

MONA OFFSHORE WIND PROJECT

Change Request: Statement of Reasons

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Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

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MONA OFFSHORE WIND PROJECT

Contents

1	STATEMENT OF REASONS	6
1.1	Introduction and Summary	6
1.2	About the Applicant.....	7
1.3	Application location and project description	8
1.3.1	Project location	8
1.3.2	Nationally Significant Infrastructure Project	9
1.4	Need for and benefits of the Mona Offshore Wind Project.....	15
1.4.1	Overview	15
1.4.2	Need Established by Legislation	15
1.4.3	Need established by international obligations on Climate Change.....	17
1.4.4	Need established by National Policy Statements and other policy	17
1.4.5	Benefits of the Mona Offshore Wind Project	20
1.5	Powers of Compulsory Acquisition	22
1.6	The Order Land	24
1.7	Planning policy position	26
1.8	Welsh National Planning Policy	29
1.9	Engagement with Affected Parties	30
1.10	Case for powers of acquisition sought.....	31
1.11	Special Considerations	35
1.12	Human rights	37
1.13	Funding.....	39
1.14	Absence of impediments	39
1.15	Conclusion	39
1.16	Further Information	40
1.17	References	40

MONA OFFSHORE WIND PROJECT

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.
Climate change	A change in global or regional climate patterns, in particular a change apparent from the mid to late 20th century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.
Cumulative Effects	The combined effect of the Mona Offshore Wind Project in combination with the effects from other proposed developments, on the same receptor or resource.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Effect	The term used to express the consequence of an impact. The significance of effect is determined by correlating magnitude of the impact with the importance, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Greenhouse Gas (GHG)	A gas that absorbs and emits radiant energy within the thermal infrared range, causing the greenhouse effect. Examples include carbon dioxide and methane.
Impact	Change that is caused by an action/proposed development, e.g., land clearing (action) during construction which results in habitat loss (impact).
International commitments	Commitments made publicly on the international level.
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, County Borough Councils and unitary authorities.
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 'deemed marine licences' as part of the DCO process. In addition, licensable activities which are not wholly outside 12 nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Micrositing	The final selection of the position of infrastructure which may move in the order of a few metres to avoid an obstruction.
Mona Array Area	The area within which the offshore wind turbines (up to 96) will be located.
Mona 400kV Grid Connection Cable Corridor	The corridor from the Mona Onshore Substation to the National Grid substation at Bodelwyddan.
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.
National Policy Statement	A document setting out national policy against which proposals for NSIPs will be assessed and decided upon. See also NPSs.

MONA OFFSHORE WIND PROJECT

Term	Meaning
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm with a capacity of more than 350MW in Wales, constitutes an NSIP.
Net zero	A target of completely negating the amount of greenhouse gases produced by human activity either worldwide or by a country or organisation, to be achieved by reducing emissions and implementing methods of absorbing carbon dioxide from the atmosphere.
Onshore Substation	Where the power generated by the wind farm is adjusted (including voltage, power quality and power factor as required) to meet the UK System-Operator Transmission-Owner Code (STC) for supply to the existing National Grid Bodelwyddan substation.
Order Land	Land falling within the Order limits as shown on the Onshore Order Limits Plan.
Plots	Land parcels over which rights are sought under the Development Consent Order and which are described in the Book of Reference.
Policy	A set of decisions by governments and other political actors to influence, change, or frame a problem or issue that has been recognised as in the political realm by policy makers and/or the wider public.
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 Development Consent Order, once made.
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.
The Planning Inspectorate	The executive agency of the Department for Levelling Up, Housing and Communities responsible for operating the planning process for NSIPs.
The Secretary of State for Energy Security and Net Zero	The decision maker with regards to the application for development consent for the Mona Offshore Wind Project.

Acronyms

Acronym	Description
CEA	Cumulative Effect Assessment
CCC	Committee on Climate Change
CNP	Critical National Priority
DCO	Development Consent Order
EIA	Environmental Impact Assessment
GHG	Greenhouse Gas
GIS	Gas Insulated Switchgear
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment

MONA OFFSHORE WIND PROJECT

Acronym	Description
JBs	Joint Bays
LDP	Local Development Plan
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MPS	Marine Policy Statement
NPS	National Policy Statement
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform
SNCBs	Statutory Nature Conservation Bodies
SPG	Supplementary Planning Guidance
SSSI	Sites of Special Scientific Interest
TANs	Technical Advice Notes
TCE	The Crown Estate
TJBs	Transition joint bays
UK	United Kingdom
UNFCCC	The United Nations Framework Convention on Climate Change
WNMP	Welsh National Marine Plan

Units

Unit	Description
km ²	Square kilometres
km	Kilometres
kV	Kilovolt
nm	Nautical miles
GW	Gigawatts
MW	Megawatts
%	Percent
°C	Degrees Celsius

1 STATEMENT OF REASONS

1.1 Introduction and Summary

- 1.1.1.1 This Change Request: Statement of Reasons relates to the powers of compulsory acquisition sought in the Development Consent Order (DCO) application by Mona Offshore Wind Limited (the Applicant) in respect of the Mona Offshore Wind Project. The Applicant is a joint venture of bp Alternative Energy investments (bp) and Energie Baden-Württemberg AG (EnBW) which is developing the Mona Offshore Wind Project. The Change Request: Statement of Reasons is submitted as part of the application for development consent.
- 1.1.1.2 This Change Request: Statement of Reasons is submitted by Mona Offshore Wind Limited (the Applicant) to accompany the Mona Change Request Report.
- 1.1.1.3 The Applicant is seeking a Change Request in respect of its application (the Application) to the Secretary of State for a development consent order (DCO) for the construction, operation and decommissioning of an offshore wind power generating station – the Mona Offshore Wind Project.
- 1.1.1.4 The purpose of the DCO is to authorise the construction and operation of an offshore energy generating station that will help to meet the identified national need for new renewable energy generating capacity.
- 1.1.1.5 In order for the Applicant to develop the Mona Offshore Wind Project, land and rights in land are required on a permanent and temporary basis. In the event it has not been possible to acquire the land and rights by agreement, it will be necessary to compulsorily acquire land these for the purposes of developing the Mona Offshore Wind Project and as such, the draft DCO (document reference C1) includes powers to compulsorily acquire land.
- 1.1.1.6 Section 120 of the Planning Act 2008 (PA 2008) allows for provisions on matters ancillary to the development consented to be included in the DCO. Such ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land.
- 1.1.1.7 Section 122 of the PA 2008 provides that powers of compulsory acquisition can only be granted where the Secretary of State is satisfied that there is a compelling case in the public interest and the interests in land for which the powers are granted are:
- required for the development;
 - are required to facilitate or are incidental to the development; or
 - the land is replacement land for commons, open spaces, etc.
- 1.1.1.8 This Change Request: Statement of Reasons explains how the requirements of section 122 of the PA 2008 have been met in relation to the compulsory acquisition powers sought by the Applicant to develop the Mona Offshore Wind Project. It also sets out the Applicant's justification for seeking powers of compulsory acquisition.
- 1.1.1.9 Please refer to the changes in sections 1.3.2.31 and 1.3.2.32. No other changes have been made to this document.
- 1.1.1.10 This Change Request: Statement of Reasons has been prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations)

MONA OFFSHORE WIND PROJECT

and the Communities and Local Government Guidance ‘Planning Act 2008: Guidance related to procedures for compulsory acquisition’ (DCLG, 2013) (the Guidance).

1.1.1.11 The Change Request: Statement of Reasons is structured as follows:

- Section 1.1: Introduction
- Section 1.2: About the Applicant
- Section 1.3: Application location and project description
- Section 1.4: Need for and benefits of the Mona Offshore Wind Project
- Section 1.5: Powers of Compulsory Acquisition
- Section 1.6: The Order Land
- Section 1.7: Planning policy position
- Section 1.8: Welsh National planning Policy
- Section 1.9: Engagement with affected parties
- Section 1.10: Case for powers of acquisition sought
- Section 1.11 Special Considerations
- Section 1.12: Human Rights
- Section 1.13: Funding
- Section 1.14: Absence of impediments
- Section 1.15: Conclusions
- Section 1.16: Further information
- Section 1.17: References

1.2 About the Applicant

1.2.1.1 Mona Offshore Wind Limited is a joint venture between two leading energy companies (bp and EnBW). These two companies are working together as partners to deliver offshore wind projects in both Offshore Wind Leasing Round 4 and ScotWind leasing.

1.2.1.2 EnBW is one of the largest energy supply companies in Germany and supplies electricity, gas, water and energy solutions and energy industry services to around 5.5 million customers with a workforce of more than 27,000 employees. EnBW aims to strengthen its position as a sustainable and innovative infrastructure partner for customers, citizens and local authorities to an even greater extent. The repositioning of EnBW with a focus on renewable energies and smart infrastructure solutions is a key component of its strategy. With a focus on renewable energy and smart infrastructure solutions, EnBW’s objective is for half of the electricity it supplies to be from renewable sources by the end of 2025. This is already having a noticeable effect on the reduction of CO2 emissions, which EnBW aims to halve by 2030 and to be climate neutral by 2035. EnBW has been involved in the operation of hydro power plants in the Black Forest for more than 100 years and has a large and continuously growing number of onshore wind farms and solar photovoltaics in Germany, France and Sweden. In addition, EnBW developed, constructed and operates four offshore wind farms in Germany (EnBW Baltic 1, Baltic 2, Hohe See and Albatros) with a total installed capacity of 945 MW, commissioned between 2011 and 2020. A further 900 MW offshore wind farm, He Dreiht, is currently under development in Germany.

MONA OFFSHORE WIND PROJECT

- 1.2.1.3 bp has set out an ambition to be a net-zero company by 2050 or sooner, and to help the world get to net zero. bp has set out a strategy for delivering this ambition bp is focused on delivering its transformation into an integrated energy company, helping to provide the energy the world needs today, and investing in the energy transition.
- 1.2.1.4 In January 2021, bp and Equinor agreed to develop together up to 4.4 GW of wind generation through two major lease areas located in federal waters off New York and Massachusetts, Empire Wind and Beacon Wind. In January 2024, bp and Equinor announced that bp will take ownership of Equinor's 50% stake in the Beacon Wind US offshore wind projects and Equinor will take ownership of bp's 50% stake in the Empire Wind US offshore wind projects. Subject to closing the transaction, bp will work independently to develop Beacon 1 and Beacon 2 on a wholly owned basis. Beacon Wind 1 and 2 comprise a combined potential generative capacity in excess of approximately 2.5 GW.
- 1.2.1.5 In the UK, bp and partner EnBW are leading the development of the Morgan and Mona offshore wind projects in the Irish Sea and the Morven offshore wind project in the North Sea. These projects have a combined potential generating capacity of 5.9 GW, sufficient to power the equivalent of around 6 million UK households. In early 2023, bp was successful in its bid to develop its first floating offshore wind demonstration project offshore Aberdeenshire.
- 1.2.1.6 In July 2023, bp was successful in its bids for two sites offshore in Germany with a potential generating capacity of 4 GW. bp has formed a strategic partnership with Japanese conglomerate Marubeni to explore offshore wind opportunities in Japan. bp has also formed a JV with Norway's Deep Wind Offshore, a part of which saw bp acquire a 55% stake in the company's early-stage offshore wind portfolio, which includes four projects across the Korean peninsula with a potential generating capacity of up to 6 GW.
- 1.2.1.7 bp already has a significant onshore wind business in the US with a gross generating capacity of 1,700 MW, operating nine wind assets across the country. On 30 November 2023, it was announced that bp agreed to acquire the 50.03% interest it did not already own in Lightsource bp, which means that bp will take full ownership of Lightsource bp following completion of the transaction.

