

Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm

Interested Party's Name: The Executors of the Late Sir David Watkin Williams- Wynn. Bt.

Interested Party's Unique Reference Number: 20048429

Post-Hearing Submissions:

Lack of meaningful negotiation and engagement with our client by the Applicant

The Applicant have not shown true effort to reach a voluntary agreement. There is no evidence to demonstrate reasonable endeavours. In the context of the DCO - the substation is the only above ground infrastructure, and as such, arguably the most essential piece of the project where a voluntary agreement is required. Developers for other projects generally prioritise these agreements as they are the most controversial given the diminution in value.

Although an Option plan was sent with the HOTs on 10 Feb 2024, a link to the appropriate/ more detail mitigation plans was not provided until after the DCO was submitted, on 27 March 2024.

It should also be noted that the owner or the Estate (late David Watkin Williams-Wynn) sadly passed away, less than 3 months (Feb 2024) before the DCO was submitted. Our client has still engaged with the Applicant despite the difficult times and despite probate not having been granted.

Our client is reasonable and has historically negotiated three additional substation agreements on their land: Gwynt-y Mor (RWE); Burbo Bank Extension (Dong, now Orsted/ Diamond Transmission Partners BBE Limited) and the National Grid extension. These were agreed by mutual consent under appropriate lease terms and with reflective capital payments. Our client is familiar with energy operators and the negotiation process to reach voluntary agreements. The lead agent, who currently acts for the Applicant, was involved with the negotiations for the Dong substation (now part of Orsted), and should be aware of our client's capability to negotiate.

A timeline of the correspondence between our client and the Applicant can be found at Appendix 1.

The scale and tenure of the land sought is not justified and the site selection process has not been adequate

The Applicant has taken an aggressive approach by applying for compulsory powers for freehold acquisition of an area of land which is disproportionate to scheme plans.

A total of 137 acres (over 55 hectares) of land is included within the Option area. Of this, over 20 acres is proposed as permanent operational land, with a further 37 acres proposed to be acquired as non-operational land. Compared with 4.76 acres for the RWE substation and 3.82 acres for the Dong substation.

Not only is this vast scale not justified, the acquisition of freehold rights is not appropriate. The acquisition of a long leasehold would be more appropriate and reasonable in this scenario.

Re-considering the scale and design, as well as committing to a long leasehold, would not result in the permanent sterilisation of land and impacting future developments/ therefore blighting our client's ability to pursue other opportunities on their land.

In respect of the site selection process, the Applicant admitted, during the ISH:3 hearing, that they did not formally re-evaluate potential appropriate sites after it had been decided that a smaller substation was required. As such, the Applicant cannot confirm that there are no other sites that would be acceptable for the substation.

Lack of available information

Information on the design of the substation and extent of the land take has not been shared willingly. It has been left for the landowner to obtain themselves on the website. The detail provided has been patchy and lacking in detail. This is unacceptable for a substation of this size and scale, more so as it is not located adjacent to the existing substations and instead completely industrialises a previously rural area of the farm to the south of the existing infrastructure/ substations (detailed above).

Design of the substation

As already noted, three other substations have been developed on the Estate. Existing infrastructure was designed so as not to be visible from other areas of the Estate. The Applicant has not taken the same considerations as the proposed substation and any additional infrastructure will result in severe visual impacts that cannot be mitigated. Our client has requested, multiple times, information regarding the design and the responses received to date have not been adequate.

The Applicant has failed to take into consideration any input from our client. For example, the proposed access route is deemed to be not appropriate and there are other sensible alternatives that should be considered. In addition, the landowner can provide on the ground insights e.g. there is little need to sever multiple fields especially since no justification for doing so has been given.

With reference to page 84 on Outline Landscape & Ecology Management Plan (APP-208 – J22). When the plans were finally available – February 2024 – the DCO had already been submitted, with no opportunity for my client to input into the design.

At Deadline 4, the Applicant announced that there was a proposed change to substation designs, with the introduction of an additional access route into the substation design. This has not featured in any consultations and demonstrates the Applicant's disordered approach to both the design of the substation and engagement with the affected landowner on such matters.

To conclude, the Estate is willing to engage on reasonable commercial terms, and welcomes the opportunity to negotiate a voluntary agreement. The Estate requested (via email) that a revised set of Heads of Terms is circulated on a long leasehold basis, however, as at Deadline 4, this has not yet been received. The Estate hopes these revised Heads of Terms are received prior to the scheduled meeting on 11 November 2024 to allow sufficient time for the Estate to review beforehand and therefore contribute towards a productive meeting.

Appendix 1