connection Project through the Mendip Hills which again was 400KV cables and again their literature confirms that a working area of only 65m (30) was required. The following image shows the actual cables connecting into a jointing box on one of the lines (note that the circuit cables</p>	<p>Open-cut trenching will be the primary method used to install the onshore export cables within the onshore cable corridor. The maximum width of the onshore export cable corridor for open-cut trench excavations is 74m. The Onshore Cable Corridor width is to allow up to four cable circuits, temporary haul road, joint bays and link boxes, subsoil and topsoil storage areas, pre and post construction drainage and attenuation drainage to be installed.</p> <p>Where the onshore cable corridor crosses existing infrastructure and obstacles such as highways, utilities and watercourses or complex locations which have been identified, trenchless techniques will be required for the cable installation and the maximum width of the onshore export cable corridor is 100m.</p> <p>The width of the onshore cable corridor is determined by several factors, including the number of circuits, the voltage of those circuits, the burial depth and proposed methods of installation, the number and arrangement of haul road(s), the method and location for the storage of topsoil and subsoil, and the underlying ground conditions; locations with impermeable clays require attenuation areas for the storage of ground and surface water in contrast to locations with free draining soils.</p> <p>For the trenchless crossing proposed under the A548 and into land parcel 06-103 as per the Land Plan (Onshore) (AS-005), the cable corridor is wider for such trenchless crossings as cables installed via trenchless techniques are at a greater depth and require greater separation than cables installed near the surface using trenched techniques.</p>

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	<p>are laid in line here rather than the more compact trefoil arrangement as proposed for the Scheme). Using trench sheet piles and trench boxes (especially vinyl ones for obvious conductivity reasons) can give trench rigidity and safety to the excavation run and working area to prevent collapse which is an effective way of avoiding taking excessive land unnecessarily. Indeed, if it narrows the temporary working corridor to 65 Metres and the permanent easement to say 16m then, subject to reasonable agreement on matters such as timescales, the Objectors would be willing for sheet piles to be left in situ post construction providing they are cut off so that the Promoter ensures that there is minimum depth of 900mm cover over them.</p> <p>The email of 11 August 2023 (29) describes that the trench widths / land was required for the “ease of construction”. This clearly implies that it could be constructed without such wide trenches and using so much land. Indeed “ease” is only another word for “convenience” which Justice Roth adamantly stated was “clearly, in my judgment, ... not sufficient” in the Sharkey case (12) (first instance)) which was entirely concurred with and upheld by the 3 justices at the superior court of appeal (13).</p> <p>The Promoter therefore is perfectly able to accomplish the construction of the Scheme without having the excessive amount of temporary land that it has currently included in the Order for “the ease of construction”. This excess land, by its own admission is merely convenient and as such, its occupation and use cannot be lawfully justified under Section 122(2) of the Act.</p>	<p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include dimensions of the onshore cable corridor cross-section. The annotated figure is S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p> <p>The representation refers to two projects recently undertaken by National Grid. National Grid’s undergrounding project (Dorset Visual Impact Provision) in the Dorset Area of Outstanding Natural Beauty replaced 8.25km of existing 400kV overhead lines with 8.8km of 400kV underground cables. The project was a double (two) circuit installation. National Grid’s Hinkley Point C Connection Project involved the installation of 8.5km of underground cables in the Mendip Hills Area of Outstanding Natural Beauty. Like the Dorset undergrounding project, the section of underground cabling for the Hinkley Point C Connection Project through the Mendips was a double (two) circuit 400kV installation.</p> <p>As outlined in the Project Description (APP-050), the Applicant proposes to install up to four underground circuits of up to 275kV. Whilst it would be inaccurate to make any direct comparison between the Mona Offshore Wind Project and the projects installed by National Grid, due to their substantial engineering differences, the Applicant would note that Mona onshore cable corridor is only marginally wider than for the referenced National Grid projects, but sized to accommodate 2 additional circuits.</p>
<p>REP1-083.34</p>	<p>WIDTH REQUIRED FOR (EASE OF) MAINTENANCE (PERMANENT EASEMENT)</p> <p>The Promoter is seeking a 30m permanent sterilised easement. This land is intended to be subject to extremely onerous restrictive covenants such that it will be rendered unsuitable for any purpose other than basic agricultural grazing and cropping.</p>	<p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include indicative dimensions of the onshore cable corridor cross-section. The annotated figure is S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p> <p>Schedule 8 of the draft Development Consent Order (AS-010) sets out the restrictive covenants that would be placed on the land by plot number to ensure the integrity of the cables are maintained throughout the project.</p>

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	<p>The cables are expected to have a lifespan of at least 40 years and if adequately designed for the load and conditions then, outside of the jointing bays, the line will only be disturbed and be reexposed in the event that they suffer some form of damage. The Promoter is seeking to impose a wide distance between trenches to protect its ability to rectify such low risk occurrences. It is understood from other schemes that the custom is to have 2 twin trenches either side of a roadway corridor and then have further sterilised areas to the outside of the trenches to protect the cables. It is further understood that the 2m trench separation is to cover the unlikely situation that a cable laid at the stated 1.8m depth (section 1.3.2.17 of the Statement of Reasons) could be severed by landowner activities with i.e. by an uninformed random dig down infringement with an excavator bucket that would have a horizontal reach not exceeding 2m and so any such rogue activities could not sever more than one circuit at a time due to the operator not being able to fail to notice if one of the cables were severed.</p> <p>Clearly these circumstances are so improbable and remote and must be common to every underground cable all over the UK and abroad where the luxury of sterilising a 30m corridor cannot be achieved. Cables can be protected from random deep excavations by, for instance, leaving the sheet piles in situ (suitably capped) or by concrete capping, marker tapes and boards in the subsoil.</p> <p>Other cables are able to exist and function perfectly satisfactory along the length and breadth of the UK without these unreasonable and overcautious safety measures. This is also probably why the Promoter's agent described one of the reasons for using such an excessive area as being for "ease of maintenance". This clearly implies that the Scheme can be maintained without such a wide area of land. Indeed "ease" is only another word for "convenience" which Justice Roth adamantly stated was "clearly, in my judgment, ... not sufficient" in the Sharkey case (12) (first instance) which was entirely concurred with and upheld by the 3 justices at the superior court of appeal (13)</p>	<p>Each trench will contain warning tape and a protection tile as shown on Figure 3.17 referenced above.</p>

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	<p>Even if maintenance is considered as “incidental” under Section 122(2) of the Act : “the land is required to facilitate or is incidental to the proposed development.” The test in the Guidance to the Act is that the : “the Secretary of State will need to be satisfied that the development could only be [i.e. Maintained] to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate.” (emphasis added) Given again, the Promoter’s agent’s stated purpose “ease of maintenance” along with the fact that cables the length and breadth of the UK function perfectly with lesser easement width then it is clear that Promoter is therefore perfectly able to management of the Scheme without having the excessive amount of permanent easement that it has currently included in the Order for “the ease of maintenance”. This excess land, by the Promoter’s own admission is merely convenient and as such, the taking of rights over it cannot be lawfully justified under Section 122(2)(i) or (ii) of the Act.</p>	
<p>REP1-083.35</p>	<p>WIDTH OF EASEMENT REQUIRED FOR ELECTRICAL SEPARATION (IE SAFETY)</p> <p>Multiple cables close together can form electrical fields (measured in volts per meter V/m) and magnetic field (measured in microteslas or μT). The highest UK safe reference levels for these are: - 5000 volts perm V/(m) for electric fields; and - 100 microteslas (μT) for magnetic fields. Both the above amounts are the levels that one would expect to be exposed to by, for instance, standing directly under a 275 or 400kv pylon. When cables are close to each other, there is a risk of superposition of fields so that the electric fields and magnetic fields combine to more dangerous levels. Also, with alternating currents, further currents can be induced in nearby conductive materials.</p>	<p>The dictating factor for trench separation is not the width of the open-cut trench, but rather the distance (centre-to-centre) between cable circuits. This separation is necessary due to the heat dissipation requirements of the export cable as explained in REP1-083.36.</p> <p>Regarding the trefoil or flat cable formation, trefoil formation is less effective at dissipating heat than the flat formation, therefore the trench separation centre-to-centre is assumed to be a worst case based on flat cable formation.</p> <p>Regarding the comparison to the National Grid’s Hinkley Point C Connection Project, and as discussed in REP1-083.33, it is inaccurate to make any direct comparison between the Mona Offshore Wind Project and the projects installed by National Grid due to their substantial engineering differences.</p> <p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include dimensions of the onshore cable corridor cross-section. The annotated figure is Deadline 1 Submission - S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p>

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	<p>Underground cables eliminate the risk of electric fields altogether so this shouldn't be a concern for the Promoter. However magnetic fields can be still a risk and this can be managed by, for instance laying the cables in trefoil arrangement (as the Promoter suggests is the intention in section 1.3.2.18 of its Statement of Reasons). Trefoil formation is often used for high-voltage cables because it helps to balance and thereby reduce the magnetic fields generated by the currents in each of the three phases, reducing electromagnetic interference (EMI) and the forces generated by fault currents reducing mechanical stresses on the cables. It also reduces the potential inductive interference with nearby metallic structures. In addition to the above advantages, the trefoil formation is also more economical with space.</p> <p>The Promoter speaks of 2.5m wide trenches within the Plots (without evidence of justification as to the necessity) and then 2m separation between trenches (also not justified) however if it uses trefoil arrangement as above then there will be no reason whatsoever to have a 2.5m trench width. The picture of the Hinkley C Project, jointing box above shows how National Grid left up to a meter gap between the phase cables. This cable spacing is understood to be the reason giving rise to the Promoter's "desire" for a 2.5m wide trench here for each of the 4 Scheme circuits. However, the much more efficient performance of the trefoil arrangement can achieve equal performance but without the circuit cable spacing and also with one less duct footprint required. Given the Promoter's intention to use of trefoil formation (per section 1.3.2.18 of its Statement of Reasons) then the cable will not need the 2m cable separation widths and also the footprint of a duct of circa 200mm can be saved. Using appropriate trench boxes/ sheet piles where ground conditions necessitate it, then the trench need only be some 500mm deep to perfectly adequately accommodate trefoil circuits. Accordingly, the Promoter's case for such wide trenches and trench separation widths is not sustainable. For the above non-exhaustive reasons, the electrical separation reason falls away, and so we must again</p>	<p>The Applicant can only provide an indicative cross-section at this time as the cable specification and formation (flat or trefoil) and the physical parameters of the installation works will not be determined until the detailed electrical design phase is undertaken by the principal contractor.</p> <p>The 2.5m cable trench width and 7.5m separation between trenches are indicative and the final widths are subject to the existing ground conditions. Following ground investigations and as part of the detailed design, if the ground conditions are suitable, the overall trench width and separation may be reduced. This is in line with the Applicant's ongoing obligations (as set out in Article 20 of the draft DCO (C1 F04) to only compulsorily acquire such land or rights in land that are required for the development of the Mona Offshore Wind Project.</p>