1.3 Application location and project description

1.3.1 Project location

- 1.3.1.1 The Mona Array Area is 300 km² in area and is located 28.8 km (15.6 nm) from the north coast of Wales, 46.5 km (25.3 nm) from the northwest coast of England and 46.6 km (25.2 nm) from the Isle of Man (when measured from Mean High Water Springs (MHWS)). The Mona Array Area is located in Welsh offshore waters (beyond 12 nm from the Welsh coast).
- 1.3.1.2 The offshore export cables will make landfall in Llanddulas, North Wales. The offshore export cables will be brought under the intertidal area to a location above MHWS where they will be connected to the onshore export cables. The offshore export cables will be connected to the onshore export cables at the onshore Transition Joint Bays (TJBs) which will be located within the Landfall construction compound to the south of A547 as shown on the Works Plan - onshore (document reference B3). The onshore export cables will be located within the Mona Onshore Development Area. The cables will route south from the Landfall and pass to the west of Abergele. They would then route southeast towards the A548 and B5381 junction and then northeast in the vicinity of the B5831 before turning east towards Bodelyyddan, south of the B5831.

MONA OFFSHORE WIND PROJECT

1.3.1.3 The Mona Offshore Wind Project will connect to the Bodelwyddan National Grid Substation, located south of Rhyl, North Wales. The Onshore Substation is located immediately south of the Bodelwyddan National Grid Substation and the Bodelwyddan to Pentir 400 kV overhead lines.

1.3.2 Nationally Significant Infrastructure Project

1.3.2.1 The offshore generating station is a nationally significant infrastructure project (NSIP) within sections 14(1)(a) and 15(3B) of the PA 2008. Under section 15(3B) a generating station is an NSIP if it is in waters adjacent to Wales up to the seaward limits of the territorial sea, or in the Welsh zone, and its capacity is more than 350 MW.

1.3.2.2 The authorised development is an offshore generating station in the Welsh zone and its capacity will be more than 350MW. It accordingly falls within section 15(3B).

1.3.2.3 As the authorised development would be an NSIP, development consent must be obtained from the Secretary of State and an application for a development consent order must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the PA 2008.

Associated development

1.3.2.4 The DCO specifically authorises development which is associated with the NSIP. The Secretary of State may, under the provisions of section 115(4A) of the PA 2008, grant consent for development that is associated with the NSIP (associated development).

1.3.2.5 Guidance on associated development has been issued by the Secretary of State. In this guidance associated development is described as being “*typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project*” (paragraph 6) and requiring “*a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts. Associated development should not be an aim in itself but should be subordinate to the principal development*” (paragraph 5).

1.3.2.6 The works to create the electrical connections from the proposed offshore generating station to the National Grid are associated development. This includes the offshore substation platforms (OSPs), offshore cables connecting to the onshore cables at the transition joint bays (TJBs), the onshore cables, the new electrical substation and associated works such as the creation of accesses, the improvement of junctions, landscaping, drainage works, diversion of utilities and environmental mitigation. A number of other works will also be required for construction and maintenance works including creating secure working areas and temporary construction compounds, creating entrance and exit pits for trenchless installation techniques and temporary drainage measures.

1.3.2.7 In some cases, there may be some overlap between associated development and works which form part of the NSIP. All elements of the proposed development either constitute part of the NSIP or are associated development within the meaning of section 115(4A) of the PA 2008, and so can properly be authorised by the DCO.

1.3.2.8 The Mona Offshore Wind Project will consist of up to 96 wind turbines. The proposed capacity of the Mona Offshore Wind Project is over 350 MW, therefore it is above the PA 2008 thresholds for Welsh offshore generating stations. The final capacity of the Mona Offshore Wind Project will be determined based on available technology and the design envelope of the wind turbines presented in Volume 1, Chapter 3: Project

MONA OFFSHORE WIND PROJECT

description of the Environmental Statement (document reference F1.3). The offshore infrastructure will also include up to 360 km of offshore export cables, 50 km of interconnector cables and 325 km of inter-array cables.

- 1.3.2.9 The final number of wind turbines will be dependent on the capacity of the individual wind turbines used and preconstruction site investigation (geophysical and geotechnical) survey results. A range of wind turbine models will be considered, however, they will all follow the traditional offshore wind turbine design with three blades and a horizontal rotor axis.

Offshore

- 1.3.2.10 The offshore elements of the Mona Offshore Wind Project consist of the following:
- **Mona Array Area:** This is where the wind turbines, OSPs, foundations (for both wind turbines and OSPs), inter-array cables, interconnector cables and 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
 - **Intertidal access areas:** The area from MHWS to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities
- 1.3.2.11 No compulsory acquisition is proposed for the Mona Offshore Wind Array Area and its associated offshore infrastructure or the Offshore Cable Corridor and Access Areas. An agreement for lease for the area array is already in place with The Crown Estate for the seabed area within which Work No. 1 (as defined in the DCO) will be situated. It is expected that an agreement for lease of the Offshore Cable Corridor will be in place by the end of the DCO examination.
- 1.3.2.12 A more detailed description of the offshore and onshore elements of the Mona Offshore Wind Project is presented in Volume 1, Chapter 3: Project description of the Environmental Statement (document reference F1.3).

Mona Onshore Development Area

- 1.3.2.13 This section provides an overview of the Mona Onshore Development Area, which is the area in which the landfall, TJBs, 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. A more detailed description of this area is presented in the Onshore Order Limits Plan (document reference B14) and the Project Description chapter of the Environmental Statement (document reference F1.2)

Landfall and Transition Joint Bays

- 1.3.2.14 The offshore cables come ashore between Llanddulas and Abergele (Works Nos 3 and 8). The cable corridor will pass under the intertidal area, sea defences, coastal path, railway, A55 and A547 (Work Nos 3, 8 and 9) (Plots 02-012, 02-021, 02-022, 02-023, 02-024, 02-025, 02-026, 02-027, 02-028, 02-029, 02-030, 02-031) to reach the transition joint bays at Works No 10 (Plot 02-032). Access to Work No. 10 is provided by Sea Road (Plots 01-004, 01-005, 01-006, 01-007, 01-008, 01-009, 01-010, 01-011).

MONA OFFSHORE WIND PROJECT

- 1.3.2.15 The offshore export cables will connect to the onshore export cables at the transition joint bays (TJBs) (Work No. 10). The TJBs will be located approximately 155 m above MHWS in farmland to the south of the A547. One TJB is required per export cable circuit to ensure that the jointing can take place in a suitable environment, and to protect the joints. Once the joint is completed the TJBs are covered and the land above reinstated.
- 1.3.2.16 In these locations the cables will be installed using trenchless installation techniques, minimising the disruption to the surface. Trenchless installation techniques will also be used to cross all adopted highways along the cable route. It is not anticipated that there will be any interference with the use of the railway. Temporary traffic management may be adopted on the A547 as explained in the Outline Highways Access Management Plan (document reference J29). Access to the coastal path and beach will be required in order to monitor the sub-surface installation of the cables.

Onshore Cable Corridor

- 1.3.2.17 The Mona Onshore Cable Corridor is approximately 15 km in length. The onshore export cables will be buried for their entire length. Overhead lines are not proposed for the Mona Offshore Wind Project. The cables will be buried underground at a target burial depth of 1.8m. This may be exceeded where the route is required to cross beneath features such as pipelines, land drains, highways or rivers and may be shallower where adverse geological conditions are encountered. The Mona Onshore Cable Corridor is up to 100 m wide (including the temporary construction width) to allow up to four cable circuits to be installed. Once installed, the cables will occupy a corridor approximately 30 m wide (although this width would need to increase where obstacles are encountered or where cables are installed using trenchless techniques.) over which permanent rights to maintain the cables are required.
- 1.3.2.18 The operating voltage of the cables will be selected prior to construction but is likely to be either 220 kV or 275 kV. A maximum of four circuits will be required. Each cable circuit will consist of three cables, giving a total of up to 12 cables laid in trefoil formation or separately.
- 1.3.2.19 From the TJBs, the onshore cables cross agricultural land (Work No. 11) (Plots 02-033) where open cut installation will be used until the cables reach Gwrych Castle Wood (Plots 02-034, 02-035, 02-036) where trenchless installation techniques will be used to avoid disturbing the surface of the woodland. Access for construction in this area has been routed around the woodland and residential properties (Work No. 12a and 38 (Plots 03-038, 03-046, 03-048, 03-051, 03-052, 03-053, 03-054, 03-055, 03-056, 03-057, 03-058, 03-059).
- 1.3.2.20 The next section of cable route (Work No. 11 and 12) (Plots 03-037, 03-045) runs south from Gwrych Castle, through agricultural land (Plots 03-047, 03-049, 03-060) to the Plas Onn Road (Plot 03-061). The cable route then continues south through farmland and the Tan y Gopa Road (Plot 03-063, 04-065). Accesses have been routed around the cable corridor to minimise the impact on ecological features. (Plots 03-064, 04-066, 04-068, 04-069, 04-071).
- 1.3.2.21 The cable route continues through agricultural land (Work No. 11) (Plots 04-067, 04-070) crossing Nentydd road (Plot 04-073, 04-075), through agricultural land (Plots 04-074, 04-077, 04-078, 05-080), crossing Ffynhonnau Road (Plot 05-082) back into agricultural land (Plots 05-083, 05-084, 05-087, 05-088, 05-091, 05-093, 06-096, 06-097) to the B5381 (Plot 06-098). Access along this stretch is provided by Work Nos 12a and 38 (Plots 04-072, 04-076, 04-077, 04-079, 05-081, 05-085, 05-086, 05-089,

MONA OFFSHORE WIND PROJECT

- 05-090, 05-092). A temporary construction compound will be provided in this area by Work No. 13 (plot 05-094)
- 1.3.2.22 The cables cross the B5381 through the agricultural land (Plot 06-100) to the A548 (Plots 05-095, 06-101) which will be installed using trenchless techniques in order to minimise impacts on the road network.
- 1.3.2.23 From the A548, the cable route (Work No. 14) continues east (plots 06-103, 06-105, 06-106a, 06-108, 07-109). A temporary compound location is provided to the south of the cable corridor (Plots 06-104, 06-102). A section along the corridor (Plot 06-106) is slightly wider than elsewhere to allow for optimal routing of the cable at installation due to ground conditions, ecological factors and existing utilities. Access to this plot utilises an existing farm track (Plot 06-107). The cable route crosses the Llanfair Road (Plot 07-110) and continues through farmland, crossing a private track (Plot 07-117) and further farm land (Plots 07-120, 07-125).
- 1.3.2.24 The cable corridor then continues east (Work No. 15) crossing Ffordd TalGrwn (Plot 07-126), through agricultural land (Plots 07-127, 07-129, 07-133). An access to this area is provided from an existing access off Ffordd TalGrwn (Plot 07-128) and across Ffordd Pistyll (Plot 08-135) Access is taken from Ffordd Pistyll to this land (Plot 07-134). The cable route crosses private farm tracks (Plots 08-136), through agricultural land to Ffordd Nant Meiford (Plot 08-140). To the north of the cable route a compound is provided for off the B5381 (Plots 08-137, 08-138, 08-139).
- 1.3.2.25 Work No. 17 sees the cable corridor continuing south east through agricultural land (Plots 08-146, 08-150, 08-153, 08-154, 09-157, 09-158, 09-159) across the road between Cae'r Clawdd and B5381, across a private track (Plot 0-168) and through agricultural land (Plots 09-169, 09-171, 09-172). Work No. 38 provides access to these areas (Plots 08-147, 08-148, 08-151, 08-152, 09-161, 09-170). Work No. 18 provides for access from the B5381 (Plots 09-160, 09-162, 09-163, 09-164, 09-165).
- 1.3.2.26 A section of the cable corridor within Works Area 20 (Plots 09-175) is slightly wider than elsewhere to provide flexibility to use trenchless crossing techniques across part of these plots if practical. This will be determined through the detailed design process and cannot be committed to at this stage. The cable corridor continues south before changing direction to the north, across the Cae Onnen to Maes Road (Plot 10-182), through agricultural land (Plots 0-183, 10-184, 10-185, 10-188 and across Cae Pwll Junction (Plot 11-189) near Pentre Mawr Farm. Access within this area is shown by Works No 38 (Plots 10-181, 10-186, 10-187).

