

MEMO

Key:

ES	Edward Sample (Carter Jonas)
DS	Darryl Spittle (Carter Jonas)
ED	Ellie Dakin (Dalcour Maclaren)
LL	Laura Leigh (Dalcour Maclaren)
HS	Harry Stubbs (Dalcour Maclaren)

SUMMARY OF EDWARD SAMPLE'S FILE NOTE

Date	Description	Phase of DCO
15.3.22	First notified of the Scheme.	Pre-application
22.6.22-31.8.22	Dialogue between CJ and DM. Acknowledging scheme and consenting to non-intrusive survey work.	
5.9.22	Confirmation via call of consent to further non-intrusive survey work, following suggestion of use of statutory powers.	
13.9.22	Teams meeting (ES, ED, LL). Advice considering sub-station location sites. ES advised – subject to detail – happy to consider proposals. No clear details.	
26.9.22	Provisional public consultation undertaken by DM. No clear indication or prior notification provided by Mona (applicant) of site locations with Estate before this public consultation. Dialogue between ES and DM (Laura Leigh), seeking PDF Copies of plans of potential location sites.	
7.10.2022	DM provide an Option Location plan (5 of 7 located on Cefn Estate). The date of this plan issue (A DM Plan) was 11th August 2022 . This was therefore only provided after the commencement of the public consultation. Article in Farmers Guardian regarding heavy handed tactics with farmers and landowners.	

11.10.22	ES discusses with client- gravely concerned about impact of substation locations on Estate. Forsters notified on the Estate's concerns.
4-7.11.22	Broadbrush objections made in public consultation (deadline 7 th November)
11.11.22	Correspondence between ES and ED regarding concerns over substation locations.
18.11.22	Section 172 Notices formally issued.
5.12.22	Phase one accesses required. Estate consent – advising of operational deer cull operation and the requirement of scheduling.
27.1.23	Letter received from DM stating substations location 2 and 7 are preferred sites following consultation and further environmental engineering research.
10.2.2023	ES responds to the letter stating he is happy to arrange a meeting and requests 7 points in written form: <ol style="list-style-type: none"> 1) <i>Confirmation that your two preferred sites for sub-station are those identified.</i> 2) <i>The criteria you have used for site selection.</i> 3) <i>Why you have discounted each of the 5 other sites.</i> 4) <i>Why you have concluded the two identified sites as your preferred.</i> 5) <i>Confirmation of your preferred final site.</i> 6) <i>Size of area for substation including all biodiversity net gain elements</i> 7) <i>Confirmation that all bio net gain requirements will be in the area of the substation boundary”</i>
20.2.23	DM respond to ES's 7 points from correspondence on 10.2.23. ES continue chasing for a meeting. Client at this stage was very frustrated.
9.3.23	Email exchange between ES and Harry Stubbs regarding substation location.
28.3.23	Dialogue between Darryl Spittal and Ella Dainty confirming potential agreement to meetings subject to agreement on fees, no agreement reached.
21.4.23	Secondary consultation (Section 47)
27.4.23	DS seeks further detailed plans
30.5.23	Ellie Dakin (DM) confirms footprint of scheme- 30 acres, but unable to provide and further information on screening.
June- July 2023	Period of quietness.

<p>August 2023</p>	<p>DM resurface, proposing terms of access for intrusive surveys. Meeting was agreed for 23rd August but never occurred due to availability.</p> <p>9th August DM circulate Mona Community Update confirming their preferred site option. At this juncture the Estate has still received nothing concerning plans/drawings/intentions. Client exasperated and states meeting to be cancelled.</p> <p>23rd August DM issue draft licences but then issued s.172 notice on 25th - – they clearly had no intention of ever negotiating access in the normal way. We also highlighted issues with improper notice/service (they did not serve on the registered address) and queried whether Mona could in fact make use of s172 (i.e. were they considered to be an “acquiring authority” under the legislation).</p> <p>Clients health begins to deteriorate.</p> <p>30th August Estate meeting with Eifion Bibby and Arthur Owen at Arthur’s farm.</p> <p>Client concerned by proposed intrusive works and impact on Arthurs’ farming operations. Agreed the Eifion Bibby (Agent) seek voluntary Settlement. That is actioned.</p>	
<p>1.9.2023</p>	<p>DM respond confirming the extent of the licence granted to Mona, that they were entitled to use s172, and reissuing all notices immediately dated 1 September.</p>	
<p>19.9.23</p>	<p>ES email to DM following concerned call from Arthur Owen, to ensure they are working with Mr Owen to ensure the livelihoods of the farmers are not being unfairly impacted.</p>	
<p>September/ October/ November 2023</p>	<p>Dialogue between Forsters and DM concerning Sec 172 process. Estate confirms they will permit the Tenant farmer to enter into a voluntary settlement concerning access rights, but the Estate, not. As such Section 172 notices continue to be served- but a reasonable dialogue between the CJ and DM</p>	
<p>26.1.24</p>	<p>ES confirms he is awaiting instruction from both Executors of the Late Sir Watkins. ES requests copy of updated HoTs and requests the footprint of the site and position regarding BNG which have been requested multiple times before.</p>	
<p>27.1.24</p>	<p>HS emails informing ES that he is drafting final HoT for onshore substation and that a plan has been developed regarding proposed land take, access, temporary works and BNG.</p>	
<p>30.1.24</p>	<p>DM issued further s.172 notices without any further attempt to negotiate</p>	
<p>31.1.24</p>	<p>First set of plans produced incorporating land take concept/Habitat BNG.</p>	