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	<p>conclude that the excess permanent sterilised corridor is neither “required” or “indispensable” or “necessary in the circumstances of the case for the accomplishment” of ongoing electrical safety of the Scheme but instead that the Promoter has merely sought to include this excess land merely it is “convenient” and “desirable”. Again, section 122(2) of the Act as confirmed in Sharkey (13), does not support acquisition in those circumstances. For the above non-exhaustive reasons, the electrical separation reason falls away, and so we must again conclude that the excess permanent sterilised corridor is neither “required” or “indispensable” or “necessary in the circumstances of the case for the accomplishment” of ongoing electrical safety of the Scheme but instead that the Promoter has merely sought to include this excess land merely it is “convenient” and “desirable”. Again, section 122(2) of the Act as confirmed in Sharkey (13), does not support acquisition in those circumstances.</p>	
<p>REP1-083.36</p>	<p>UNDERGROUND HEAT DISSIPATION / THERMAL INDEPENDENCE</p> <p>“Thermal independence” was one of the reasons given to justify the excessive land corridor in point 6) of in the email of 11 August 2023 (29) for the need for such wide separation and permanently sterilised corridor. In point 10) the email also goes on to say: “Underground cooling is not being proposed. The cable/ducts have a CBS bed and surround which aids thermal dissipation under normal working loads.” And at point 8) of the email : “The cables will be located within a plastic duct which will be surrounded by a cement bound fill material (CBS) with a minimum of 75mm to the sides, top and bottom of the duct. A duct marker board will be placed on top of the CBS followed by 100mm of as dug material then a layer of marker tape followed by the remainder of the as dug fill material up to the underside of the topsoil interface. The fill material will be compacted using proprietary compaction plant to</p>	<p>The onshore cable corridor is wider for such trenchless technique crossings, as cables installed via trenchless techniques are generally at a greater depth and require greater separation than cables installed near the surface using trenched techniques. The onshore export cables generate heat, which must be adequately dissipated into the surrounding soil in order to prevent overheating. Heat dissipation is dependent on the cable burial depth, surrounding soil thermal characteristics and cable specification. Hence, the increase in cable separation distances required to effectively regulate heat dissipation.</p> <p>The Applicant can only provide an indicative cross-section at this time as the cable specification and formation (flat or trefoil) and the physical parameters of the installation works will not be determined until the detailed electrical design phase is undertaken by the principal contractor.</p> <p>The 2.5m cable trench width and 7.5m separation between trenches are indicative and the final widths are subject to the existing ground conditions. Following ground investigations and as part of the detailed design, if the ground conditions are suitable, the overall trench width and separation may be reduced. This is in line with the Applicant’s ongoing obligations (as set out in Article 20 of the draft DCO (C1 F04) to only compulsorily acquire land or rights in land that are required for the development of the Mona Offshore Wind Project.</p>

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	<p>replicate the surrounding material.”</p> <p>I have not been able to find any calculations submitted by the Promoter to explain the thermal conditions with the cables that seek to justify and support the trench separation and therefore such excessive easement widths.</p> <p>Nevertheless, it is “electrical resistance” that gives rise to cable heating and excessive electrical resistance can cause cable overheating which historically has been a problem for underground cables and required significant heat dissipation arrangements. The primary cause of excessive resistance in cables is running currents through them that exceed or are close to the maximum capacity of the cable.</p> <p>Section 1.3.2.18 of the Statement of Reasons advises that either 220kv or 275kv capacity cables will be used. Yet 400KV and 500KV capacity and above are common in many areas now for, instance, the main power supply into Manchester Airport and over Woodhead Pass as well as the Hinkley C Connection and Dorset undergrounding schemes referred to earlier. Increased diameter and capacity of the cable used reduces resistance and thereby overheating. For instance, running a 275kv circuit through a 400kv line would create considerably less resistance and heating.</p> <p>However, higher diameter cables are more expensive and so their deployment is a commercial decision for the Promoter who seems to have instead unilaterally, and without consultation, concluded that lower capacity, cheaper, cables spaced wider apart is their optimum solution for the Scheme regardless of the increased impact on landowners.</p> <p>Modern XLPE or Cross Linked Polyethylene cables use cross-linked polyethylene as the insulating material. This type of insulation offers several advantages over traditional materials. The polyethylene is chemically or physically treated to create cross-links between polymer chains, enhancing the material's thermal and mechanical properties. It can withstand higher temperatures compared to non-cross-linked polyethylene. It typically has excellent heat dissipation properties and can withstand a maximum operating temperature of around 90°C under normal conditions and can endure higher temperatures for short</p>	<p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include indicative dimensions of the onshore cable corridor cross-section. The annotated figure is found in the - Deadline 1 Submission - S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p>

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	<p>durations during fault conditions. It has high dielectric strength: and low dielectric losses leading to lower resistance and higher efficiency in power transmission. In addition to deploying higher capacity and XLPE cables further efficiencies and thermal benefits can be gained by utilising the latest Cement Bound Sand cable bedding for example, "Thermocrete" or "Powercrete" over the cheaper cable bedding i.e. "Thorocrete". All these factors can reduce the resistance and ensure effective heat dissipation in the cables thereby lowering the heat generated and retained so that less land needs to be affected.</p> <p>In the absence of any reasoned grounds or calculations justifying such excessive land in the Order area, we must again conclude that commercial reasons for choosing methods and specifications which the Promoter deems "cheaper" whilst at the same time intensifying the impact on the Objector by unnecessarily taking more land is neither "required" or "indispensable" or "necessary in the circumstances of the case for the accomplishment" and ongoing thermal independence of the Scheme but instead that the Promoter has merely sought to include this excess land merely it is convenient and desirable. Again, section 122(2) of the Act as confirmed in Sharkey (13), does not support lawful acquisition of excessive land in these circumstances.</p>	
<p>REP1-083.37</p>	<p>REVIEW OF THE AMOUNT OF LAND THAT COULD POTENTIALLY BE LAWFULLY "REQUIRED" IN LINE WITH THE ACT</p> <p>Sections 12.2.1 to 12.2.4 above show how the wide 30m permanent easement area requested is not justifiable and has only been included for its desirability and convenience which seems to have become embedded as custom and practice in projects such as this Scheme. It is understood that the 30m is broadly made up as follows: [AUHTHOR PLEASE SEE TABLE ON PAGE 36] It will not be necessary to remind the Inspector that "custom and practice" does not outweigh the strict legal position and so it is worth</p>	<p>The Applicant has submitted an updated, annotated Figure 3.17, from the Project Description (APP-50) to include indicative dimensions of the onshore cable corridor cross-section. The annotated figure is S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018).</p>

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	<p>pragmatically considering what actual permanent easement Width could potentially be justified as “required” under the enabling legislation. These considerations have been tabulated below [AUTHOR PLEASE SEE TABLE ON PAGE 37] In the event that the alternative route and arrangement options are proven to be inadequate and the Promoter’s cables had to use the Plots then it is quite clear that the Scheme could be designed and constructed in such a way that a permanent sterilised corridor of only 12.75m was “required” or “necessary for its accomplishment”. Any greater width than this would be merely for reasons of convenience, no doubt due to desirability and custom and practice however any greater width would not be sustainable in law.</p>	
<p>REP1-083.38</p>	<p>WHETHER THERE IS A “COMPELLING CASE IN THE PUBLIC INTEREST” FOR THE LAND OR RIGHTS BEING TAKEN THAT OUTWEIGHS THE LOCAL IMPACT AND PRIVATE LOSS OF THE AFFECTED PARTY</p> <p>The Promoter makes several references to Section 122(3) of the Act in the Statement of Reasons but has not made any attempt to explain how it has arrived at the conclusion that it has met the requirement of that test. Section 122(3) states as follows:</p> <p>“(3)The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.”</p> <p>Section 9.2.4 earlier explains the position in sections 13 and 14 of the Guidance to the Act and this is a common theme in all compulsory purchase acts and guidance i.e. that there must be a compelling case in the interest for compulsorily acquiring the land and that the public benefit must outweigh the private loss that would be suffered by those whose land is to be acquired.</p> <p>The Promoter’s submissions do not consider any private loss at all. On first contact the Objectors notified their agents that there were important proposals being advanced for the land that would be affected but they merely requested</p>	<p>The Statement of Reasons (APP-029) sets out at section 1.4 the ‘Need for and benefits of the Mona Offshore Wind Project’. Further detail on the public benefits of the Project can be found in the Environmental Statement – Volume 4, Chapter 2: Climate Change. The Applicant believes it has provided a compelling case for powers of compulsory acquisition to be awarded for this nationally significant infrastructure project that the National Policy Statements confirm is critical national infrastructure.</p>

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	<p>copies of the planning consent. On the flip side they do not explain how their scheme will bring public benefits, they merely detail the scheme and leave readers to conclude for themselves that it is a benefit yet the scheme is not being undertaken for altruistic reasons, it is a private scheme for private profit.</p> <p>Since the Promoter has not calculated or evidenced in anyway the public benefit nor the private loss then it has not made a case for the powers under 122(3) of the Act as it is statutorily required to do. Therefore it cannot rely on the powers being granted under Section 122.</p> <p>Conversely the written representations of Robert Parry detail his vision for the Property in the absence of the Scheme. The Scheme will severely impact on Robert Parry's proposals and may even cause its catastrophic loss. This will be a severe loss to all the Objectors but also to the wider area due to the premium development he has in mind likely to generate a number of jobs and so on.</p> <p>It is clear that when there are perfectly satisfactory and equally workable alternatives to impacting on the Plots and (see section 10 earlier) then there is no compelling case for impacting on the Property and that compulsory powers cannot be lawfully granted for this land.</p>	
<p>REP1-083.39</p>	<p>WHETHER FUNDING IS IN PLACE</p> <p>Demonstrating adequate funding is an essential part of the Order process and crucial towards establishing the basis of a compelling case in the public interest.</p> <p>It also helps ensure that the proposed project is viable and can be implemented if approved. This requirement helps protect landowners and other affected parties from potential negative impacts of a project that may not have the financial backing to proceed once commenced.</p> <p>Paragraph 26 of the Act Application Form Guidance states that</p> <p>"A funding statement must contain sufficient information to enable the Secretary of State to be satisfied that, if it were to grant the compulsory acquisition request, the proposed</p>	<p>Please see the Applicant's response to REP1-083.19.</p>