Mona Onshore Substation

- 1.3.2.27 The Onshore Substation will contain the electrical components for transforming the power supplied from the offshore wind farm to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the national grid. The Onshore Substation will also house auxiliary equipment and facilities for maintenance and control. The Onshore Substation compound will contain electrical equipment including power transformers, switchgear, reactive compensation equipment, harmonic filters, cables, lightning protection masts, control buildings, communication masts, backup generators, fencing and other associated equipment, structures or buildings. To minimise the land take at the substation, the Applicant is only seeking consent for gas insulated switchgear (GIS).
- 1.3.2.28 The main equipment will either be housed within a single or multiple buildings. There may also be buildings required to house smaller equipment and control rooms.

MONA OFFSHORE WIND PROJECT

- 1.3.2.29 A temporary construction compound will be required at the Onshore Substation (Works No 28) (Plots 11-228 and 11-229). The compound will be located within the Mona Onshore Development Area and will provide offices, welfare facilities, storage of plant and equipment and parking for construction staff.
- 1.3.2.30 Work No. 21 connects the cables to the Onshore Substation. The freehold is required for the substation area (Plots 11-189, 11-190, 11-197 11-199, 11-208, 11-209, 11-210, 11-211, 11-212, 11-213, 11-216, 11-217, 11-219, 11-220) as the development of the substation will be a permanent change of use of the land from its current agricultural use. The degree of interference with the land and the need for the Applicant to be able to control the land, including excluding access, by anyone other than authorised persons to the substation, as well as maintaining the necessary ecological and landscaping mitigation works, mean that freehold acquisition is required and justified. Works No 23, 24, 34 include replacement and additional landscaping that will be provided (Plots 11-191, 11-192 and 11-214) to mitigate impacts of the permanent land take. The ownership and responsibility for management of the landscaping and mitigation including tree planting and proposed enhanced hedgerows (Plots 11-193, 11-194, 11-195, 11-210, 11-217) is needed to ensure the integrity of the planting and long-term screening effect is maintained for the Onshore Substation.
- 1.3.2.31 Works No 27 will facilitate visibility splays (Plot 11-236) and a temporary construction access for the substation (Plots 11-197a, 11-197b, 11-209, 11-219, 11-220, 11-221, 11-223b, 11-228, 11-229, 11-229a, 11-230, 11-233, 11-233a, 11-230a, 11-234, 11-234a, 11-234b).
- 1.3.2.32 Permanent access to the substation will be via the existing road (Works No 30) and a new access road (Work No.29) are required to provide safe operational access to the Onshore Substation. Rights are therefore sought over the entrance from Glascoed Road (Plots 11-235, 11-232, 11,231, 11-230, 11-221, 11-220, 11-222, 11-223, 11-224, 11-225). Temporary rights are sought in respect of plot 11-221a to facilitate construction of the permanent access road.

Mona 400 kV Grid Connection Cable Corridor

- 1.3.2.33 A further section of buried onshore export cabling is required to connect the Mona Onshore Substation with the National Grid substation at Bodelwyddan. This is referred to as the 'Mona 400 kV Grid Connection Cable' and will be located within the Mona Onshore Development Area
- 1.3.2.34 The Mona Offshore Wind Project's 400kV connection will run northwards (Work No. 25) from the Onshore Substation to connect to the proposed National Grid substation extension at Bodelwyddan within the same area as Work No. 26. This section of cabling will have a maximum of two circuits, with a total of six export cables, installed within a permanent easement.
- 1.3.2.35 Works for the National Grid substation extension are not included in the Mona Offshore Wind Farm DCO and will be consented separately by National Grid. This work will be undertaken by National Grid to facilitate the connection of the Mona Offshore Wind Project and other possible future projects. To ensure that the Mona Offshore Wind Project can connect into either the existing substation or the extension the DCO works include the termination of the 400 kV cables inside the existing footprint of the National Grid substation as well as covering the area understood to be identified for the National Grid Bodelwyddan extension works.
- 1.3.2.36 The Mona Offshore Wind Project's 400kV connection crosses agricultural land (Plots 11-198, 11-200, 11-201, 11-202, 11-206, 11-207) to reach the proposed National Grid

MONA OFFSHORE WIND PROJECT

substation extension area (Plots 11-203, 11-204, 11-205, 11-226, 11-227). Some flexibility is required in this area as it is not yet known where the connection to the substation will be created. National Grid are currently designing works to extend the existing Bodelwyddan substation, and the Project requires the ability to connect into the substation as directed by National Grid having regard to the design of those works. In addition to this, National Grid will need to move a number of overhead transmission lines to accommodate the substation extension. Accordingly, the cable corridor currently allows connection to the Bodelwyddan substation at more than one point in order to ensure that the appropriate connection can be made once the location is specified by National Grid.

Joint bays and link boxes

- 1.3.2.37 Joint Bays (JBs) and Link Boxes (LBs) are required along the onshore cable route. JBAs are typically concrete lined pits, that provide a clean and dry environment for jointing sections of cable together. JBAs will only require access in the event of a cable failure requiring replacement.
- 1.3.2.38 LBAs are smaller pits compared to JBAs, which house connections between the cable shielding, joints for fibre optic cables and other auxiliary equipment. Land above the JBAs will be reinstated, an inspection cover will be provided on the surface for LBAs for access during the operations and maintenance phase.

Access

- 1.3.2.39 Work No. 38 comprises a number of accesses which are required for the operational (and potentially decommissioning) phase and over which permanent access rights are sought. These allow access to the entirety of the cable corridor and to land which has to be maintained during operation, primarily to allow for access to the link boxes for testing and commissioning of the electrical equipment and ongoing maintenance. They will also allow for access to ensure habitat restoration and landscape planting becomes established and to the National Grid substation. Where practical, these accesses have been routed over existing accesses and tracks in order to minimise the interference to landowners and to alleviate the requirement to remove existing hedgerows in the course of exercising these rights of access. Where existing accesses and tracks are used, rights will be sought and exercised alongside existing access rights and powers are not sought to extinguish any other person's access rights on these routes.

Mitigation and enhancement

- 1.3.2.40 The Order Land includes areas for landscape ecological and environmental mitigation works, habitat creation or enhancement for protected species, translocation and biodiversity benefit/gain. These works are proposed on existing agricultural land, woodland and hedgerows alongside and in proximity to the cable corridor and substation (Plots 03-039, 03-041, 03-042, 03-042, 03-044 07-112, 07-113, 07-114, 07-115, 07-118, 07-119, 07-121, 07-122, 07-123, 07-124, 07-130, 07-131, 07-132, 08-141, 08-142, 08-143, 08-144, 08-145, 08-149, 09-155, 09-156, 11-125, 11-218, 11-194, 11-195, 11-197, 11-212). The Outline landscape and ecological management plan (document reference J22), sets out outline details of the mitigation and enhancement works the Applicant considers will be necessary to meet the relevant legislative and policy requirements.
- 1.3.2.41 For landscape and ecological works at the substation that are required to mitigate the effects of the substation on nearby receptors and ecological features, permanent acquisition of land is sought. (Plots 11-190, 11-199, 11-208, 11-209, 11-211, 11-212,

MONA OFFSHORE WIND PROJECT

11-213, 11-216) This is needed to ensure that the relevant mitigation works are delivered and maintained for the duration of the Mona Offshore Wind Project.

- 1.3.2.42 In addition to the areas of freehold acquisition, rights are sought at the onshore substation and along the cable corridor to access and undertake ecological mitigation, habitat creation and enhancement works (including hedgerows), and rights to inspect and maintain created habitat. This will include inspecting planting and replacing any which fails to establish, preventing removal of planting, managing, limiting or excluding access until planting establishes and preventing cutting. There will also be a need to maintain areas of long grass until hedgerows establish in order to provide cover for species to move through the area, maintaining connectivity between sites and populations. In locations where permanent mitigation is required for loss of newt habitat, rights to access land for the lifetime of the project are required to monitor the compensation locations and to undertake remedial works as necessary. Rights are also sought where additional planting is not proposed and the Applicant only requires rights to maintain and protect existing landscaping and vegetation to provide necessary mitigation.
- 1.3.2.43 In order to minimise the duration of its rights and related restrictions on the affected land, where the landscape and ecological works are expected to be secured through a DCO requirement or licence (Plots 11-191, 11-192, 11-214) the powers sought are limited to the time period that the Applicant will be required to maintain such works which is expected to be up to 5 years. Where there will be an ongoing requirement to maintain and manage works for the duration of the Mona Offshore Wind Project, for example areas of hedgerow enhancement, permanent rights and restrictions are needed to ensure the works deliver the required ongoing ecological benefit.
- 1.3.2.44 For other areas where temporary ecological works are required to mitigate construction effects (Plots 11-218, 11-215) the Applicant does not require any permanent rights and the necessary works would be undertaken using temporary possession powers.

1.4 Need for and benefits of the Mona Offshore Wind Project

1.4.1 Overview

1.4.1.1 The Planning Statement (document reference J2) sets out in detail the need for the Mona Offshore Wind Project and the contribution it would make towards achieving the Government's climate change objectives as set out in the National Policy Statements (NPSs). That case is not repeated in full here. Further information on the legislative and policy background in relation to climate change can also be found in the Climate Change chapter (document reference F4.2) of the Environmental Statement.

1.4.1.2 This section summarises the established need for the development of the Mona Offshore Wind Project, as well as the further benefits that the projects will deliver, including employment and biodiversity benefits.

1.4.2 Need Established by Legislation

United Kingdom

1.4.2.1 The PA 2008 is the primary legislation that establishes the legal framework for the preparation, examination and determination of applications for DCOs for NSIPs. It sets out the consenting system for all NSIPs, including those in the energy sector.

Climate Change Act 2008

1.4.2.2 The Climate Change Act 2008 (Climate Act) sets out the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases (GHG) are reduced and that climate change risks are adapted to. The Climate Act also established the Committee on Climate Change (CCC) to ensure that emissions targets are evidence-based and independently assessed.

1.4.2.3 The Climate Act commits the UK government by law to reducing GHG emissions by at least 100% of 1990 levels (net zero) by 2050. This includes reducing emissions from the devolved administrations (Scotland, Wales and Northern Ireland), which currently account for about 20% of the UK's emissions. The 100% target was based on advice from the CCC's 2019 report, 'Net Zero – The UK's contribution to stopping global warming'.

Energy Act 2013

1.4.2.4 The Energy Act 2013 makes provisions to incentivise investment in low carbon electricity generation, to create security of supply, and help the UK meet its GHG reduction and renewables targets.

Wales

The Well-being of Future Generations (Wales) Act 2015

1.4.2.5 The Well-being of Future Generations (Wales) Act 2015 (Wellbeing Act) aims to improve the social, economic, environmental and cultural well-being of Wales.