16.2.2024	ES email to DM following exchange re access for non intrusive surveys and how timings conflict with deer culling season. DM suggested taking the matter to the Magistrates Court.	
29.2.24	Draft heads of terms circulated by DM.	
29.2.24	<p>Letter from Forsters LLP to DM highlighting ongoing concerns:</p> <ul style="list-style-type: none"> - Consultation process and general approach – requesting greater comfort that the Estate’s concerns will be addressed. Highlighting the lack of transparency and consistency which caused confusion and delays in obtaining a coherent understanding of the project. Flagging issues with site selection and lack of transparency re desire to acquire the freehold which the Applicant only made aware to the Estate in January 2024. - Detailed comments regarding the project were raised. - Request for timings of the Project. 	
2.3.24	<p>ES emails HS emphasising that no account has been given on numerous issues:</p> <p><i>‘You have, however, thus far taken no account of our comments on location of the proposed substation, repeatedly ignored requests on information pertaining to ‘land take,’ and have been somewhat threatening towards our client with regards to the survey work being undertaken – initially taking legitimate concerns we had, somewhat flippantly – suggesting an application to the magistrates court would be the way forward.’</i></p> <p>ES highlights they haven’t got the place name correct and that Forsters have drafted a letter which will be issued next week and that once responses are satisfied, they will have a meeting.</p>	
26.3.24	<p>Confirmation that DCO accepted for examination by the inspectorate</p> <p>Letter issued from DM To Forsters in response to their letter dated 29.2.24 setting out the site selection process, response to mitigation queries and DM’s request to have meetings with the Estate to discuss the substation design.</p>	Acceptance
2.5.24	<p>Email from Ella Jones (Forsters) regarding objection to the DCO on the grounds of:</p> <ol style="list-style-type: none"> 1. <i>No proper reasoning or justification has been provided for the initial selection of the sites and why the Estate’s site is considered more desirable when compared to neighbouring sites. This is despite numerous requests.</i> 2. <i>The extent of the land acquired is too large (amongst other issues) for the intended purposes as such it is inappropriate. Land subject to the DCO should only be what is reasonably necessary to carry out the scheme.</i> 3. <i>The proposed access route, is inappropriate and there are other sensible alternatives. There is little need to dissect multiple fields</i> 	

	<p><i>especially since no justification for doing so has been given. By dissecting the fields, the Estates' land will be sterilised, thus adversely impacting the Estate.</i></p> <ol style="list-style-type: none"> 4. <i>The nature of the interests to be acquired goes beyond what is necessary. Seeking a freehold interest for a substation is not the standard approach.</i> 5. <i>The proposed mitigation is not adequate and taking additional land to carry out mitigation measures is not appropriate. There are suitable alternatives that can be carried out on existing habitats and reserves in close proximity.</i> 6. <i>The Estate has severe concerns about the potential impact of electro-magnetic fields, particularly in relation to fields #2 and #44. No correspondence has been received from Mona regarding the affects the electro-magnetic fields may have and how any harm can be mitigated.</i> 7. <i>The Estate has sought to engage constructively with Mona but efforts have not been reciprocated. There has been a lack of consistency and transparency.</i> 8. <i>The Estate reserves the right to make further representations during the examination process.</i> 	
<p>3.5.24</p>	<p>Submissions made to Inspectorate by Forsters.</p> <p>DS highlights issue of:</p> <p><i>'the physical size and loss of high-quality agricultural land, that is irreplaceable, and will have a long-standing impact of the estate's ability to be sustainable in terms of agriculture, as well as the amenity and visual impact this will have on the estate and its well established tenants and community it supports. The additional substation is compounded due to existing infrastructure and further extensions to the grid's infrastructure, making this a monolithic development which is stealing the natural environment which is heavily impacted already. And cannot be replaced.</i></p> <p><i>There is also fear as to the physical structure altering the natural subterranean water flows which in turn could result in poorer quality land surrounding the development that currently unmeasurable.'</i></p>	
<p>14.5.24</p>	<p>Dialogue between ES and HS. ES explains that DM have not listened to the Estate's concerns and that failure to convey plans of the site location with associated mitigation works felt engineered.</p> <p>ES highlighted there were near misses with regards to culling as requests were ignores on s.172/surveys</p>	
<p>June/July 2024</p>	<p>Stalemate period</p>	
<p>13.8.24</p>	<p>Agree to meeting and agenda – key element being leasehold position.</p>	

	This meeting has not yet occurred. ES confirmed on 14.10.24 that they are still eager to have this meeting face-to-face.	
w/c 11.11.24	Meeting to be held between both parties.	