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	<p>development is likely to be undertaken and not be prevented due to difficulties in sourcing and securing the necessary funding". (emphasis added)</p> <p>In particular, sufficient immediate sources of funding should be demonstrated to show that the Promoter can meet any blight liabilities that could arise at any time. Evidence of funding sources and preferably firm unconditional offers of funding should also be demonstrated that show that all arising liabilities, especially land acquisition can be met once commenced. This is especially important with startup or a special purpose vehicle with very limited assets and trading history such as Mona Offshore Limited.</p> <p>Other relevant information that would be expected to be provided would be as follows:</p> <ul style="list-style-type: none"> - Confirmation of secured funding sources, such as government grants, council budgets, or private sector investment; - Financial statements or commitments from funding partners demonstrating their ability to provide the necessary funds; - Contingency plans to address potential cost overruns or funding shortfalls; - A timeline showing when funds will be available and how they align with the project schedule; - Evidence that any conditions attached to funding have been or will be met within a reasonable timeframe; and - For projects with multiple phases, proof of funding for the initial stages and a clear plan for securing funds for later phases. The Promoter has clearly not demonstrated any of this – the Funding Statement (document D1) merely provides an estimate of project and compensation costs and the curriculum vitae of the two group companies that are the owners of Mona Special Purposes Vehicle and provides entirely unsubstantiated assertions and platitudes that the funding will be in place and the scheme will be viable: <p>"1.5.1.4 At or around FID (Final Investment Decision), the Shareholders are also expected to approve the financing plan of the Mona Offshore Wind Project. The Applicant</p>	

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	<p>intends to meet the finance requirements for the construction and operation of the Mona Offshore Wind Project through non-recourse Project Financing (where commercially sensible and prudent) from domestic and/or international investors on market terms.”(31) (emphasis added)</p> <p>And 1.6.1.1 The Applicant is confident that Mona Offshore Wind Project will be commercially viable based on the assessments it has undertaken. The Secretary of State can be confident that funding will be available to meet the compulsory acquisition costs as they fall due. (emphasis added)</p> <p>From the above it is clear that, in the absence of the FID being made, the Promoter has not even decided to commit to the scheme and given that the new Chief Executive of one of its parent companies, Murry Auchincloss of BP, recently pledged “more pragmatic’ approach to BP’s green targets” whilst “reversing the move away from fossil fuels” and “imposing a hiring freeze” and “halting new offshore wind projects.” (The Guardian, 27 June 2024)(32) the FID may never even, in fact, favour proceeding with the Scheme.</p> <p>There is also no written evidence of commitment from funders or copies of viability appraisals to support this Order. The funding annexes are merely a land acquisition strategy and further budget and the two shareholder groups’ annual accounts with no explanation as to their relevance or as to how Mona Offshore Wind Limited can rely on them. This information is therefore entirely irrelevant and no assurance at all as to funding or viability to either the Inspector or the Secretary of State because Mona Offshore Wind Limited is an entirely separate incorporated body and distinct to its ownership group holdings. The strict rules on lifting the corporate veil would apply in full and it is not sufficient to simply conjecture about its shareholders profitability and balance sheet, leaving the Secretary of State to form his own conclusion that the Promoter will be able to rely on drawdown from the Bank of BP and EnBW to meet any liabilities it incurs. This further jeopardises landowners and</p>	

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	<p>other parties affected by the scheme. It is clear that there is insufficient evidence provided to satisfy the Secretary of State that, if the Order was granted, it is ever likely to be undertaken. The Order should be rejected on this ground alone. Clearly funding is some way off being in place and possibly viability is lacking too. The Promoter will need a significant amount of time to resolve this issue and this could be the very reason underpinning the unreasonably long life that the Promoter is seeking to have the powers live for.</p>	
<p>REP1-083.40</p>	<p>IMPEDIMENTS TO THE SCHEME</p> <p>Section 1.14.1.1 of the Statement of Reasons summarises the position on how the Promoter has addressed 3rd party offshore and onshore licences and consents outside of the remit of the DCO process. In addition, Section 15 of the :Guidance on Compulsory purchase process and The Crichel Down Rules” Department for Levelling Up, Housing and Communities July 2019 states: “15 The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation” (emphasis added)Physical and legal impediments are not considered by the Promoter at all as the Statement of Reasons goes on to say at 1.14.1.2 : “None of these other consents or licences represents an impediment to the delivery of the Mona Offshore Wind Project.” A further serious impediment to the Scheme which again has not been considered by the Promoter, is whether or not the parent companies' directors, sitting on the Final Investment Committee (referred to in section1.5.1.3 of the Promoter's Funding Statement(31)) will vote in favour of the Scheme at the appropriate time. This is all the more concerning given the Promoters own current abrupt policy change towards windfarms meaning that they are moving to halt new offshore wind projects.</p>	<p>The Applicant believes that none of the other consents or licences outlined in APP-185 (Other Consents or Licences Required) represents an impediment to the delivery of the Mona Offshore Wind Project.</p> <p>The Applicant has no reason to believe that the Project will not receive a Final Investment Decision at the appropriate time, and as outlined at 1.6.1.1 of the Funding Statement (APP-025), “The Applicant is confident that Mona Offshore Wind Project will be commercially viable based on the assessments it has undertaken.”</p>

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REP1-083.41	<p>OTHER MATTERS CAUSING DETRIMENT TO THE OBJECTORS AMBIGUITY OF LOCATION OF THE FINAL CABLE CORRIDOR</p> <p>The Promoter has also failed to clarify the whereabouts, within the extraordinary 100m width of working corridor, within the Property, that it will eventually seek to locate its 30m of permanent sterilised corridor that it asserts is required. This again is for the Promoter's own flexibility and convenience and there has been no consideration here either forgiving the Objectors any certainty or clarity in order that they can plan and attempt to mitigate the impacts if at all possible.</p>	<p>As detailed in the Project Description (APP-050) at 3.7.2.14, "The Mona Onshore Cable Corridor will be up to 74 m wide (including the temporary construction width) to allow up to four cable circuits to be installed. In localised stretches of the Onshore Cable Corridor, the total width may be increased to 100 m (e.g. trenchless technique crossings)". The width of the onshore cable corridor is shown on the Works Plans (AS-003) within the Order Limits. 3.7.2.16 clarifies that "Once installed, the cables will occupy a permanent easement approximately 30 m wide, although the easement may be wider where obstacles are encountered or where cables are installed using trenchless techniques."</p> <p>The exact location of the permanent easement will be ascertained following installation of the cables determined following installation of the cables determined by detailed design post-consent.</p>
REP1-083.42	<p>TIMING OF COMMENCEMENT AND COMPLETION OF THE WORKS</p> <p>Article 21 of the Promoter's draft Order is seeking to be able to serve either Notices to Treat or Vest up to 7 years past the date of confirmation of the Order.</p> <p>Assuming, as the Promoter does, that the Order is confirmed in 2025 without any modifications or protections for the Objectors then the Promoter will be able to do nothing, right up until 2032 before serving a Notice to Treat or Notice to Vest or indeed needing to provide any detailed design or any information whatsoever to the Objectors. It could even abandon the project at that stage without any penalty whatsoever on itself.</p> <p>Serving a Notice to Treat on the last day of the 7 year Order period will prolong the powers for a further 3 years (i.e. to 2035) before the Promoter has to serve a Notice to Enter and commence. The Objectors will be unable to recover any of the very real losses that they will have suffered over the preceding 10 year period of blight until they receive a Notice to Enter which of course the Promoter would still not be obliged to provide in any event. The Promoter merely demands a 7 year period with no explanation or justification</p>	<p>Please see the explanation for Article 21 (Time limit for exercise of authority to acquire land compulsorily) in the Explanatory Memorandum (C3 F03).</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>whatsoever as to why such a long time period is required. Yet clearly this is a highly pertinent matter that requires a thorough explanation due to the severe longstanding effect it will have on those affected.</p> <p>Given the excessive amount of land included in this Order and it being blighted for so long, the Objectors will be entirely unable to move forward with their proposals for all this time. Once again, the Promoter's approach is wholly excessive and unreasonable and unfair and causes real suffering and loss to the Objectors.</p> <p>If the Scheme is viable and the Promoter has the Order powers, the Final Investment Decision, the design, the funding, and the intention to proceed sufficiently that it can satisfy the Secretary of State to confirm the Order then what possible need can there be for having 7 year window to serve notice which can be further extended to 10 years by the strategic service of Notices.</p> <p>The extraordinary amount of time that the Promoter is requesting is all the more surprising given how quickly it has developed a fully functioning NISP scheme from a standing start in February 2021 when it was awarded the Mona Lease and February 2024 when the scheme was submitted to PINS for consideration. If a 7 year period is required then clearly there are unresolved issues or impediments that the Promoter is not sharing in its Scheme documents.</p> <p>The Objectors consider that this demonstrates that it is clearly premature to determine this Order at this time and that the Promoter should be instructed to withdraw the Order to give it adequate time and deal with and resolve the issues that require that unreasonable and excessive amount of time in the first instance.</p> <p>In the alternative, and if the Order powers do somehow need to be live for that period of time and if the cables are to be located on this land at all then the Promoter needs to commit to laying them within the Property within a reasonable window of time following Order confirmation regardless of whether it does so elsewhere along the route. It is suggested that within 30 months of Order confirmation is a reasonable period for construction and reinstatement.</p>	