1.4.2.6 The Wellbeing Act gives a legally-binding common purpose – the seven well-being goals – for national government, local government, local health boards and other specified public bodies. It details the ways in which specified public bodies must work, and work together to improve the well-being of Wales.

1.4.2.7 The seven well-being goals are:

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A healthier Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

The Environment (Wales) Act 2016

1.4.2.8 The Environment (Wales) Act 2016 (the Environment Act) puts in place the legislation needed to manage Wales' natural resources in a more proactive, sustainable and joined-up way. The Environment Act focuses on climate change with the aim to reduce emissions by 100% by 2050 and sets a clear path for decarbonisation.

1.4.2.9 The Environment Act is supported by the Natural Resources Policy (NRP) which focuses on the sustainable management of Wales' natural resources to maximise their contribution to achieving goals of the Well-being Act. The NRP sets out three National Priorities namely:

- Delivering nature-based solutions;

MONA OFFSHORE WIND PROJECT

- Increasing renewable energy and resource efficiency; and,
- Taking a place-based approach.

1.4.3 Need established by international obligations on Climate Change

1.4.3.1 The United Nations Framework Convention on Climate Change (UNFCCC) came into force on 21 March 1994. Its objective was to achieve:

‘stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system’
(United Nations, 1992).

1.4.3.2 The UK is a signatory to the Kyoto Protocol, an international agreement for the implementation of the UNFCCC. The Protocol came into effect in 2005 and its commitments are transposed into UK law by the Climate Act.

1.4.3.3 In December 2015, 195 signatories, including the UK, adopted the first universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement (United Nations, 2015) seeks to reduce global greenhouse gas emissions and to limit the global temperature increase in this century to 2°C, while pursuing the means to limit this further to 1.5°C. This was ratified by the UK Government in November 2016 and now forms part of UK Government Policy.

1.4.3.4 At the COP26 summit in November 2021, nearly 200 parties voted to adopt the Glasgow Climate Pact (UNFCCC, 2021). This included commitments to phase down the use of coal and supports a common timeframe and methodology for national commitments on emissions reductions. Countries were tasked to return in 2022 with more ambitious 2030 emissions reductions targets.

1.4.3.5 The Summary of Global Climate Action at COP 28, which was held in Dubai in November 2023 provided by the United Nations Framework Convention on Climate Change (UNFCCC) confirms that the Global Renewables and Energy Efficiency Pledge has been launched. The Pledge stipulates “*that signatories commit to work together to triple the world’s installed renewable energy generation capacity to at least 11,000 GW by 2030 and to collectively double the global average annual rate of energy efficiency improvements from around two per cent to over four per cent every year until 2030*”. The UK has endorsed the Pledge.

1.4.4 Need established by National Policy Statements and other policy

United Kingdom

1.4.4.1 Section 104 of the PA 2008 sets out that in determining an application for an NSIP the Secretary of State must take into account any relevant NPS, any appropriate Marine Policy Statement (MPS), any local impact report, any matters prescribed in relation to the development and any matters the Secretary of State considers important and relevant.

NPS EN-1: Overarching NPS for Energy

1.4.4.2 NPS EN-1 is the Overarching National Policy Statement for Energy. Part 3 of NPS EN-1 sets out the urgent need for new large-scale energy infrastructure to meet the UKs energy objectives. Paragraph 3.2.6 of NPS EN-1 states that “*The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent.*” Paragraph 3.2.8 of NPS EN-1 adds that “*The Secretary of State is not required to*

MONA OFFSHORE WIND PROJECT

consider separately the specific contribution of any individual project to satisfying the need established in this NPS.”

- 1.4.4.3 Paragraphs 3.3.62 and 4.2.4 of NPS EN-1 confirms that the Government “... *has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*”
- 1.4.4.4 Paragraph 4.2.5 of NPS EN-1 confirms that offshore wind constitutes low carbon CNP infrastructure. Therefore, as an offshore wind generation project, the Mona Offshore Wind Project is considered by NPS EN-1 to be low carbon CNP infrastructure.
- 1.4.4.5 Paragraph 4.2.16 of NPS EN-1 states that the strengthened presumptions in favour of CNP infrastructure include that even “*where non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure*”. The paragraph then goes on to confirm that “*in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.*”
- 1.4.4.6 Paragraphs 3.3.57 – 3.3.61 of NPS EN-1 set out that there is an urgent need for new electricity infrastructure, including offshore wind. Paragraph 3.3.62 of NPS EN-1 states that “*Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*” Paragraph 3.3.63 adds that “*Subject to any legal requirements, the urgent need for CNP infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP infrastructure and it should be progressed as quickly as possible.*”

NPS EN-3: National Policy Statement for Renewable Energy Infrastructure

- 1.4.4.7 NPS EN-3 is the National Policy Statement for Renewable Energy Infrastructure. Paragraph 2.8.1 sets out the Government’s ambition to deploy up to 50GW of offshore wind capacity by 2030, noting that there is an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net zero carbon emissions by 2050. Paragraph 2.8.2 of NPS EN-3 adds that “*to meet its objectives Government considers that all offshore wind developments are likely to need to maximise their capacity within the technological, environmental, and other constraints of the development.*”
- 1.4.4.8 Paragraph 2.1.7 of NPS EN-3 also confirms that the Government has concluded that there is a critical national priority for the provision of nationally significant new offshore wind development and supporting onshore and offshore network infrastructure.
- 1.4.4.9 NPS EN-1 and EN-3 provide overriding policy support for the Mona Offshore Wind Project. In order to meet the ambition to deploy 50GW of offshore wind by 2030, all currently proposed offshore wind projects are necessary, and will need to maximise their generating capacity within their constraints. A full explanation of the application of the relevant parts of the NPS is provided in the Planning statement (documents reference J2). Relevant provisions of the NPS are also considered in each chapter of the Environmental Statement.

British Energy Security Strategy

- 1.4.4.10 In April 2022, the Government published the British Energy Security Strategy in which the UK wide target for installed offshore wind capacity increased further to 50GW by 2030. Advancing offshore wind electricity generation is the first point of the British Energy Security Strategy 10-point plan. The Mona Offshore Wind Project is therefore in line with a fundamental part of British Energy Security Strategy to increase the independence and security of the UK's energy supply.

The Clean Growth Strategy

- 1.4.4.11 The Clean Growth Strategy (HM Government, 2017) emphasised growing national income while cutting greenhouse gas emissions. It states that the aim to achieve clean growth, while ensuring an affordable energy supply for businesses and consumers, is at the heart of the UK's Industrial Strategy.
- 1.4.4.12 The UK's Ten Point Plan (HM Government, 2020c) intends to set the foundations for a Green Industrial Revolution, creating jobs through harnessing British science and technology to create and use clean energy. Point 1 of the Ten Point Plan is 'Advancing Offshore Wind'. The Plan notes that offshore wind is a critical source of renewable energy for our growing economy and that by 2030 the Government plans to quadruple our offshore wind capacity, backing new innovations to make the most of this proven technology and investing to bring new jobs and growth to our ports and coastal regions.

Wales

Future Wales – the National Plan 2040

- 1.4.4.13 Published in February 2021, Future Wales – the National Plan 2040 (Future Wales) is the Welsh national development framework, setting the direction for development in Wales up to 2040. It forms part of the development plan and seeks to address key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being within Welsh communities.
- 1.4.4.14 Section 1 of Future Wales notes that Wales faces a climate emergency which is actively changing the Welsh environment and directly affecting communities.
- 1.4.4.15 Future Wales Policy 17 expresses strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. The policy states that in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales's international commitments and the Welsh target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- 1.4.4.16 With regards to offshore projects, Future Wales notes in Policy 24 that onshore developments associated with offshore renewable energy projects will be supported in principle.

MONA OFFSHORE WIND PROJECT

Planning Policy Wales 11¹

- 1.4.4.17 Published in February 2021, Planning Policy Wales 11 (PPW) sets out the land use planning policies of the Welsh Government and is supplemented by 24 topic-based Technical Advice Notes (TANs). PPW and the TANs are material considerations in determining planning applications in Wales and likewise can be material considerations in the determination of applications for development consent.
- 1.4.4.18 PPW Chapter 2 (paragraph 2.8) highlights that “*all planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales*”. PPW highlights in paragraph 12 of the introduction that the planning system provides for a presumption in favour of sustainable development and seeks to ensure that social, economic and environmental issues are balanced and integrated.

Net Zero Wales Plan

- 1.4.4.19 Following on from the Prosperity for All: A Low Carbon Wales (Welsh Government, 2019a), the Net Zero Wales Plan (Welsh Government, 2021a) (the Net Zero Plan) covers the second carbon budget (2021 to 2025). The suite of regulations passed by the Senedd in March 2021 increased the Welsh decadal emissions targets from their 2018 level and set Carbon Budgets 2 and 3 in line with them. The targets and budgets set in law are:
- Carbon Budget 2 (2021 to 2025): 37% average reduction with a 0% offset limit
 - Carbon Budget 3 (2026 to 2030): 58% average reduction
 - 2030: 63% reduction
 - 2040: 89%reduction
 - 2050: 100% reduction (net zero).
- 1.4.4.20 The Net Zero Plan contains 123 policies and proposals across all ministerial portfolios, including:
- Policy 24 – Marine evidence, planning and licencing: supporting offshore and marine renewable energy deployment
 - Policy 27 – Maximising Welsh benefit from commercially operated infrastructure projects in Wales (stating that in the offshore wind and floating offshore wind sectors the government will work with the owners of major infrastructure to develop local supply chains).

1.4.5 Benefits of the Mona Offshore Wind Project

- 1.4.5.1 NPS EN1 paragraph 4.1.5 states explicitly that when considering any proposed development the Secretary of State should take into account “*its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits.*” Paragraph 4.1.6 adds that “*These may be identified in this*

¹ Planning Policy Wales 12 was formally issued on 7th February 2024 after the finalisation of the Mona Offshore Wind Project DCO application documents. A note will be submitted to the Examining Authority at the outset of the Examination to address any changes as a result of Planning Policy Wales 12 relevant to the Mona Offshore Wind Project.

MONA OFFSHORE WIND PROJECT

NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports)].

1.4.5.2 The Mona Offshore Wind Projects will deliver significant benefits, some of which are embedded within the design and some which are included as mitigation measures.

1.4.5.3 Key benefits of the Mona Offshore Wind Project are summarised below.

Climate change and GHG emissions

1.4.5.4 The Mona Offshore Wind Project will make a significant contribution towards the reduction of the UK's GHG emissions.

1.4.5.5 The Mona Offshore Wind Project will therefore contribute to meeting global, European and national targets on carbon dioxide (CO₂) reduction in line with the Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the CoP Glasgow Climate Pact 2021 which has recently re-enforced by agreements made at COP 28 whereby the Global Renewables and Energy Efficiency Pledge.

1.4.5.6 In providing low carbon energy infrastructure, the Mona Offshore Wind Project will be providing CNP infrastructure, which government policy strongly supports and has identified as urgently needed.

1.4.5.7 Further detail on climate change benefits is set out in the Volume 4, Chapter 2: Climate change of the Environmental Statement (document reference F4.2).

Energy Independence

1.4.5.8 As an electricity generating NSIP, the Mona Offshore Wind Project will make a significant contribution to the UK's energy independence. The British Energy Security Strategy makes clear that increasing the energy independence of the UK will help protect British businesses and individuals from increases in energy prices caused by changes in global markets. Energy independence is also a critical component of national security.