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	<p>The Objectors also disagree with the Promoter's statements in 1.6.1.7 and 1.5.1.11 of the Statement of Reasons, for instance "the use of compulsory acquisition powers would be a proportionate and legitimate means of securing the necessary interests in land where they cannot be acquired through voluntary agreement".</p> <p>Contrary to the Promoter's assertion, the use of the powers is entirely disproportionate for the reasons to follow. The same is true for the amount of land included in the Order which is also not legitimate or necessary whether in reducing the amount of Property affected or removing the Objectors Property from the scheme altogether due to this land also being unnecessary as practicable and equally satisfactory alternatives are available to the Promoter and have yet to be evaluated.</p>	
<p>REP1-083.43</p>	<p>From the moment that the Promoter made contact in June 2022, the Objectors requested that their land be excluded from the Promoters proposals. Unbeknown however, to the Objectors, this request could not be accommodated because the route had already been predetermined and instead, their requests fell on deaf ears. Later the Objectors queried why so much land was required and requested that this be reduced but again, for the same reasons, this also fell on deaf ears. The Promoter, having tied its own hands on the matter, has continued belligerently feigning to consult but entirely unable to take any account of the comments and concerns received in the process.</p> <p>In addition to failures of consultation, the Promoter has also failed to give adequate consideration to reasonable alternatives or not considered them at all.</p> <p>These written representations show how both the temporary and permanent land take are very excessive and cannot be claimed to be "required" or "necessary" for the accomplishment of the Scheme.</p> <p>Unnecessary land has therefore been included in the Order solely for the purposes of convenience and the Act does not permit lawful occupation and acquisition of such land or rights in them and the Order limits need to be materially</p>	<p>The Applicant refers to the following replies:</p> <ul style="list-style-type: none"> i. RR-021.2 regarding site selection. ii. REP1-083.28 regarding the adequacy of the consultation process. iii. REP1-083.12 regarding the location of permanent cable easement. iv. REP1-083.38 regarding the compelling case in the public interest. v. REP1-083.19 regarding adequate funding. vi. REP1-083.40 regarding no impediments to the scheme. <p>The Applicant's agents have attempted to contact the Interested Party numerous times since an on-site meeting in February 2024 but have to date not received any substantive replies to their correspondence. The Applicant welcomes further engagement with the Interested Party to discuss the issues raised in this Written Representation and explore if a voluntary agreement could be reached that addresses their concerns.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>reduced. Given the abundant number of satisfactory alternative routes and arrangements that have been inadequately considered or not considered at all, the Plots should be removed from the Order altogether.</p> <p>Through no fault of their own the Objectors now find themselves faced with alarming prospect that the Promoter will be granted powers in respect of 60.21% of the Property and that the land could be blighted for that purpose for 7 years (extendable by a further 3 years with strategic notice serving. This will entirely prevent the Objectors from moving forward with any of their plans until possibly 2035 or even later i.e. after the Scheme has been constructed and the residual land handed back. Alternatively, in 2035 the Objectors may find that either the Promoter has abandoned the scheme altogether or may finally find what the detailed design actually is so they can pinpoint precisely where the permanently sterilised 30m wide route corridor is actually going to be located. Even then, the Objectors' scheme is unlikely to be viable.</p> <p>The Promoter has not provided "compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired." Neither has the Promoter proved that funding is in place or that it has addressed physical and legal impediments to the Scheme. Moreover it will not even have committed to the Scheme itself until some future date when the Final Investment Decision is eventually made. This in itself is a severe risk due to the Parent Company's recent about turn on its windfarm policy.</p> <p>Clearly the position is entirely unreasonable and unfair and the Objectors will suffer an unacceptable level of detriment in the event that the Order is confirmed without modification, by exclusion of the Plots.</p> <p>Accordingly, they have had no option but to submit their written representations in the strongest possible terms to point out the failings in the Promoter's case and appeal for matters to be reviewed impartially.</p> <p>Robert Parry's proposals are submitted in his own written</p>	

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Reference	Relevant Representation Comment	Applicant's response
	<p>representation and are real and achievable if the land was freed from the Scheme then the proposals will be implemented and it will be a benefit for the wider community not just in terms of job creation but also by adding to the high quality offering of the locality so vital to helping anchor this part of North Wales as a tourism destination.</p> <p>The alternative is that the land becomes merely a power transmittal receptacle serving the commercial purposes of remote shareholders and power users in other parts of the UK. The Inspector is therefore requested to report to the Secretary of State that the Plots, namely, 06-102 to 06-105 are not required by the Promoter for the purposes of the accomplishment of the Scheme.</p> <p>Satisfactory and practicable alternative to them do exist which further render the Objectors' land unnecessary in the circumstances of this case and the case for the powers is not therefore compelling.</p> <p>Further, the Objectors and other potentially parties on the route alternatives have confirmed that they would be pleased to reasonably assist the Promoter with these practicable alternatives, subject to proper compensation of course.</p> <p>Compulsory rights over the Plots within the Property are not therefore necessary and it would be an error in law to recommend their inclusion with the Order as Section 122 of the Act cannot be applied.</p> <p>In light of the above the Inspector is invited to recommend modifying the Order to mitigate the impacts on the Objectors. This would be achieved by removing plots 06-102 to 06-105 from the Order prior to confirmation.</p>	

2.2 Kerry James Planning on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade

Table 2.2: REP1-084 - Kerry James Planning

Reference	Relevant Representation Comment	Applicant's response
REP1-084.1	<p>My name is Kerry James. I hold a BSc (Hons) degree in Geography with Environmental Studies and a MTPL Masters degree in Town Planning. I am a corporate member of the Royal Town Planning Institute (MRTPI).</p> <p>I am the Principal of Kerry James Planning, a Chartered Town Planning Consultancy, which I established in April 2004. Prior to this I was employed by Susan Hughes Planning Ltd as an Associate. I have also held the post of Principal Planning Officer with Congleton Borough Council, Planning Officer with Wrexham County Borough Council and Planning Assistant with Vale Royal Borough Council.</p>	Thank you for providing a Written Representation to the Examination at Deadline 1.
REP1-084.2	<p>Kerry James Planning having previously advised on potential for tourism development on land at Pen Yr Efail, Abergele, has been instructed by Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade (“objectors”) MNOWAFP079: MNOW-AFP129: MNOW-AFP130: MNOW-AFP131 to prepare Written Representations with respect to the application by Mona Offshore Wind Limited for an order granting development consent for the Mona Offshore Wind Farm. The scope of the evidence is to consider the planning viability of a scheme proposed by Robert Parry and the Objectors and the general development potential of land that would be affected by the Development Consent Order.</p>	The Applicant notes the response.
REP1-084.3	<p>The Land is located on the southern side of the B538, to the west of Pen yr Efail Crossroads, Moelfre, Abergele, LL22 8PN. The Land is identified in green on Drawing No. 22000496_PLN_INFO_3260.1 The application site, the subject of the Order is edged in red (A copy of the plan is contained within Appendix KJP1).</p>	The Applicant notes the response.

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Reference	Relevant Representation Comment	Applicant's response
REP1-084.4	<p>Planning Policy Wales (PPW) (February 2024) sets out the land use planning policies for the Welsh Assembly Government and is supplemented by a series of Technical Advice Notes. Paragraph 1.2 states that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.</p>	<p>The Applicant notes the response.</p>
REP1-084.5	<p>The Conwy Local Development Plan was adopted in October 2013. It sets out the key challenges facing Conwy, identifies the Vision, Objectives and the Spatial Strategy for development in the area over the period 2007 to 2022. The site is located within open countryside. Relevant policies include:</p> <ul style="list-style-type: none"> DP/1 Sustainable Development Principles DP/2 Overarching Strategic Approach DP/3 Promoting Design Quality DP/4 Development Criteria DP/6 National Planning Policy Guidance STR/1 Sustainable Transport, Development and Accessibility STR/2 Parking Standards NTE/1 The Natural Environment NTE/3 Biodiversity NTE/4 The Landscape and Protecting Special Landscape Areas NTE/6 Energy Efficiency and Renewable Technologies in New Development NTE/7 Onshore Wind Turbine Development MWS/1 Minerals and Waste MWS/3 Safeguarding Hard Rock and Sand and Gravel Resources TOU/1 Sustainable Tourism TOU/2 New Sustainable Tourism and Recreational Development TOU/4 Chalet, caravan and Camping Sites 	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	A copy of the Conwy Local Development Plan and Proposals Map are contained within Appendix KJP2.	
REP1-084.6	The Land is located within the open countryside and Rural Development Strategy Area as set out in the adopted Local Plan. It is also located within the Betws Yn Rhos Special Landscape Area. The Land is currently in agricultural use. I have assessed the development potential of the land for tourism, recreation and energy development.	The Applicant notes the response.
REP1-084.7	With regards to tourism development, Planning Policy Wales states that the planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. Paragraph 5.5.3 states that in rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.	The Applicant notes the response.
REP1-084.8	The Council has produced a Destination Conwy Management Plan 2023 – 2029. The document states that Conwy is a County that welcomes tourism. It is in its DNA, from Bronze Age visitors, through to the Victorians who developed Llandudno into a seaside resort. Tourism is a key economic driver for the county, and indeed for the wider region. Tourism is a priority sector for Conwy - tourism's value to the local economy is estimated to be worth £739.53million, supporting over 8,783 jobs in the county (STEAM 2021 data). Not surprisingly the county attracts a wide range of different visitor types, with day visitors providing the largest volume. Day visitors are those who visit the area from outside purely for some or all of a day, and do not use overnight accommodation locally. More significant is the number of staying visitors across the county, accounting for 1.61 million visitors (STEAM 2021 data) up 76.2% on the previous year.	The Applicant notes the response.