Biodiversity

1.4.5.9 The Mona Offshore Wind Project will contribute to halting overall biodiversity loss globally as a result of its contribution to addressing climate change.

1.4.5.10 Paragraph 5.4.2 of NPS EN-1 states in relation to halting biodiversity loss that *"This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides."* NPS EN-1 goes on to state at paragraph 5.4.41 *"The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests."*

1.4.5.11 The Mona Offshore Wind Project also intends to produce and implement a Biodiversity Management Strategy. The mechanisms through which the Project intends to achieve overall biodiversity benefit are presented in the Biodiversity Benefit and Green Infrastructure Statement (document reference J7).

1.4.5.12 The Applicant has identified a number of opportunities within the Irish Sea which could deliver additional intertidal and offshore biodiversity benefits, including:

MONA OFFSHORE WIND PROJECT

- increases to the productivity of breeding seabirds
- biodiversity enhancing cable protection,
- artificial reef blocks, and
- restoration of fish and shellfish habitats outside of protected sites

1.4.5.13 Further detail on the biodiversity benefits of the Mona Offshore Wind Project are set out in the Biodiversity Benefit and Green Infrastructure Statement (document reference J7).

Socio-economic benefits

1.4.5.14 The Mona Offshore Wind Project will clearly make a significant contribution towards the UK's much-needed transition to a low carbon economy. Expenditure on major energy infrastructure projects can stimulate economic growth by creating jobs and increasing output. The Mona Offshore Wind Project will have direct economic benefits through the creation of employment associated with delivering each phase of a project.

1.4.5.15 The Mona Offshore Wind Project will have beneficial impacts on economic receptors in North Wales, North West England, as well as across Wales and the UK. Based on assumptions regarding UK content of the Mona Offshore Wind Project expenditure, which draw on previously delivered offshore windfarms in the UK, it is estimated the Project's activities within the UK could support 9,380 jobs and £675 million in gross value added.

1.4.5.16 More detailed information on the socio-economic benefits of the Mona Offshore Wind Project is provided in the Volume 4, Chapter 3: Socio-economics of the Environmental Statement (document reference F4.3).

Human health benefits

1.4.5.17 During operation, the generating aspects of the Mona Offshore Wind Project will be part of a wider societal contribution to supporting public health. It will provide energy infrastructure that supports many aspects of public health. A reliable supply of electricity is required in relation to factors including, population food safety, thermal comfort, healthcare, learning, income generation and social networking.

1.4.5.18 More detailed information on the human health implications of the Mona Offshore Wind Project is provided in the Volume 4, Chapter 4: Human Health Assessment of the Environmental Statement (document reference F4.4).

1.5 Powers of Compulsory Acquisition

1.5.1.1 The PA 2008 in section 120 allows for provisions on matters ancillary to the development consented to be included in the DCO. Such ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land.

1.5.1.2 The draft DCO contains the following provisions:

- Article 20 authorises the compulsory acquisition of any interest in land;
- Article 22 authorises the compulsory acquisition of rights over land, including by creation of rights;

MONA OFFSHORE WIND PROJECT

- Article 24 provides for the extinguishment of private rights in land which is compulsorily acquired; and
- Article 26 allows the Applicant to compulsorily acquire the subsoil of land only.

1.5.1.3 Section 122 of the PA 2008 sets out the purposes for which powers of compulsory acquisition may be granted along with the conditions which must be met. It provides that the Secretary of State must be satisfied that the land:

- Is required for the development to which the development consent relates,
- Is required to facilitate or is incidental to that development; or
- Is replacement land for commons, open spaces, etc.

and that there is a compelling case in the public interest for the land to be acquired compulsorily.

1.5.1.4 The use of compulsory powers is restricted by Article 21 which provides that notices exercising such powers must be served within 7 years of the date of the DCO being made.

1.5.1.5 Other rights and powers in the draft DCO which if exercised may interfere with property rights and private interests include:

- Article 10 (Street works);
- Article 12 (Temporary restriction of use of streets);
- Article 13 (Temporary stopping up of public rights of way);
- Article 16 (Discharge of water);
- Article 17 (Authority to survey and investigate the land);
- Article 18 (Protective work to buildings);
- Article 29 (Temporary use of land for carrying out the authorised project);
- Article 30 (Temporary use of land for maintaining the authorised);
- Article 31 (Statutory undertakers);
- Article 35 (Felling or lopping of trees and removal of hedgerows).

1.5.1.6 In each case (for both the principal powers and other powers) the parties having an interest in the relevant land may be entitled to compensation as a result of the exercise of the DCO powers. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

1.5.1.7 Together, these powers will allow the necessary works to take place for the development and operation of the Mona Offshore Wind Project. They have been drafted to be comprehensive, whilst allowing flexibility within the process to ensure as low an impact on those affected as possible.

[Alternatives to compulsory acquisition](#)

1.5.1.8 An important consideration of the site selection process for the Mona Offshore Wind Project was the objective of minimising the need for the compulsory acquisition of interests in land and the extent of that acquisition or interference with the rights of others.

MONA OFFSHORE WIND PROJECT

- 1.5.1.9 The objective to avoid or minimise compulsory acquisition was an important factor in selecting the current location for the Mona Offshore Wind Project. The Applicant's approach of relying on temporary possession (TP) to construct the majority of the development (excluding the Onshore Substation) has ensured that permanent rights will only be taken over the land needed to protect the cables, to maintain ecological mitigation works and for operational access.
- 1.5.1.10 Negotiations with affected parties are ongoing and are summarised in the Land Rights Tracker (Document Reference S_PD_5).
- 1.5.1.11 Without powers of compulsory acquisition, it may not be possible for the Applicant to secure all of the interests in land necessary to develop the Mona Offshore Wind Project within a reasonable timeframe. In the absence of certainty on the ability to secure all necessary interests in land, the Applicant cannot develop the Mona Offshore Wind Project. In the context of clear national and local policy support for the development of the Mona Offshore Wind Project, 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.

1.6 The Order Land

- 1.6.1.1 The Order Land is the land which is needed for the construction, operation, maintenance and decommissioning of the Mona Offshore Wind Project. The powers of compulsory acquisition sought will be exercisable in relation to the land listed in the Book of Reference (document reference D4). They are included as a fall-back measure and on a precautionary basis, to secure all of the interests in land necessary to develop the Mona Offshore Wind Project within a reasonable timeframe.
- 1.6.1.2 The Order Land comprises only land which is necessary for the development or is required to facilitate that development. The Order Land is therefore in line with the requirements in Section 122 of the PA 2008. There is no requirement for the provision of replacement or exchange land.
- 1.6.1.3 The Order Land is predominantly used for agricultural purposes. Land requiring special consideration is discussed in more detail in 1.11 below.
- 1.6.1.4 The following section summarises the approach the Applicant has taken to selecting and refining the extent of the Order Land, including consideration of reasonable alternatives.

Site selection and alternatives

- 1.6.1.5 As described in Volume 1, Chapter 1: Introduction to the Environmental Statement, Offshore Wind Leasing Round 4 was instigated by The Crown Estate (TCE) in September 2019, and four Bidding Areas were identified for the development of offshore wind in England and Wales. As part of a competitive tender, EnBW and bp were awarded Preferred Bidder status for two sites within the Northern Wales and Irish Sea Bidding Area.
- 1.6.1.6 The Applicant has followed a staged site selection and design iteration process from inception to the point of submission of the application for development consent to identify the most suitable locations and configuration. A multi-disciplinary team was formed to undertake the site selection process, which included input from engineers, planners, land advisors, legal and EIA/topic consultants whose expertise was drawn upon through the process.

MONA OFFSHORE WIND PROJECT

- 1.6.1.7 The Applicant has considered the interests of stakeholders and affected parties throughout the site selection process. Wherever possible and practicable, the Applicant has sought to accommodate preferences and concerns raised by stakeholders through the site selection process whether by adjustments to the development boundary, areas of works, or designs being considered. The Site selection and consideration of alternatives Environmental Statement chapter (document reference F.14) explains the iterative process undertaken and the reasonable alternatives considered by the Applicant in refining the Mona Onshore Development Area.
- 1.6.1.8 Alongside published principles and guidance the following principles were developed and applied at the outset of the site selection process for the Mona Offshore Wind Project. These are drawn from the experience of the Applicant and technical expertise of consultants supporting the process and comprise:
- Shortest route preference to reduce impacts by minimising footprint for the Mona Offshore Cable Corridor and Access Area and Mona Onshore Cable Corridor as well as considering cost (hence ultimately reducing the cost of energy to the consumer) and minimising transmission losses
 - Avoidance of key sensitive features where possible, and where not, ensure mitigation of impacts
 - Minimise the disruption to populated areas
 - The need to accommodate the range of technology sought within the design envelope
- 1.6.1.9 Prior to starting each stage of the site selection process, a series of transparent design principles and engineering assumptions were identified which governed the decisions made. These design principles and engineering assumptions covered environmental, physical, technical, commercial and social considerations and opportunities. Each step of the process involved gathering data from a number of different sources to define and assess the options for each component of project infrastructure. Internal project workshops were then held at key stages of the site selection process to collate and review the data gathered to date, and to reach cross-discipline decisions about refining the site selection options.

Consultation

- 1.6.1.10 The Applicant has undertaken extensive consultation with statutory and non statutory consultees, as well as engagement with the wider public. The outcome of this consultation has helped to refine the process, design and wider spatial constraints and considerations. Consultation on refinements in the Mona Offshore Wind Project site selection, layout and configurations was undertaken through the pre-application stages.
- 1.6.1.11 This consultation has also helped to ensure that the Order Land comprises the smallest area necessary to deliver the Mona Offshore Windfarm Project.
- 1.6.1.12 Further information in relation to the Applicant's consultation process is presented in the Consultation Report (document reference E3).
- 1.6.1.13 Through consultation, its site selection procedures and design refinement, the Applicant has sought to minimise the impact on those affected by the Mona Offshore Wind Project, including those who will be affected by the use of compulsory acquisition powers.

1.7 Planning policy position

1.7.1.1 The Applicant's position in relation to planning policy is presented in full in the Planning Statement (document reference J2). This document provides a summary of the planning policy position and does not set out in full, it should be read alongside the Planning Statement.

National Policy Statements

1.7.1.2 As previously stated, section 104 of the PA 2008 makes it clear that in determining a DCO application the Secretary of State must take into account any relevant NPS, any appropriate Marine Policy Statement (MPS), any local impact report, any matters prescribed in relation to the development and any matters the Secretary of State considers important and relevant. NPS EN-1 (paragraph 4.1.15) identifies that, where there is a conflict between a development plan and the NPS, the NPS prevails for the purpose of decision making, given the national significance of the infrastructure.

NPS EN-1: Overarching NPS for Energy

1.7.1.3 Paragraph 4.1.3 of NPS EN-1 states that "*the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.*" There are no specific or relevant policies which clearly indicate that consent should be refused, and therefore the Mona Offshore Wind Project should benefit from this presumption in favour of consent.

1.7.1.4 As set out above in section 1.4.4, NPS EN-1 establishes the urgent need for new large-scale energy infrastructure to meet the UK's energy objectives, and states that "*The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.*"

1.7.1.5 The Mona Offshore Wind Farm will be low carbon CNP Infrastructure for the purposes of NPS EN-1. NPS EN-1 sets out the approach the Secretary of State must take to decision making in relation to CNP Infrastructure. Paragraph 4.2.14 states that "*The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above [the Applicant's Assessment] have been met. Where the Secretary of State is satisfied that they have been met the CNP presumptions set out below apply.*"

1.7.1.6 Paragraph 4.2.15 states that "*Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.*"

1.7.1.7 None of the above exceptions apply to the Mona Offshore Wind Project and the Project has evolved to ensure that the mitigation hierarchy has been met in relation to potential

MONA OFFSHORE WIND PROJECT

effects identified throughout the application preparation process such that there are no effects of the Mona Offshore Wind Project that are considered to affect the strong presumption in favour of granting consent.