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Reference	Relevant Representation Comment	Applicant's response
REP1-084.9	<p>Staying visitors will be spending a period of time in the county and using overnight accommodation again in the county. This high percentage increase in 2021 was influenced by the lifting of lockdown restrictions caused by the global Covid-19 Pandemic in 2020. It's encouraging to see how quickly the demand for overnight visits for the county started to return as soon as lockdown restrictions eased. Staying visitors are particularly valuable to the local economy, as they spend money not just with accommodation providers but also in local restaurants, pubs and retailers - in turn generating spend by these businesses within the local economy. In fact, although the number of staying visitors is almost one fifth that of day visitors, their economic impact is almost double that of day visitors. Across the county as a whole, there is a strong and increasingly dynamic and fast changing range of accommodation options, from camping and bunkhouses, through glamping, self-catering properties, caravan parks, bed and breakfasts and guest houses, to a strong offering of small, boutique, large and luxury hotels.</p>	<p>The Applicant notes the response.</p>
REP1-084.10	<p>It is recognised that the County's Planning Framework needs to act as a control to aspects that are deemed detrimental, yet should also be a support mechanism for aspects that are improvements or innovations. Destination Conwy commits to offering its Destination Management experience so that the needs of the destination are understood and become embedded in the planning system, and consequently managed as appropriate to support the tourism and hospitality sectors across the county. In particular, the Framework needs to be inherently agile enough to respond to changes across the tourism sector, so Conwy County can better manage threats and embrace opportunities. A copy of the Destination Conwy Management Plan is contained within Appendix KJP3.</p>	<p>The Applicant notes the response.</p>
REP1-084.11	<p>The tourism strategy statement as set out in the Local Development Plan states that tourism makes a vital contribution to the economy of the Plan Area. The</p>	<p>The assessment of effects in respect of socio-economics and tourism is set out in Environmental Statement - Volume 4, Chapter 3: Socio-economics (APP-077). The relevant socio-economics and tourism study area extends across the North</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>Community Strategy – ‘One Conwy’ recognises that year-round tourist attractions are essential to the prosperity and well being of the area and the local economy. The main tourism accommodation focus lies in the traditional coastal holiday resorts. Principal attractions comprise the unique natural and built environmental assets of the Plan Area and the proximity to Snowdonia National Park. It is important not only to protect these traditional attractions and facilities and improve the overall quality of existing accommodation, but also to promote and support tourism in off-peak seasons whilst safeguarding environmental and heritage qualities.</p>	<p>Wales sub-region given the strategic nature of the scheme and the reach of potential socio-economics and tourism effects. The study area includes the Conwy local authority area.</p> <p>This approach enables the assessment to consider the overall effects in proportion to the scale of the project.</p> <p>The potential impact of the Mona Offshore Wind Project on tourism in North Wales (as shown in Table 3.123 of Volume 4, Chapter 3: Socio-economics (APP-077)) is assessed as follows:</p> <p>The potential impact on tourism (North Wales)</p> <p>Construction: Minor (adverse)</p> <p>Operation: Minor (adverse)</p> <p>Decommissioning: Minor (adverse)</p> <p>Potential tourism effects are assessed as adverse, but not significant in EIA terms.</p> <p>Overall, whilst there is evidence of minimal negative perceptions of the potential visual impacts of offshore wind farms on an area's visitor economy, there are a number of mitigating factors which can result in positive impacts on an area's visitor economy. It is also anticipated that any potential tourism impacts would be predominantly short term in nature, with opportunity for visitor economy adaptation in the longer term once an offshore wind farm becomes part of the baseline conditions of a location. Potential positive impacts include the year-round occupation of overnight accommodation by temporary workforce, including during off-peak seasons, providing additional income to accommodation providers during these periods.</p> <p>Snowdonia National Park is assessed throughout the application under the name Eryri National Park.</p>
<p>REP1-084.12</p>	<p>Policy TOU/1 states that the Council will promote a sustainable tourism economy by a) Supporting, in principle, proposals for new high quality all-year round sustainable tourism development that diversifies the economy and encourages cross-boundary links with neighbouring authorities in line with Policy TOU/2; b) Resisting proposals that would result in the loss of serviced accommodation, in line with Policy TOU/3; c) Control the development of both new sites and extensions to existing sites for chalets, static</p>	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>and touring caravans and camping within the Plan Area, in line with Policy TOU/4; d) Support, in principle, proposals to extend the holiday season in off-peak periods for existing chalets, static and touring caravans and camping sites whilst sustaining environmental and heritage qualities as set out in Policy TOU/4; e) Improve connectivity by supporting the delivery of improved links at Foryd Harbour, improvements to the Wales Coastal Path and through the Public Rights of Way Improvement Plan in line with Strategic Policy STR/1 and Policy TOU/2; f) Support, in principle, the establishment of new or converted high quality (4 and 5*) hotels which broaden the range of accommodation available in line with Policy TOU/2.</p>	
<p>REP1-084.13</p>	<p>The supporting text to Policy TOU/1 states that the natural and built environment assets are key factors in attracting tourists into the area and need to be effectively managed and protected. However, tourism in Conwy is currently experiencing a change in demand with a decline in traditional summer family holidaying and an increasing emphasis on a wider range of activities, not solely restricted to the traditional summer months. The three main growth areas are business tourism, marine activities and short activity and speciality breaks. These growth areas need quality accommodation and facilities to ensure that tourism continues to play an important role in the Plan Area.</p>	<p>The Applicant notes the response.</p>
<p>REP1-084.14</p>	<p>There may be exceptional circumstances when larger tourism accommodation and attractions may be appropriate in the open countryside or other non-urban locations where they result in an all-year-round tourism facility and rural employment gain. Examples of schemes in the open countryside could include: eco-tourism, equestrian activities, mountain biking, canoeing, paint-balling and fishing as part of an integrated tourism facility.</p>	<p>The Applicant notes the response.</p>
<p>REP1-084.15</p>	<p>Policy TOU/2 refers to new sustainable tourism and recreational development. Under clause 1 it states that new high quality sustainable tourism and recreational development within the Urban and Rural Development</p>	<p>The Applicant notes the response.</p>

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	<p>Strategy Areas will only be supported provided all the following criteria are met; a) the proposal represents an all year round high quality tourism offer which provides a range of tourism facilities and leisure activities; b) the proposal is appropriate in scale and nature to its location; c) the proposal is supported by evidence to demonstrate that there would be local employment benefits; d) the proposal is sustainably accessible and encourages the use of non car based transport; e) the proposal makes use of any suitable existing buildings in preference to new build and previously developed land in preference to greenfield sites where appropriate; f) the proposal would not have an unacceptable adverse impact on occupiers of neighbouring properties; g) the proposal would support and extend the range of facilities on offer within the Country; h) the proposal would assist the Council's regeneration objectives; i) the proposal meets other related policies in the Plan; j) the proposal would not appear obtrusive in the landscape and is accompanied by a detailed landscaping scheme and where appropriate a Landscape and Visual Impact Assessment. Clause 2 states that new high quality holiday accommodation will only be supported where it forms an ancillary or complementary part of any existing or proposed tourism development scheme and meets all criteria 1a) to j) above. There will be a presumption against the development of new static caravan sites.</p>	
<p>REP1-084.16</p>	<p>Policy TOU/4 states that there will be a presumption against the development of new static caravan sites. Extensions or improvements to existing chalet, caravan and camping sites within the Rural Development Strategy Area will only be permitted where a) the site is within or adjacent to and would form part of an existing chalet, caravan and camping site; b) any increase in the number of pitches or accommodation is small in scale; c) the scheme would not result in an unacceptable concentration of sites or pitches at any one locality; d) suitable access can be achieved and the development does not result in an unacceptable risk to highway safety. The policy states that the term camping site</p>	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>encompasses touring caravans, tents and yurts, whilst schemes for timber pods or alternative small structures will be assessed on their own merits in line with the above criteria.</p>	
<p>REP1-084.17</p>	<p>The supporting text to the policy states that static and touring caravan sites as well as chalets and camp sites are an important offer of holiday accommodation, which can be crucial to the success of the tourism economy. However such sites are often seen as being visually intrusive, which is particularly apparent in the main resort areas of Towyn and Kinmel Bay where a series of sites have merged and become prominent in the landscape. Similarly, past intensification of sites has visually affected a small number of rural locations. In some areas the cumulative impact of existing sites may be considered visually obtrusive and dominant in the landscape, therefore, the Council will encourage landscaping schemes to improve and screen sites as well as reducing density. The Plan will seek to ensure that future development is permitted only where the proposal would not result in an over concentration of similar uses in the locality and where there is significant enhancement to biodiversity in the area.</p>	<p>The Applicant notes the response.</p>
<p>REP1-084.18</p>	<p>The supporting text goes on to state that for clarity the term tourist 'attraction' refers to a recreation or leisure recreation or leisure offer without accommodation, whilst sites that combine elements of both accommodation and attractions are defined as a tourism 'facility'. Individual schemes of a high design quality where both attractions are combined with accommodation will be assessed on their own merits in line with the above policy and other policies within the Plan. The amount of land given over to self catering accommodation in the form of static caravans and chalets is excessive in the Urban Development Strategy Area. Therefore, the Council will continue with the long established policy of resisting proposals to develop further land for additional units in these areas. This problem of saturation does not apply in the more extensive rural area. However, such development, particularly static caravans, can be obtrusive in the</p>	<p>The Applicant notes the response.</p>

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	<p>landscape and damaging to the character of the rural area unless strictly controlled. Whilst recognising this strict control, the Council also believes that given the right location the development of small-scale groups of high quality, purpose built, holiday chalets can be acceptable in the rural area. However, development permitted under the policy must form part of an existing hotel/motel facility, working farm or an established tourist attraction, since this would assist in retaining the enterprise and be beneficial to the rural economy. The replacement of static caravans with woodland lodge style chalets/cabins will be permitted where it improves the impact on the landscape. However, as with all development, proposals for any accommodation will only be allowed after it has been demonstrated that there will be no adverse impact on the integrity of the natural environment.</p>	
<p>REP1-084.19</p>	<p>Immediately to the north of the Land is the Penrefail static caravan park and Roberts touring caravan park. On the northern side of the B5381 is the Sirior Bach static caravan park. Further to the east are a number of other static and touring caravan sites. Having regard to the above tourism policies, it is my opinion that both PPW and the Local Plan would support tourism related developments on the Land. One option is the extension of both the existing static caravan and touring caravan parks into the northern section of the Land. In accordance with Policy TOU/2, a development could comprise an ancillary or complementary part of an existing tourism development (the existing caravan sites). Provided the development formed part of the existing sites and was of a small scale, it would accord with Policy TOU/4. Access could be served either through the existing caravan/camping sites or the B5381 or A548 subject to achieving adequate visibility. A proposal could include the extension of the static park with new statics or preferably high quality log cabins, shepherd huts and other glamping type accommodation and the extension of the touring site. Whilst the Land is located within the Betws Yn Rhos Special landscape Area, a proposal to extend the existing site(s)</p>	<p>It is recognised that PPW and Conwy LDP both support in principle sustainable tourism accommodation and tourism attractions as extensions to existing facilities. However, this support is subject to a number of different specific criteria. Whether or not a proposal for such an extension would be acceptable would depend on whether the proposal complied with those criteria such that any planning application for such a proposal would need to be supported by suitable environmental assessments justifying its compliance.</p> <p>The representation refers to land outside of the Order Limits, as shown shaded green and defined as 'Grantor's Property' in Appendix KJP1 of the representation. The Applicant notes that the area of land which is outside of the Order Limits to the north of plot 06-103 is around 1.8ha in size and is comparable in size to the existing developed areas of Roberts Touring Caravan Park and Penrefail Static Caravan Park which together cover approximately 1.9ha.</p> <p>No planning application has been submitted for such a use of the land, however the Applicant would welcome a meeting with the objectors to better understand their aspirations for the land so that mitigation measures can be discussed, if appropriate, to minimise impacts in the event that development occurs in accordance with existing policies TOU/1, TOU/2 and TOU/4.</p> <p>Furthermore, the Applicant would welcome a meeting with the objectors and their agent to discuss the issued Heads of Terms for the voluntary rights being sought and will continue to request engagement outside of the examination.</p>

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	<p>incorporating a high-quality landscaping scheme would ensure that the development is capable of being satisfactorily integrated into the landscape in accordance with Policy NTE/4. This would be demonstrated through the submission of a Landscape and Visual Impact Assessment to assess the visual and landscape impacts of the development.</p>	
<p>REP1-084.20</p>	<p>The wording of Policies TOU/2 and TOU/4 imply that any new tourist accommodation within the open countryside will only be allowed if it is linked to an existing caravan/camping site or a new tourism facility (i.e not a stand alone tourist accommodation venture). It is my opinion that this approach is unduly restrictive and not in accordance with the general thrust of current Planning Policy Wales. This is reflective of the age of the Local Plan which covers the period 2007 to 2022. In the last few years, the tourism industry has seen a shift in how people travel and what they're looking to experience when they visit a destination. From a focus on wellness, to connecting more with local communities, to considering how to minimise their environmental footprint, visitors are changing how they travel. These trends have led to a rise in new styles of accommodation such as glamping, shepherd huts, cabins and eco-pods. Conwy Borough has seen the impact of these travel trends with businesses opening or diversifying to adapt to this new kind of travel and choice of accommodation. Planning permissions have been granted for new glamping sites, not associated with an existing caravan or touring site. These include Robert Parry's existing accommodation (Sior), a shepherd hut at Pen Yr Allt Farm, Tan Y Fron Road, Abergele, LL22 9BB, approved on appeal, 10 pods/shepherd huts at Brynffangl Uchaf, Pen Y Bryn Road, Betws Yn Rhos, LL22 8AD and 3 glamping pods at Tan Y Ffordd, Abergele Road, Llanrwst, LL26 0NT. It is my opinion that there is development potential for a new glamping site at the Land which is not linked to either the existing Penrefail static or Roberts touring caravan parks. This is the stance that the Planning Inspector took in his decision letter with regards to the</p>	<p>The Applicant is of the view that the wording of Policies TOU/2 and TOU/4 do not impose a blanket restriction on new tourism accommodation development but imposes criteria to ensure high quality and sensitive tourism accommodation can be provided within the countryside which aligns with the aims of PPW and the LDP as it seeks to ensure high quality accommodation which balances out economic, visual and environmental needs.</p> <p>Whilst a small-scale proposal not linked to the existing caravan/camping site could be acceptable, no definitive evidence to this end has been provided.</p> <p>The DCO will not affect the objectors seeking planning permission for a proposal on the northern part of the land that is not within the DCO Order Limits (as referred to in REP1-084.19 above).</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>appeal at Pen Yr Allt Farm. He considered that alternative small camping structures, such as shepherd huts, are different to new building un serviced accommodation, which Policy TOU/2 seeks to restrict. As such he allowed a new self catering accommodation development within the rural area that was not linked to any existing tourism use. He also considered that the development would bring about small benefits to the rural economy of Conwy. A copy of the appeal decision is contained within Appendix KJP4. As such I consider that a proposal for a stand alone new glamping site at the Land would be acceptable in principle.</p>	
<p>REP1-084.21</p>	<p>As the adopted Local Plan covers the period 2007 to 2022, the Council has produced a series of topic papers which have been put together to inform the production of the Conwy Replacement Local Development Plan (RLDP). A Tourism topic paper was published in 2018. It states that there have been a number of enquires/applications for new campsite or caravan sites on existing farm holdings. With these new types of small scale 'glamping' accommodation becoming increasingly popular the Authority will need to consider these types of applications and draft appropriate policy to support the development of small scale low impact alternative accommodation associated to genuine farm diversification. New developments would need to be in suitable locations and not have a negative impact on the landscape. Specific policies may be required to ensure farm and rural business diversification is appropriate, assists the retention of the enterprise and benefits the rural economy. In recent years since the adoption of the LDP there has been an increase in the types of self-catering/temporary accommodation on the market. The types of accommodation that have been seen are pods, yurts, tepees and wooden tents, collectively these are known as 'glamping'. There has been increasingly more enquiries and applications regarding these alternative types of accommodation, both to be used on new sites and also existing sites within Conwy. The Authority is likely to experience an increase in planning applications for these</p>	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>non-traditional types of accommodation. This type of 'low impact' accommodation can be aesthetically more acceptable than 'traditional' forms of accommodation such as static caravans. Therefore, current LDP policies will require modification to ensure that all types of holiday accommodation are included and assessed appropriately. A successful tourism destination is highly dependent on the quality, level and type of accommodation available within that area. Providing quality accommodation is one of Conwy's key priorities, there is a need to ensure there is a sufficient supply and range of quality accommodation to meet changing market needs, accommodate growth and support a thriving tourism economy. Furthermore, it is also recognised that a broader range of serviced accommodation would allow more choice for the visitor and appeal to the growing short break market. A copy of the topic paper is contained within Appendix KJP5.</p>	
<p>REP1-084.22</p>	<p>It is clear from the topic paper that the Council accepts that the current local plan policies need to be updated to reflect current demand for glamping proposals in rural area. The Council is currently preparing the Deposit Plan, which is hoped to be published in 2024. Section 8 of the topic paper provides further information as to how the existing policies may be amended. For Policy TOU/4 it states that "This policy will require changes to clarify CCBC's approach and what is meant by reference to 'static caravans', control increases to already large sites, consider modern forms of low impact accommodation and separation of existing & new sites. Also, possible separate policy for camping & caravan sites".</p>	<p>The Replacement Deposit LDP has not been prepared yet and will have to undergo a formal public consultation process before any necessary Focussed Changes are made and it is submitted to the Welsh Government for examination. Following the public examination by an Inspector and the production of the Inspector's Report, the Council will need to formally adopt the Replacement LDP.</p> <p>At present the Council's website does not include a confirmed timetable for the formal public consultation stage and, as such, it is considered very unlikely that the Replacement LDP will be adopted before the examination into the Mona Offshore Wind Project DCO has concluded.</p> <p>Until the Replacement LDP is adopted the existing Conwy LDP remains the extant development plan.</p>
<p>REP1-084.23</p>	<p>I have referred above to proposals for the extension of existing camping and caravan sites or provision of new un serviced accommodation. However, Policies HOU/1 and HOU/2 also allow for new tourism facilities and leisure activities. Indeed the supporting text to Policy HOU/1 clearly states that larger tourism accommodation and attractions may be appropriate in the open countryside or other non-urban locations where they result in an all-year-round</p>	<p>Please refer to the responses to REP1-084.19 and REP1-084.20 above.</p> <p>The references to Policies HOU/1 and HOU/2 provided do not constitute any further evidence that any proposals for development on the Land would obtain planning permission. The Applicant will continue to engage with the objectors to discuss their future plans and continue with attempts to engage with the objectors and their agent outside of the examination to ensure any plans for the site can be understood and losses mitigated, if applicable.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>tourism facility and rural employment gain. The supporting text to Policy HOU/2 states that newbuild attractions and serviced accommodation could however be permitted in certain areas of the countryside if there are no sequentially preferable sites or buildings. This will enable particular development that could help extend the tourism season, provide benefit to the local community and promote greater links with Snowdonia National Park.</p>	
<p>REP1-084.24</p>	<p>As previously mentioned, the Land is located adjacent and in close proximity to established caravan and camping sites. In my opinion Policies TOU/1 and TOU/2 would support new build proposals that would enhance the existing tourism offer within the surrounding area. Policy TOU/1 gives examples of schemes in the open countryside which would be considered acceptable, including eco-tourism, equestrian activities, mountain biking, canoeing, paint-balling and fishing as part of an integrated tourism facility. Other potential developments could include a café, restaurant or shops to serve the nearby campsites and also the cycle and motorbike tourists who use the adjacent roads. A new build hotel or guest house would also be considered acceptable under Policy HOU/2 as this would comprise new serviced accommodation. Provided that any proposal included high quality landscaping with screening, it is considered that such leisure and/or tourism facilities could be satisfactorily assimilated into the landscape.</p>	<p>Please refer to the responses to REP1-084.19 and REP1-084.20 above.</p> <p>In addition, clause 1 of TOU/2 requires development proposals to comply with all of its criteria in order to be considered to support new high quality sustainable tourism development in the Rural Development Area.</p> <p>The representation contains two layout plans at Appendix KJP6 (pages 344 and 345) both of which substantially encroach into the open countryside and would be significantly out of scale in its context. The need for and acceptability of such a scale of development has not been evidenced or justified and it is considered that it would be in contravention of Policy TOU/1(c) and (d); TOU/2 (b), (e), (i) and TOU/2.2 and TOU/4.2(b) and (c).</p>
<p>REP1-084.25</p>	<p>The tourism topic paper states that North West Wales has witnessed a considerable growth in activity based tourism over recent years and it is regarded as a potential major future growth area within Conwy. Furthermore, adventure tourism offers great opportunity to develop an all year round tourism product in that it is least affected by changes in the weather. The RLDP objectives and policies will continue to support the development and adaptation of a range of tourism attractions, in appropriate locations, to accommodate a wide array of activities in both the rural and urban areas. The paper recommends that Policies TOU/1 and TOU/2 be amended and that new policies may be</p>	<p>Please refer to the response to REP1-084.22 above.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>required to cover adventure tourism sites. Section 8 of the topic paper states that for Policy TOU/1 "Changes to reflect other Policy revisions and new policy additions". For Policy TOU/2 it states that "More clarity is required to support the provision of 'tourist attractions' primarily. This policy will require re-wording and clarification that the accommodation element should only be ancillary and proportionate to the attraction. Remove reference to the former Dolgarrog Aluminium Works site which is now Surf Snowdonia".</p>	
<p>REP1-084.26</p>	<p>Robert Parry has drawn up detailed proposals of a potential high quality tourism and leisure development. The scheme would be split into two phases. Phase 1 includes the northern section of the Land. Vehicular access would be obtained via the existing access from the A548. The proposal would include the installation of 26 1 and 2 bedroom lodge/cabins on stilts for tourism accommodation, farm shops housed in a modern agricultural building, smaller timber retail pods for farm shops/café/food takeaway. A playground/recreational amenity area would be provided along with a picnic area. Biodiversity net gain would be created through the creation of a new wetland/pond and extensive shrub and tree planting. Phase 2 would mirror the retail element along with a further 17 lodges/cabins on stilts and 22 cycling pods/cabins. The existing southern access onto the Land would be utilised. A copy of the proposed layout plans are contained within Appendix KJP6.</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20 and REP1-084.24 above.</p>
<p>REP1-084.27</p>	<p>It is my opinion that the proposed development, as shown on the detailed layout plans, would accord with national planning policy and tourism policies in the adopted local plan. It would provide much needed high quality rural self catering accommodation and expand the tourism offer for existing users of camping and caravan sites in the area along with general visitors to the County. The development would result in rural diversification and provide invaluable investment to the rural area. The development could be satisfactorily assimilated into the landscape due to the quality of the proposed landscaping.</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20 and REP1-084.24 above.</p>