- 1.7.1.8 NPS EN-1 sets out what must be included in applications for CNP Infrastructure for them to benefit from the presumption in favour of consent. Paragraph 4.2.10 of NPS EN-1 states that “*Applicants for CNP Infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.*” Paragraph 4.2.11 of NPS EN-1 states that Applicants “*Should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.*” Paragraph 4.2.12 states that “*Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.*”
- 1.7.1.9 These requirements of the Applicant’s Assessment have been fully complied with by the Mona Offshore Wind Project. Every chapter of the Environment Statement sets out in detail the legal and national policy requirements relevant to the chapter and explains where each requirement is addressed in the application. Every chapter of the Environmental Statement applies the mitigation hierarchy as explained in detail in Volume 1, Chapter 5: Environmental Impact Assessment Methodology (document reference F1.5). The Applicant has sought to minimise significant adverse impacts on the environment wherever possible in the design of the Mona Offshore Wind Project. Where residual impacts are identified, chapters of the Environmental Statement justify the conclusion that they cannot be avoided, reduced or mitigated, and explain how these impacts will be compensated for as far as possible. Proposals for minimising the effects on landscape and visual amenity from the onshore infrastructure are set out in the Outline landscape and ecological management plan (document reference J22).
- 1.7.1.10 The advice of appropriate SNCB’s and relevant statutory bodies has been sought throughout the process. Details of SNCB’s and statutory bodies’ recommendations are included in every relevant Environmental Statement Chapter alongside an explanation of how they have been incorporated into the Mona Offshore Wind Project application.
- 1.7.1.11 Finally, every chapter of the Environmental Statement considers the cumulative impacts of the proposed Mona Offshore Wind Project and other developments and considers where necessary residual impacts.
- 1.7.1.12 The Applicant considers that the Applicant Assessment requirements of NPS EN-1 have been met, and that no unacceptable risk is presented in relation to any of the considerations listed, and therefore that the presumption in favour of consent should apply.
- 1.7.1.13 Paragraph 4.6.16 of NPS EN-1 confirms that the starting point for decision making is that CNP infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality, or very special circumstances. This includes development within Green Belts, development affecting SSSIs, development in nationally designated landscapes and where there is substantial harm to or loss of significance to heritage assets.

MONA OFFSHORE WIND PROJECT

- 1.7.1.14 The Applicant therefore also considers that the Secretary of State should take as the starting point in considering the Mona Offshore Wind Project that it has met any tests set out within the NPSs, and any other planning policy which requires a clear outweighing of harm, exceptionality or very special circumstances.

NPS EN-3: National Policy Statement for Renewable Energy Infrastructure

- 1.7.1.15 EN-3 covers technology specific matters including offshore wind.
- 1.7.1.16 Paragraph 2.5.2 states that “*Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage*”.
- 1.7.1.17 The Applicant has sought to demonstrate good design throughout the development of the Mona Offshore Wind Project. Careful consideration has been given to representations made during the consultation under s42 of the PA 2008, and this has informed the iterative refinement of the proposed design. For the onshore infrastructure, a key design decision was to install cables underground rather than seek to use overhead lines. Landscape and visual amenity has informed the design process, including at the site selection and consideration of alternatives stage. As previously stated, a thorough Environmental Assessment has been undertaken to identify potential impacts on ecology and heritage and mitigate them as far as possible.
- 1.7.1.18 At this stage in the Project’s development process, decisions on exact locations of infrastructure and the precise technologies and construction methods that will be employed have not been made. This includes the exact layout, equipment and technology of the Mona Onshore Substation. These details will be determined during the detailed design that would take place between a decision on the application for development consent and the start of construction. Such details would be provided to Denbighshire County Council for approval prior to the commencement of construction works. The engineering / building design and landscape and mitigation that the Applicant proposes to apply to the Mona Onshore Substation when undertaking detailed design are set out in the Design principles document (document reference J3).

NPS EN-5: National Policy Statement for Renewable Energy Infrastructure

- 1.7.1.19 NPS EN-5 contains guidance on assessing applications for new electricity transmission lines as well as associated infrastructure. The Applicant has considered this NPS as new electricity infrastructure forms part of the Mona Offshore Wind Project. The Applicant has an agreement with National Grid Electricity Transmission for a grid connection at the Bodelywyddan substation.
- 1.7.1.20 NPS EN-5 states at paragraph 2.1.5 that “To support the urgent need for new low carbon infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations, are considered to be CNP infrastructure.”
- 1.7.1.21 The onshore cables will be installed underground, thereby minimising landscape and visual effects as required by paragraph 2.9.14 of EN-5. Archaeology is considered in NPS EN-5 where the potential effects to below ground archaeological remains are

MONA OFFSHORE WIND PROJECT

balanced against the visual effects of using overhead lines. An outline written scheme of investigation has been produced to minimise and mitigate any effects on onshore archaeology as a result of the onshore cables (document reference J18).

- 1.7.1.22 NPS EN-5 considers the potential for Electro-Magnetic Fields (EMF) to arise as a result of new power transmission projects, and suggests an approach to mitigation for EMF effects, where they might occur. The Applicant has considered the potential for the generation of EMFs as a result of the onshore components of the project. Volume 4, Chapter 4: Human Health Assessment (document reference F4.4) concluded at paragraph 4.11.8.19 that the EMF effects on population health were minor adverse which is not significant in EIA terms.
- 1.7.1.23 Section 2.6 of NPS EN-5 recognises that ownership or rights in land are required to install and maintain electricity lines. Where it is not possible to reach agreement to secure such land or rights a provision may be included in the DCO allowing an applicant to do so by compulsion. In accordance with EN5, the Applicant is only seeking the compulsory acquisition of freehold land for its Onshore Substation and related permanent works. Where use of land is required to facilitate development by providing for mitigation, landscape enhancement and biodiversity net gain, an applicant may seek compulsory acquisition rights through its DCO application. The Secretary of State will consider such an application in accordance with the PA 2008 and any associated guidance (paragraph 2.6.6).

1.8 Welsh National Planning Policy

Planning Policy Wales Edition 11

- 1.8.1.1 PPW sets out the Welsh Governments land use planning policies. PPW Chapter 2 (paragraph 2.8) emphasises that all planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.
- 1.8.1.2 PPW provides further guidance that planning authorities should identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. PPW recommends applicants should take an active role in engaging with the local community on renewable energy proposals, including pre-application discussion, and wherever possible consider how to avoid, or otherwise minimise adverse impacts through careful consideration of location, scale, design and other measures.
- 1.8.1.3 The Applicant has discharged these requirements of the PPW. As explained in section 1.4.5, the Mona Offshore Wind Project will have significant benefits which will support the well-being of people and communities across Wales. The Applicants consideration of ways to avoid and minimise adverse impacts is demonstrated in each chapter of the Environmental Statement. A detailed explanation of the iterative site selection process, informed by thorough consultation, is set out in Volume 1, Chapter 4: Site selection and consideration of alternatives of the Environmental Statement (document reference F1.4). Full details of the consultation undertaken by the Applicant is set out in the Consultation report (document reference E3).

Denbighshire Local Development Plan 2006-2021 (adopted 2013)

- 1.8.1.4 In deciding applications for development consent, section 104(d) of the PA 2008 requires the Secretary of State to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. In this regard, NPS EN-1

MONA OFFSHORE WIND PROJECT

at paragraph 4.1.12 states “*other matters that the Secretary of State may consider both important and relevant to its decision-making may include Development Plan documents or other documents in the Local Development Framework*”.

- 1.8.1.5 There is however no legal requirement to determine this application in accordance with the provisions of the development plan documents, as section 38(6) of the Planning and Compulsory Purchase Act 2004 is not applicable to applications for development consent.
- 1.8.1.6 The Denbighshire Local Development Plan seeks to ensure Denbighshire makes a significant contribution to reducing greenhouse gases through both supporting the principle of large wind farm development within identified zones and other suitable renewable energy technologies.

Conclusion on Planning Policy

- 1.8.1.7 The key test to be applied in the decision-making process is whether, on balance, the project is in accordance with the relevant NPSs (except to the extent that one or more of the matters set out in Section 104(4) to 104(8) applies). The Planning statement (document reference J2) and the National policy statement tracker (document reference J2.1) explain that Mona Offshore Wind Project is low carbon CNP Infrastructure, and should benefit from the presumption in favour of consent accordingly.
- 1.8.1.8 The Project would make a significant contribution to the achievement of the Welsh and broader UK national renewable energy targets, and to the UK’s contribution to global efforts to reduce the effects of climate change. The proposed project would reduce carbon emissions and contribute to the economy by providing socio-economic and other benefits that should be taken into account under NPS and other Government policies and legislation. The Project will also make an important contribution to energy security, seen as a critical driver for UK renewable energy.
- 1.8.1.9 As set out in section 1.4.5 above and in the Planning Statement, the Mona Offshore Wind Project will have significant benefits for the UK, Wales and the local area. The need for the Mona Offshore Wind Project is set out in the NPS, and should be considered urgent. The Mona Offshore Wind Project will have no residual impacts, individually or cumulatively, which should rebut the strong policy presumption in its favour, or which outweigh the significant benefits which it will secure.

1.9 Engagement with Affected Parties

- 1.9.1.1 All persons with an interest in the Order Land were consulted about the Mona Offshore Wind Project in accordance with section 42 of the PA 2008 by the Applicant. Further details of the consultation process undertaken by the Applicant are set out in the Consultation Report (document reference E3).
- 1.9.1.2 The Applicant, through its agents Dalcour Maclaren, has engaged relevant landowners and occupiers in negotiations to secure the necessary interests in land required for the Mona Offshore Wind Project by voluntary agreement in accordance with the requirement of paragraph 25 of the Guidance. However, in order to give the Applicant and the Secretary of State certainty that all of the necessary land will be secured within a reasonable timeframe, powers of compulsory acquisition are also sought. This approach is endorsed by paragraph 25 of the Guidance.
- 1.9.1.3 Negotiations have taken place through letters, emails, phone calls and face to face meetings. Whilst negotiations with landowners continue, agreement for the acquisition

MONA OFFSHORE WIND PROJECT

of the rights have yet to be secured. Further detail of the discussions that the Applicant has had with landowners and occupiers to acquire the Order Land by agreement, as well negotiations with statutory undertakers and the Crown, are set out in the Land Rights Tracker (Document Reference S_PD_5). Some landowners who have protected status are considered below.

1.10 Case for powers of acquisition sought

- 1.10.1.1 This section sets out the Applicant's proposals and justification for each class of acquisition. This includes explaining where the Applicant is seeking necessary flexibility for the detailed design stage and it may be that the final land take is less than identified. The full details of the rights sought by the Applicant is set out in Schedules 7 and 8 of the draft DCO (document reference C1).
- 1.10.1.2 The Applicant is in discussions with all parties with an interest in the order land with the intention of reaching a voluntary agreement for land rights required. Powers of compulsory acquisition are therefore sought on a precautionary basis to ensure that the Project can be delivered in the event that all necessary interests in the land cannot be secured by agreement, the landowner or occupier defaults on that agreement or where unknown interests in the land emerge. While the Applicant has undertaken a thorough and diligent land referencing and investigatory exercise, this possibility cannot be excluded and the Applicant requires to be able to acquire such interests where they emerge.