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Reference	Relevant Representation Comment	Applicant's response
REP1-084.28	<p>The topography of the Land would support a proposal for renewable energy, either as a stand alone development or in connection with a leisure or recreation facility. Clause b) of Policy NTE/6 states that the Council will promote renewable energy sources within development proposals which support energy generation from biomass, marine, waste, solar and wind sources, including micro generation where this is acceptable, in terms of impact on quality of life, amenity, landscape, viability and biodiversity in line with Policies DP/6 and NTE/7. The supporting text states that renewable energy schemes will be encouraged where appropriate but the best way of meeting these aspirational targets in this Borough is through encouraging the use of on-site renewable energy sources. Given the likely scale of new development in Conwy over the Plan period within the urban coastal belt areas, the potential contribution from this source is considerable. It could take various forms including localised wind generators, solar panels or photo-voltaic cells incorporated into buildings.</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20 and REP1-084.24 above.</p>
REP1-084.29	<p>There are examples of planning permissions being granted for solar farms within the rural area including that at Kinmel Solar Farm, Towyn and Teyrdan Farm, Llanellian, Colwyn Bay, Conwy, LL29 8YU. It is my opinion that the principle of development for the Land to be developed as a solar farm would be acceptable.</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20, REP1-084.24 and REP1-084.28 above.</p> <p>A large-scale solar development would require an assessment from the Local Authority to determine its acceptability and since there are no further details and justification put forward, no further comments are provided in this regard.</p>
REP1-084.30	<p>Policy NTE/7 considers onshore wind turbine development. Clause 2 states that outside the Clocaenog SSA the development of medium-scale wind farms over 5MW and below 25MW will only be approved in exceptional circumstances in the context of the following: a) Acceptability in terms of other Local Development Plan policies; b) The potential cumulative impacts on surrounding communities, landscape and environment are considered acceptable. Where the development of a wind farm is considered to have an unacceptable cumulative impact it will be refused; c) The development will not generate noise levels or shadow flicker that would be unacceptably detrimental to the amenity</p>	<p>The Applicant notes the response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>enjoyed by nearby residents or by users of public rights of way or other recreational facilities or areas; d) A satisfactory Environmental Impact Assessment should propose measures for the safeguarding, remediation and enhancement of habitat and biodiversity; e) Where possible, turbines are located no less than 500 metres from an occupied dwelling or other noise-sensitive building; f) Within SLAs wind turbine schemes medium-scale or larger will be resisted; g) Exceptional circumstances are considered to be where there is an overriding need or capacity issue which cannot be met within the SSA.</p>	
<p>REP1-084.31</p>	<p>Clause 3 of Policy NTE/7 states that micro and small scale wind turbine development (5MW and less) will only be supported where a) It is of a proportionate scale in terms of predominant energy production to supply the building(s) which it directly serves; b) It does not compromise the ability of the SSA to achieve its anticipated target of energy production; c) Criteria 2 a) – f) above are met and where appropriate a satisfactory EIA has been submitted; d) Within SLAs wind turbines will not be permitted unless serving a dwelling or cluster of dwellings at micro scale.</p>	<p>The Applicant notes the response.</p>
<p>REP1-084.32</p>	<p>The Land is located within the Betws Yn Rhos Special landscape Area where medium scale or larger wind turbine schemes are resisted. However micro schemes are allowed where they serve a dwelling or cluster of dwellings. For micro schemes, single to twin turbine applications (under 50kW), turbines are restricted to 20m below blade tip. The supporting text to Policy NTE/7 states that national policies also encourage smaller, community-based wind farm schemes, typically of less than 5MW, as well as other forms of renewable energy, such as biomass, geothermal and CHP where their effects are considered acceptable. Stand alone renewable energy projects that are sympathetic to landscape character and local amenity will also be supported.</p>	<p>The only element of the scheme which is within the Rhyd y Foel to Abergele SLA is the onshore cable route which will be installed underground. The onshore substation is not located within the SLA. The construction effects on both SLAs are considered in Volume 3, Chapter 6: Landscape and visual resources (APP-069) at section 6.10.3.</p> <p>The Mona Offshore Wind Project would not prevent an appropriate micro scheme coming forward on the northern part of the Land (as referred to in REP1-084.19 above) if such a proposal could be justified having regard to the relevant policies referred to in the representation.</p>
<p>REP1-084.33</p>	<p>Reference has been made to the fact that the Land is located within the Betws Yn Rhos Special landscape Area</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20, REP1-084.24, REP1-084.28, REP1-084.29 and REP1-084.32 above.</p>

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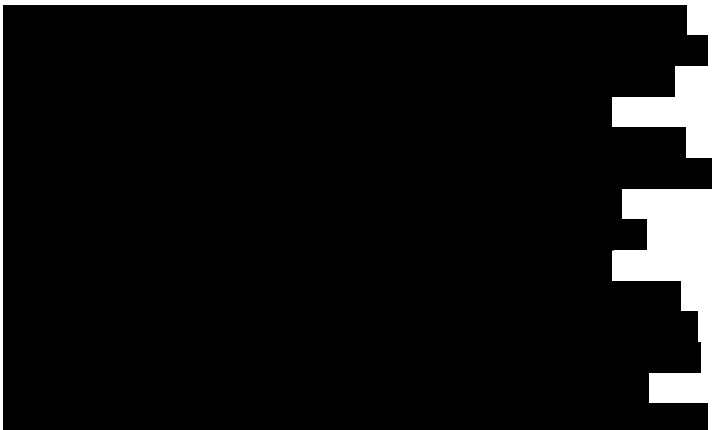
Reference	Relevant Representation Comment	Applicant's response
	<p>and that any proposed development, whether tourism, leisure or renewable energy would need to assimilate into the landscape or at least not have any detrimental impact upon the quality or special character of the landscape. This can be achieved through high quality landscaping and screening. Other material considerations that would need to be taken into account when assessing the development potential of the land are flood risk, highways and access, biodiversity, land safeguarded for minerals etc. The part of the Land which would have the most development potential is that which lies adjacent to the boundary with the A548 and to the south of the Penrefail static caravan park and Roberts touring caravan park. This land is outside the sand and gravel safeguarding area (as shown on the Proposals Map 1 contained within Appendix KJP2) and also Zone B of the NRW DAM Map and Zones 2 and 3 for surface water and small watercourses of the Flood Map for Planning. An extract of the DAM Map and Flood Map for Planning are contained within Appendices KJP7 and KJP8. This section of the A548 is straight and has excellent visibility with two existing access points onto the land. Unfortunately, it is this most developable area of the Land that is included within the application site and which is referred to in Article 20 of The Order (plot 06-103). As such, if The Order is confirmed as proposed, it would result in the majority of the developable area of the Land being blighted for future development.</p>	<p>The only element of the scheme which is within the Rhyd y Foel to Abergele SLA is the onshore cable route which will be installed underground. The onshore substation is not within the SLA. The construction effects on both SLAs are considered in Volume 3, Chapter 6: Landscape and visual resources (APP-069) at section 6.10.3.</p>
<p>REP1-084.34</p>	<p>Section 149 of the Town and Country Planning Act 1990 ('TCPA') defines 'blighted land' as land falling within Schedule 13 of that Act. 2.3 Paragraph 24(3) of Schedule 13 states that land falls within the definition if "an application for an order granting development consent seeks authority to compulsorily acquire the land". The Explanatory Notes to the Planning Act 2008 provide further clarification, as follows: A national policy statement identifying a location as a suitable (or potentially suitable) location for a nationally significant infrastructure project may create blight at that location, reducing land values and making it hard to sell the land. Blight may also result from an application being made for an</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20, REP1-084.24, REP1-084.28, REP1-084.29 and REP1-084.32 above.</p> <p>The land is located in open countryside within a Special Landscape Area and accordingly has limited prospects of securing planning permission for the developments referred to in the representation.</p> <p>The references to blight and s149 TCPA 1990 should be understood to relate to land that is subject of compulsory acquisition powers in a DCO.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>order granting development consent authorising the compulsory acquisition of land or from such authorisation being given. Section 175 amends TCPA 1990 (which extends to England and Wales), so as to allow owner occupiers adversely affected in this way to have the benefit of the existing statutory provisions relating to blight. The effect of subsection (6) is that the “appropriate authority” (who should receive the blight notice) in the case of blight caused by a national policy statement is the statutory undertaker named as an appropriate person to carry out the development in the national policy statement, or the Secretary of State where there is no such named undertaker. The Secretary of State is to determine any disputes as to who should be the appropriate authority. Subsection (4) prevents the appropriate authority from serving a counter-notice to a blight notice on grounds of having no intention of conducting the development. Subsection (7) makes it clear that the “appropriate enactment” for a blight notice is the development consent order, or the draft order in the terms applied for.</p>	
<p>REP1-084.35</p>	<p>Having completed the planning appraisal, it is considered that National and local planning policy would support in principle a proposal for a high quality prestige tourism and leisure development on the Land, whether this be for tourism accommodation (self catering and catered) or for provision of leisure/recreational facilities, subject to other material considerations. Robert Parry has drawn up detailed proposals of a potential high quality development which could be assimilated into the landscape and support rural diversification. It is also considered that small scale renewable energy proposals may also be acceptable. The granting of the Development Consent Order would effectively restrict any future development of the Land as it would involve the most developable sections of the Land, in particular the land adjacent to the A548. As such the Order would create blight to the detriment of the land owners.</p>	<p>Please refer to the responses to REP1-084.19, REP1-084.20, REP1-084.24, REP1-084.28, REP1-084.29, REP1-084.32 and REP1-084.34 above.</p> <p>In addition, the representation has not provided any formal evidence to demonstrate that, if the Mona Offshore Wind Project DCO is approved, other prospective development that would otherwise take place would not proceed. Arguments about loss in value of land as a result of the Order are matters of compensation and should not be brought within the consideration of whether the Order should be confirmed.</p>

2.3 Robert Wynne Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade

Table 2.3: REP1-089 - Robert Wynne Parry

Reference	Relevant Representation Comment	Applicant's response
REP1-089.1	<p>I ROBERT WYNNE PARRY of Pen Yr Allt Farm, Abergele, LL22 9BB provide these Written Representations by way of opposition to the development consent order (Order) applied for by Mona Offshore Wind Limited in respect of land to the east of the A548 being plots 06/102 to 06/105 (inclusive) (Plots). These Written Representations are made on my own behalf as part owner of the Plots, and on behalf of my co-owners of the Plots, namely my mother, Harriet Mary Parry, my brother, Griffith Wynne Parry and my sister, Elizabeth Wynne Wade. Our opposition to the Order in so far as the Plots are concerned is contained in:</p> <ul style="list-style-type: none"> a. these Written Representations; b. the Written Representations of Griffith Wynne Parry; and c. the Written Representations of Kerry James, Chartered Town Planning Consultancy. <p>Where in these Written Representations I refer to page numbers, it is to page numbers in the attached annex marked "RWP".</p>	The Applicant notes your response.
REP1-089.2		The Applicant notes your response.