(a) Cable rights and restrictive covenants

02-033; 03-037; 03-045; 03-047; 03-049; 03-050; 03-060; 03-062; 03-063; 04-067; 04-070; 04-074; 04-078; 05-080; 05-083; 05-084; 05-087; 05-088; 05-091; 05-093; 06-097; 06-100; 06-103; 06-105; 06-106; 06-106a; 06-108; 07-109; 07-111; 07-117; 07-120; 07-125; 07-127; 07-129; 07-133; 08-136; 08-146, 08-150; 08-154; 09-157; 09-158; 09-159; 09-168; 09-169; 09-171; 09-172; 09-174; 09-175; 09-176; 09-177; 09-178; 10-179; 10-180; 10-183; 10-184; 10-185; 10-188

- 1.10.1.3 Rights are sought for the installation, retention, operation, maintenance and decommissioning of underground cables and ancillary infrastructure in these Plots. The rights include those necessary to carry out the works, including occupying the land to carry out works, using the land as a temporary working area, storing or stockpiling materials on the land, taking access over and across the land, breaking open the land to install or reach cables and using trenchless installation techniques. In order to carry out works safely, rights are also sought to erect fencing or other means of enclosure and signage, to drain the land, to clear obstacles including fences, woods, hedges, tree or shrubs, to divert or alter apparatus and to create access and haul routes.
- 1.10.1.4 The imposition of restrictive covenants necessary to protect the cables once installed is sought. The restrictive covenants would prevent building or construction over the cables, blasting, hard surfacing over the cables, changing the levels of the land, excavation (excluding normal ploughing), and planting of trees or shrubs which may interfere with or prevent access to the cables. A restrictive covenant is also sought to protect any habitat creation or enhancement carried out on the land as part of the authorised development in order that the Applicant can demonstrate that any mitigation or compensation to be provided can be retained and maintained for the required period.

(b) Cable rights, transition joint bays and restrictive covenants

02-032

- 1.10.1.5 This category is the same as (a) the above but with the addition of rights to install and retain in the land transition joint bays.

(c) Cable rights and restrictive covenants under existing infrastructure

02-012; 02-021; 02-022; 02-023; 02-024; 02-025; 02-026; 02-027; 02-028; 02-029; 02-031; 02-034; 02-035; 02-036; 03-061; 04-065; 04-073; 05-082; 06-096; 06-098; 06-101; 07-110; 07-126; 08-135; 08-140; 08-153; 09-173; 10-182; 11-189

- 1.10.1.6 The rights sought in this category are the same as for (a) but these Plots will contain crossings of infrastructure where the restrictive covenants sought under (a) would be incompatible with the existing surface use. It is not considered reasonable to seek to control hard surfacing on the public highway for example as the highway authority must be able to maintain their highway as they consider appropriate.
- 1.10.1.7 Trenchless installation techniques are proposed on crossing of the railway line, public highways and ancient woodland to prevent any interference with the existing use, damage to that infrastructure or environment. Where infrastructure is crossed by trenchless installation techniques the right to break open the surface will be limited by the effect of protective provisions, but is retained for where it is necessary to effectively carry out trenchless installation (subject to any controls on the exercise of that agreed with the asset owner).
- 1.10.1.8 For all three forms of cable rights sought ((a), (b) and (c)), the rights sought are the minimum necessary to allow the construction and safe operation and maintenance of the Mona Offshore Wind Project. The Applicant is seeking to acquire rights in the land and not ownership of it as the buried cables can co-exist with the existing land uses. Once the cables are installed the current use of the cable corridor Plots can resume, resulting in minimal interference to the owners and occupiers.
- 1.10.1.9 The cables are intended to coexist with other infrastructure while causing the minimum interference, for example by limiting the impact to sub-surface under existing rail lines and highways and micro-siting the cables to avoiding needing to alter water apparatus. Other undertakers' apparatus will only be altered where necessary and there are no proposals to remove any apparatus without a diversion being put in place. The rights sought are accordingly proportionate.

(d) Cable corridor access rights

03-038; 03-046; 03-048; 03-051; 03-053; 03-054; 03-056; 03-059; 03-064; 04-066; 04-072; 04-075; 04-077; 04-079; 05-081; 05-085; 05-086; 05-089; 05-090; 05-092; 06-107; 07-115; 07-116; 07-128; 07-134; 08-147; 08-148; 08-148; 08-151; 08-152; 09-161; 09-170; 10-181; 10-186; 10-187; 11-196; 11-221; 11-231; 11-232; 11-235

- 1.10.1.10 These access rights are required for the operational phase and allow access to the entirety of the cable corridor and to land which has to be maintained for a number of years post construction. The rights may also be required in any decommissioning phase. As set out in the Volume 1, Chapter 3: Project description of the Environmental Statement (document reference F1.3), the precise details of any onshore decommissioning works, and therefore access needed, will be determined towards the end of the operational life of the Mona Offshore Wind Project.

MONA OFFSHORE WIND PROJECT

1.10.1.11 Where practical, the operational (and where applicable decommissioning) accesses have been routed over existing accesses and tracks in order to minimise the interference caused to landowners and occupiers. Where existing accesses and tracks are used, rights will be sought and exercised alongside existing access rights, and it is not sought to extinguish any other person's access rights on these routes. The rights sought are accordingly the minimum necessary to ensure that the Mona Offshore Wind Project can be accessed once constructed whilst minimising the impacts of doings so by avoiding the need to create new accesses through hedgerows on multiple occasions.

(e) Hedgerow enhancement rights and restrictive covenants

03-039; 03-040; 03-041; 03-042; 03-043; 03-044; 07-112; 07-113; 07-114; 07-118; 07-119; 07-121; 07-122; 07-123; 07-124; 07-130; 07-131; 07-132; 08-141; 08-142; 08-143; 08-144; 08-145; 08-149; 09-155; 09-156; 11-193; 11-194; 11-195

1.10.1.12 Rights are being sought to allow for the enhancement of hedgerows both along the cable route and at the substation. It is intended that the restrictive covenant to protect these works would be in place for the lifetime of the Project.

(f) Landscaping and ecological mitigation land access rights

11-221; 11-231; 11-232; 11-235

(g) Landscaping and ecological mitigation work rights and restrictive covenants

11-191; 11-192; 11-214

1.10.1.13 Categories (f) and (g) apply to land which has to be maintained for a number of years post construction to ensure mitigation works, habitat restoration and landscape planting becomes established. In order to be able to comply with the anticipated requirements of the landscape and ecological management plan which will require ongoing inspection and maintenance of restored and created habitat until established, rights to access the land and undertake works and prevent activities which would conflict with the requirements are needed for a period post construction, which is expected to be up to 5 years. Rights are accordingly sought to allow the Applicant to be in a position to comply with the anticipated requirements.

1.10.1.14 In category (f), the mitigation rights are co-located with access rights to access the cable corridor; accordingly both forms of rights are sought under this heading. This co-location reduces the impact on landowners and occupiers by minimising the number of Plots required while allowing mitigation use to be undertaken and connectivity between areas to be maintained. In such cases, access will be over an unsurfaced route and managed to avoid adverse impact on the mitigation works. The need for a separate access route or hard surfaced route is accordingly removed, resulting in the minimum interference to landowners and occupiers.

1.10.1.15 It is intended that the exercise of mitigation rights and effect of restrictive covenants will be time limited to the period required to deliver the mitigation secured in the DCO, after which only access rights will be exercised.

(h) National Grid substation connection rights and restrictions

11-200; 11-201; 11-202; 11-203; 11-204; 11-205; 11-206; 11-207; 11-226; 11-227

MONA OFFSHORE WIND PROJECT

1.10.1.16 On these plots rights are required to allow the installation, retention, operation and maintenance of the cables and to carry out works to connect the cables to the National Grid substation. The details of the works to connect to the substation will need to be approved by National Grid, who are currently in the process of designing an extension to the substation which design will have to be completed before the final connection can be made. National Grid will affect the final connections to their infrastructure. The Applicant is not seeking to interfere with or remove any National Grid apparatus or to undertake any works within the existing substation without National Grid's consent, this is secured by the protective provisions in favour of National Grid. The acquisition proposed seeks to ensure that the necessary land rights are available to the Applicant to carry out the works.

(i) National Grid substation access rights

11-198; 11-221; 11-222; 11-223; 11-224; 11-225; 11-231; 11-232; 11-235

1.10.1.17 The final category of rights is for access rights over the existing access to the National Grid substation. This is to secure rights to use the access along with National Grid and any other person having rights of access over the route. It is not proposed to seek to extinguish any existing rights over this route.

Temporary possession

1.10.1.18 Temporary possession powers are sought in the DCO to reduce the land within which the Applicant requires to seek permanent rights and to minimise the interference with landowners' and occupiers' rights. The Applicant is seeking to temporarily occupy land required during the construction of the Mona Offshore Wind Project over which rights may not be required once construction has been completed. This minimises interference by allowing the Applicant to access the land needed for construction without requiring the permanent acquisition of that land.

1.10.1.19 Temporary possession powers apply to all of the Order Land, and powers may be used before permanent rights are acquired. However, the Plots listed in Schedule 7 of the DCO will only be subject to temporary possession and will not be subject to powers of compulsory acquisition. Those Plots, and the purposes for which they may be occupied are set out in the table in Schedule 7 of the draft development consent order (document reference C1).

1.11 Special Considerations

Common Land

- 1.11.1.1 Common Land is defined as “*any land subject to be enclosed under the Inclosure Acts 1845 to 1882...*” (Acquisition of Land Act 1981, Section 19). None of the Order Land is common land.

Crown Land

- 1.11.1.2 01-001; 01-002; 01-003; 01-007; 01-009; 01-010; 01-011; 02-012; 02-018; 02-021; 02-024; 03-060; 06-108; 07-109; 07-110; 07-112; 07-120; 07-121; 07-122; 07-123
- 1.11.1.3 Section 135 of the PA 2008 allows for the DCO, if made, to authorise the compulsory acquisition of Crown land (excluding any Crown interests in that land) or other provisions relating to rights benefitting the Crown where the appropriate Crown authority consents to the acquisition.
- 1.11.1.4 The Mona Offshore Wind Farm Array Area and Mona Offshore Windfarm Cable Corridor will be situated within seabed/land owned and managed by The Crown Estate, and no compulsory acquisition is proposed in this area. An agreement for lease for the Array Area is already in place and a similar agreement for the Cable Corridor is expected to be progressed by the end of examination.
- 1.11.1.5 Article 39 of the draft DCO provides that nothing in the DCO, including the use of compulsory acquisition powers, can prejudice any interest of the Crown without the consent of the Crown.

Welsh Government Land

- 1.11.1.6 02-026; 02-027; 02-029; 02-030; 02-034; 02-036
- 1.11.1.7 Land held by the Welsh Government is also considered to be Crown land for the purposes of section 135.
- 1.11.1.8 The Applicant has shared with representatives of the Welsh Government project updates and further progression and annotations of the draft order limits affecting their property. The Applicant has confirmed ownership and interest in land. The Applicant has over the pre-application phase agreed survey access to undertake intrusive and non-intrusive surveys on the property to refine the Applicant’s Order Limits. These surveys are expected to begin in April 2024. Negotiations in respect of land rights required over operational and non-operational extents of the A55 and an area of woodland at Gwrych Castle are ongoing.

National Trust Land

- 1.11.1.9 Section 130 of the PA 2008 allows for the DCO, if made, to authorise the compulsory acquisition of land held inalienably by the National Trust. If National Trust object to the Application and this is not withdrawn, then special parliamentary procedure would apply to the approval of the Application. None of the Order Land is held inalienably by the National Trust.

MONA OFFSHORE WIND PROJECT

Public Open Space

01-001; 01-002; 01-003; 01-004; 01-006; 01-007; 01-008; 01-009; 01-010; 01-011; 02-012; 02-021; 02-022; 02-023

- 1.11.1.10 The Order Land includes a number of Plots which fall within a definition of open space within the PA 2008. There are no rights of common over any of the open space within the Order Land.
- 1.11.1.11 Section 132 of the PA 2008 applies to the compulsory acquisition of rights over land forming part open space. It makes provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of rights over such land. This means that the making of the DCO will be subject to SPP unless the Secretary of State is satisfied that section 132(3) or (4) applies.
- 1.11.1.12 Section 132(3) applies if the order land, when burdened with the order right, will be no less advantageous that it was before to the persons in whom it is vested, other person, if any, entitled to rights of common or other rights and the public. It is considered that subsection (3) of section 132 applies, and that the order land when burdened with the order rights will be no less advantageous to the persons to whom it is vested and the public than it currently is.
- 1.11.1.13 Open space land is found at the beach foreshore.
- 1.11.1.14 Rights to temporarily possess open space land are sought over Plots 01-001; 01-002; 01-003; 01-004; 01-006; 01-007; 01-008; 01-009; 01-010; 01-011. This would apply during construction and thereafter only when required for inspection and maintenance, but this would be non-exclusive, in conjunction with all other users and the land would be kept open, so would enjoy continued, uninterrupted use by all. As outlined in Schedule 7 of the draft development consent order (document reference C1), plot 01-003 is required for vehicle parking, a circulation area and a laydown area of up to 800 m² including fencing together with access to Work No. 4 during construction. The fencing to be installed will be temporary heras fencing, which will be limited to a 3-4 week cycle for each cable circuit, so as to support the cable pulling of each of the four cable circuits in the landfall. There will be security, to ensure health and safety and the fencing will be demobilised once the cable pulling is completed. Therefore, only a very small section of this plot will be fenced off temporarily and for a limited period, so as to maintain health and safety and access to the remainder of the open space in this and all other locations will be available, for use by all, with minimal or no impact.
- 1.11.1.15 Rights to install, retain and maintain the cables and imposition of restrictive covenants to protect them are sought over Plots 02-012; 02-021; 02-022; 02-023.
- 1.11.1.16 The Applicant is seeking rights to install cables under open space land and introduce hedgerow enhancement works. In order to protect these cables and newly planted hedgerows a number of restrictive covenants are sought to be imposed over the surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger the cables. The restricted activities include construction, planting of trees over the cable area and alteration of the level of the land to such an extent that the cables would be endangered. The Plots subject to restrictive covenants are as follows: 02-012; 02-021; 02-022; 02-023
- 1.11.1.17 The restrictive covenants are intended to prevent construction on the land which is entirely compatible with its designation as open space. Once the cables are installed under this land there will be no interference with the current uses.

MONA OFFSHORE WIND PROJECT

- 1.11.1.18 Outside the cable corridor, the Applicant seeks rights of access over open space land. This includes rights of access over the foreshore and beach area. The granting of rights or access over these areas would not interfere with the current open space use. The granting of rights over access over a beach would not interfere with any other party's rights as there is no proposal to extinguish any other party's right to use the beach. The Applicant would take access only when required for inspection and maintenance, and would share the access with other users.
- 1.11.1.19 At the eastern extent of the affected foreshore area the relevant open space is situated within the access to be taken from Sea Road over Plots 01-006; 01-007; 01-008; 01-009; 01-010; 01-011). This access route utilises existing tracks and footways rather than creating new hard surfaces on the open space. It therefore minimises the interference on the open space by using existing routes.
- 1.11.1.20 No permanent acquisition of the surface of any open space is sought other than rights to take access over it or take access for maintenance to cables installed under it.
- 1.11.1.21 Given all of the above the Applicant considers that while there will be some temporary disruption to the use of open space during construction, once the cables have been installed there will be no ongoing impact and the acquisition of the rights sought will not render the open space less advantageous than it is at present to its owner or the public
- 1.11.1.22 Accordingly, the granting of rights or access over these areas would not interfere with the current open space use, or interfere with any other party's rights as there is no proposal to extinguish any other party's right to use the beach. Therefore, no conflict is envisaged and when burdened with the order right, the land will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights and the public, thereby engaging the exemption under s132(3) of the PA 2008.

Statutory undertakers' land and apparatus

- 1.11.1.23 The Mona Onshore Development Area includes land and apparatus owned by statutory undertakers as shown in the Land Rights Tracker (Document Reference S_PD_5).
- 1.11.1.24 Section 127 of the PA 2008 allows for the DCO, if made, to authorise the compulsory acquisition of land held by statutory undertakers. If any of the statutory undertakers object to the Mona Offshore Wind Project and this is not withdrawn, special parliamentary procedure would apply to the approval of the Mona Offshore Windfarm Project DCO application in certain circumstances.
- 1.11.1.25 The use of compulsory purchase powers in relation to land and apparatus owned by statutory undertakers is limited by Schedule 10 of the Draft DCO, Protective Provisions. These provisions ensure that the statutory undertakers do not suffer serious detriment as a consequence of the use of compulsory purchase powers by the Applicant.

1.12 Human rights

- 1.12.1.1 The Human Rights Act 1998 (the HRA 1998) incorporated into domestic law the European Convention on Human Rights (the Convention). The Convention includes provisions in the form of Articles which aim to protect the rights of the individual. Of particular relevance when considering matters of compulsory acquisition are Articles 1, 6 and 8.

MONA OFFSHORE WIND PROJECT

- 1.12.1.2 Article 1 of the First Protocol to the Convention protects the right to peaceful enjoyment of possessions. No one shall be deprived of those possessions except where it is in the public interest and where relevant provisions of law allow for it.
- 1.12.1.3 Article 6 of the Convention protects the right to a fair and public hearing.
- 1.12.1.4 Article 8 of the Convention protects the right to respect for private and family life, home and correspondence. No one shall be deprived of that except in cases where it is in accordance with the relevant laws and necessary in the interests of, amongst other things, national security, public safety or the economic wellbeing of the country.
- 1.12.1.5 Section 6 of the HRA 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention and the Secretary of State is therefore under a duty to have due regard to the HRA 1998 and the Convention.
- 1.12.1.6 Given the inclusion of the compulsory acquisition powers in the draft DCO (document reference C1), there is a possibility that the Articles 1 and 8 of persons who hold interests in the Order Land will be infringed.
- 1.12.1.7 In cases of development consent orders, Section 122 of the PA 2008 allows for the provision of compulsory acquisition powers and as such, there is provision in law which allows these powers to be granted.
- 1.12.1.8 The need for the Mona Offshore Wind Project is set out in the Planning Statement (document reference J2) and is summarised in this document above. These demonstrate that their development is within the public interest given the significant benefits that they bring.
- 1.12.1.9 Furthermore, Mona Offshore Wind Limited has sought to limit the extent of the land to be acquired by compulsory acquisition by seeking to agree the acquisition of land and rights with landowners and occupiers, and only seeking compulsory acquisition powers in relation to land which is necessary for the development.
- 1.12.1.10 If the land necessary to bring forward the development cannot all be acquired through voluntary agreement, then without the ability to use compulsory acquisition powers it may not be possible for the Mona Offshore Wind Project to be developed. In such cases the public benefits would not be realised.
- 1.12.1.11 In relation to Article 6 rights, those who are affected have the ability to engage with the Application, either through formal consultation at the pre-application stage (as detailed in the Consultation report (document reference E3) or by making representations during the examination. Representations can be made in response to any notice given under Section 56 of the PA 2008. Additional opportunities to make representations may also arise at the direction of the Examining Authority.
- 1.12.1.12 Those who are affected also have the right to claim compensation in accordance with the statutory compensation code. Compensation has been factored into consideration of funding for the Mona Offshore Wind Project (see the Funding Statement (document reference D1).
- 1.12.1.13 In the event the DCO is granted, a person affected has the right to challenge the decision via a claim for judicial review if there are grounds for claim made out pursuant to Section 118 of the PA 2008. This could include grounds relating to the decision to include compulsory acquisition powers within the DCO.
- 1.12.1.14 The approach taken is therefore proportionate and legitimate. Inclusion of these powers in the DCO would not amount to unlawful infringement of the HRA 1998 or the Convention.

MONA OFFSHORE WIND PROJECT

1.12.1.15 For the reasons given above, it would be appropriate and proportionate for the Secretary of State to include the proposed compulsory acquisition powers in the DCO.

1.13 Funding

1.13.1.1 The Funding Statement (document reference D1) sets out information regarding the funding available for the Mona Offshore Wind Project.

1.13.1.2 The Applicant is satisfied, having taken professional advice, that there is sufficient funding available in order to develop the Mona Offshore Windfarm Project, including all liabilities in relation to the acquisition of interests in land.

1.14 Absence of impediments

1.14.1.1 The Applicant is submitting with the DCO application a document setting out Details of Other Consents and Licences (document reference J1). This document provides details of the additional offshore and onshore consents and licences that may be required for the Mona Offshore Wind Project beyond the consents permitted under the DCO (and deemed Marine Licence) and how the Applicant proposes to deal with each of these.

1.14.1.2 None of these other consents or licences represents an impediment to the delivery of the Mona Offshore Wind Project.

1.15 Conclusion

1.15.1.1 The Order Land, and other interests required to be subject to compulsory acquisition, are the minimum amount necessary to bring forward the Mona Offshore Wind Project. The purpose of the powers of compulsory acquisition are to enable the delivery of the Mona Offshore Wind Project which has extremely strong support from policy, as well as numerous local and national benefits. These benefits to the public justify the interference with the rights of those persons with an interest in the land proposed to be acquired.

1.15.1.2 The Order Land to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is therefore proportionate.

1.15.1.3 The need for the Mona Offshore Wind Project, suitability of the Order Land and the support for such projects in the National Policy Statements demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily if necessary. All reasonable alternatives to compulsory acquisition have been explored. The Applicant has clearly set out what each Plot of the Order Land will be used for and why it is required.

1.15.1.4 The funding needed to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition is available to the Applicant.

1.15.1.5 The Applicant therefore respectfully submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Mona Offshore Wind Project meets the conditions of section 122 of the PA 2008. For the reasons summarised in this Statement, the Applicant considers the DCO to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the DCO.

MONA OFFSHORE WIND PROJECT

1.16 Further Information

Inspection of documents

1.16.1.1 Electronic copies may be inspected at The National Infrastructure Planning website: www.infrastructure.planninginspectorate.gov.uk

Negotiation of Sale

1.16.1.2 The Applicant believes it is in contact with all relevant owners and occupiers. Owners and occupiers of property affected by the DCO who believe they are affected and wish to negotiate a sale should contact the Applicant's agent:

1.16.1.3 By email: MonaOWF@DalcourMaclaren.com

1.16.1.4 By telephone: 0333 188 5374

Compensation

1.16.1.5 Compensation for the compulsory acquisition of land is governed by statute. The Department for Levelling Up, Housing and Communities has a series of booklets (updated in December 2021) on compensation which may be of interest to affected persons:

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 – Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No.4 - Compensation for Residential Owners and Occupiers.

1.16.1.6 Copies of these booklets are obtainable, free of charge, from www.gov.uk/government/collections/compulsory-purchase-system-guidance

1.17 References

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MONA OFFSHORE WIND PROJECT

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