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Reference	Relevant Representation Comment	Applicant's response
	<p>[REDACTED]</p>	
<p>REP1-089.3</p>	<p>Following a visit home to Pen Yr Allt in 2020, I found myself locked down in the UK during Covid. During this time, I dedicated my time to assisting with necessary renovations and maintenance of listed Pen Yr Allt. This has included the complete renovation of the annex to the main Grade 2 * farmhouse, the complete renovation of the separately listed bakehouse along with extensive landscaping works to provide a formal garden area and a wildflower meadow. All this work has been completed not only to an exceptionally high standard of workmanship by the involvement of local Welsh heritage craftsman, but it has also been done sympathetically to the rural landscape. My passion for my Welsh heritage and extensive experience in luxury hospitality was re-ignited and I also began working on a new project. Drawing from my wealth of knowledge, I embarked on a remarkable project: the design and construction of a 5-star luxury Shepherd's Hut named Siôr which is situated at Pen Yr Allt. It was granted the necessary planning permission (see pages 1 to 6 of RWP) with the decision noting at paragraph 14, its high-quality design and its contribution to the local rural economy, Internal and external photographs of Siôr, showing the high quality design and finish and how it fits sympathetically with the surrounding rural landscape are at pages 7 to 10 of RWP. It promotes the Welsh cultural heritage and safeguards the local rural environment.</p> <p>Siôr was completed in spring 2022 and since then I have</p>	<p>The Applicant notes your response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>been welcoming guests from all over the UK as well as international visitors. I have already had a number of repeat guests or guests who have recommended others.</p> <p>This unique glamping experience has garnered acclaim, earning us the prestigious Visit Wales Gold Glamping status (see page 11 of RWP). Additionally, it was recognised as one of the 25 Best New Glamping Stays in the whole of the UK by The Times newspaper in April 2022 [see pages 12 of RWP]. Our guests regularly tell me that they chose to stay at Siôr due to its unique high quality heritage offering along with the unique design and bespoke experience in a rural area of peaceful tranquillity. It is fair to say that Siôr has become a “destination” in itself, drawing people to stay in the local area due to the unique nature of what Siôr offers.</p>	
<p>REP1-089.4</p>	<p>Buoyed by this success, I have delved into extensive local research, exploring opportunities to further invest in developing much-needed luxury, bespoke, heritage accommodation with an associated local farm shop within the North Wales region. Following initial surveys and appraisals, land to the east of the A548 was identified and earmarked for this purpose, primarily due to its accessibility and position at the Pen Yr Efail crossroads where the B5831 bisects the A548. This site was also chosen given its proximity to local communities Abergele (2 miles), Betws yn Rhos (2 miles), Llanfair Talhaearn (2.5 miles) and St Asaph (7 miles) where customers could be drawn from for the farm shop. I have been in the process of putting together a full planning proposal that illustrates how we will create a world-class glamping site designed with sustainable tourism in mind along with an associated farm shop.</p> <p>In the same way that I chose a Shepherd's hut (Sior) as the accommodation best suited to integrate with the surrounding sheep grazing farmland where it is situated at Pen Yr Allt, my new concept proposes to create a modern, luxury version of an early Celtic village. With the demand for eco-friendly accommodation increasing, we would be looking to erect around 30 stilted, luxury eco glamping lodges, placed to offer stunning surrounding views. The concept aims to</p>	<p>The Applicant notes your response.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>connecting visitors with the Welsh landscape and local wildlife, as well as offering an authentic Welsh experience. I attach pictures of the concept at pages 13 to 18 of RWP by way of illustration.</p>	
<p>REP1-089.5</p>	<p>I also attach at pages 19 and 20 of RWP the architect's site feasibility plan in two phases which we are using to work up our planning application. As can be seen from the plans, Phase 01 envisages 30 high quality luxury eco glamping lodges set around 2 small lake areas. The lodges are a mixture of 1 and 2 bed units. Visitors can explore the surrounding countryside, engage in outdoor activities, and learn about the local culture and heritage of North Wales. The proposal also considers incorporating sustainable features such as solar panels, rainwater harvesting, and composting toilets. All of this strongly aligns with the government's commitment to environmental conservation and responsible tourism. In addition, the proposal follows the desires highlighted in The Welsh Government's Welcome to Wales: Priorities for the Visitor Economy 2020-2025 (see pages 21 to 38 of RWP) which emphasises enhancing the tourism sector with a focus on offering unique, sustainable accommodations that attracts visitors seeking memorable experiences. I also intend to add a local farm shop, restaurant and antique/gallery similar in design to that of other successful project such as Durslade Farm Shop on the outskirts of Bruton in Somerset (see pictures at pages 39 to 42 of RWP). As can be seen from the plans, there is provision for 4 modern agricultural buildings to accommodate a shop, restaurant, gallery etc. There is also provision for another 12 small timber pod structures which can be rented for stalls for outlets such as wood fired pizza, Welsh food, local jams and chutneys etc. The project will therefore generate income through accommodation bookings, the sale of local produce in the Farm shop, provide traditional food in the restaurant and promote local crafts and talent in the retail outlet. The proposal highlights the impact on a local level for employment (both during</p>	<p>The Applicant notes your response.</p>

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Reference	Relevant Representation Comment	Applicant's response
REP1-089.6	<p>construction and for the ongoing operations), as well as independents, artists and local farming community.</p> <p>Provision for parking for the Farm Shop, gallery and stalls is made on the plans and it can be seen that access to these facilities, and the Eco-Glamping pods, needs to be directly from the A548. There is no other way to access the proposed project. Also, the access for the necessary underground infrastructure, electricity, drainage and waste etc would need to be direct to and from the A548. Phase 02 builds on the tourist retail and leisure facilities and incorporates a further 21 accommodation units. In addition, and due to the attraction of Pen Yr Efail cross roads for serious cyclists who consider it to be a central point from which they can comfortably circumnavigate all 4 quadrants of North Wales, we have provided for 22 basic cycling pods with outdoor covered barbeque/ picnic areas. Attracting cyclists also support the planning guidance which provides visitors who travel otherwise than by car should be supported and attracted. In short, what I am proposing is an integrated tourist facility. The initial forecast calculated over the 5-year development plan for glamping accommodation, a farm shop, restaurant and gallery/retail facility suggest that this would significantly diversify our farm business and enhance our off-farm income. To support the proposal, I have provided the Written Representations by Kerry James, which suggests that on initial review, my plans are achievable and the concept at pages 13 to 20 of RWP shows what I intend to achieve. If for any reason the tourist facility was not granted planning, Kerry James sets out in her representations that planning could be granted for renewable energy use which is something which would be pursued.</p>	<p>The Applicant notes the response and refers to their response to Kerry James Planning at REP1-084.</p>
REP1-089.7	<p>It is also my understanding that, in using the Plots for a compound and area to lay cables, Mona Offshore intends to temporarily use 60.21% of the of the full 23.9 acres (9.68ha) of the Plots. The architect's concept plan at page 20 of RWP has been overlaid with Mona Offshore's proposed working corridor edged in red so the impact of the Mona Scheme on</p>	<p>The Applicant understands that there is currently no vehicular access from the A548 into plot 06-103. There is an access point into plot 06-104 in the south-western corner from the unclassified road.</p>

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Reference	Relevant Representation Comment	Applicant's response
	<p>my proposed scheme can clearly be shown. Of particular concern to me is that the Mona Scheme proposes to close access directly off the A548 which alone is likely to severely curtail my proposals.</p>	
<p>REP1-089.8</p>	<p>Of equal concern however, is that I understand that once Mona Offshore gets their Scheme confirmed then they will not have to do anything on site for up to 10 years and it could be a further 3 or 4 years before the construction works are complete and reinstated and we get the land back.</p>	<p>The Applicant notes the response and refers to the draft Development Consent Order (AS-010) which sets out the proposed time limits for the authorised project to commence (paragraph 1, Schedule 2) and the time limit for the exercise of authority to acquire land compulsorily (paragraph 21, Part 5).</p>
<p>REP1-089.9</p>	<p>Mona Offshore will also render some 10,350m² (1.04ha/ 2.56 acres) or 10.69% of the entire site, permanently sterilised and suitable only for grassland use in perpetuity. In the event that Mona Offshore is permitted to continue and permanently sterilise the Plots and to impact the access from the A548, then the scheme will (i) lose accessibility; (ii) we will not be able to build the necessary infrastructure for services and (iii) the scheme would lose density. In short, for all these reasons it will make the proposed scheme completely untenable.</p>	<p>Schedule 8 of the draft Development Consent Order (AS-010) sets out the restrictive covenants that would be placed on the land by plot number to ensure the integrity of the cables are maintained throughout the project.</p> <p>There is currently no vehicular access from the A548 into plot 06-103. There is an access point into plot 06-104 in the south-western corner from the unclassified road.</p>
<p>REP1-089.10</p>	<p>I therefore urge the inspector to recommend not confirming the Order in respect of the Plots as I believe that there are number of other options open to Mona Offshore to transmit the power along this part of the line (as set out in the Written Representations of Griffith Wynne Parry) and which would not impinge on my plans. In the event that the Inspector feels that it is necessary to confirm the Order in respect of the Plots then I would like to request that alternative mitigating solutions be considered to enable my proposed scheme to proceed.</p>	<p>The Applicant notes the response and refers to their response to Griffith Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade at REP1-083.</p>