



**Denbighshire County Council and Conwy County Borough Council**

# Mona Offshore Wind Farm Development Consent Order

Response to Second Written Questions (ExQ2)

Reference EN010137

Issue | 3 December 2024

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number

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# 1. Introduction

## 1.1 Purpose of this document

The Mona Offshore Wind Farm Development Consent Order (DCO) application was accepted for Examination on 21 March 2024. It was submitted by Mona Offshore Wind Limited (the Applicant), a joint venture between bp Alternative Energy investments (bp) and Energie Baden-Württemberg AG (EnBW).

On 19 November 2024, the Examining Authority (ExA), issued their second written questions (ExQ2) [PD-018/18a]. A number of the questions are directed at the Local Planning Authorities of Denbighshire County Council (DCC) and Conwy County Borough Council (CCBC).

This document provides the response of the Councils to the relevant questions of ExQ2.

## 2. Response to ExQ2

### 2.1 Schedule of responses to ExQ2

Table 2-1 below extracts the relevant questions from ExQ2 and provides the response from DCC, CBCC, or both Councils, depending on the party the question was directed at.

Table 2-1 Response to ExQ1

ExQ1 Ref	Party	Question	Response
Q2.6.11	CCBC	<p><b>CCBC</b></p> <p>Do you agree with the Applicant's account of negotiations with you in its Land Rights Tracker [REP4- 091]? If not, please specify why not. What agreement or assurances would the Applicant need to provide to you to enable CCBC to reach voluntary agreement with it in respect of rights that are being sought in your land?</p>	<p>CCBC's land agent has reviewed REP4-091 and has confirmed that the account of negotiations is broadly correct. There are several aspects to be resolved in order to agree terms in principle for a voluntary agreement including but not limited to:</p> <ul style="list-style-type: none"> <li>• Outstanding requested information and detail being provided.</li> <li>• Commercial negotiations to be concluded to CCBC's satisfaction.</li> <li>• Aspects relating to CCBC's rights to carry out future works on the subject lands.</li> <li>• Aspects relating to obligations (mainly landscaping maintenance) being put on CCBC by the scheme.</li> </ul>
Q2.6.25	CCBC DCC	<p><b>Open Space</b></p> <p>In its Response to CCBC and DCC ExQ1 Responses ([REP4-058], REP3-078.7) the Applicant addressed your concerns in response to Q1.6.14 (PD-013). With reasons for your position, does its explanation address your concerns?</p>	<p>The Councils confirm that the response provided by the Applicant at Deadline 4, in 'Response to Conwy County Borough Council and Denbighshire County Council ExQ1 Responses' [REP4-058] is sufficient in addressing concerns, confirming that access would remain available to users of Pensarn Beach Car Park.</p>
Q2.8.12	CCBC DCC	<p><b>Water Framework Directive</b></p> <p>Does the Applicant's Geomorphology Clarification Note [REP4-040] address your comment regarding geomorphology characterisation in your LIR [REP1-048] and SoCG with the Applicant [REP3-061]? If not, what further information or evidence do you need from the Applicant to allay your concern?</p>	<p>Yes, the Applicant's Geomorphology Clarification Note [REP4-040] addresses the comment regarding geomorphology characterisation. As reflected in the SoCG with CCBC and the SoCG with DCC submitted at this deadline (Deadline 5), this matter is now agreed.</p>
Q2.8.15	CCBC DCC	<p><b>Flood Risk &amp; Water Resources</b></p> <p>In your LIR [REP1-049] you concluded that the Proposed Development's potential effects on flood risk and water resources had not been properly assessed. Subsequent to the Applicant's response to your LIR [REP2-085] and exchanges between it and NRW ([REP2-080], [REP3-090], [REP4-105]) have those concerns been allayed?</p>	<p>Yes, as reflected in the SoCG with CCBC and the SoCG with DCC submitted at this deadline (Deadline 5), this matter is now agreed.</p>
Q2.12.4	CCBC DCC	<p><b>Public Rights of Way</b></p> <p>In you LIR [REP1-049] specific concerns were raised about the Proposed Development's impact on PRowS. The Applicant addressed these in its response your LIR ([REP2-085, REP1-049.48 &amp; REP1-049.157). Have you any outstanding associated concerns?</p>	<p>No. The Councils are content that this matter is now resolved.</p>
Q2.12.5	DCC	<p><b>'The Old Lane', Groesffordd Marli</b></p> <p>From your perspective, what is the legal status of Plot no. 10-187 as shown on the BoR [REP3- 006]?</p> <p>If it is not part of a designated Public Bridleway, are there plans to do so?</p> <p>If it is to be designated as such, when is this likely to happen?</p>	<p>a) At present the route is shown as a lane with no recorded public status on either the road adoption records or definitive map, however it is possible for historic rights to not be adequately recorded or that as a result of the provisions in S31 Highways Act 1980 after 20 years use a public right could be established. This county is under a statutory duty to amend its records if it discovers they are incorrect.</p> <p>b) Following an approach by the Community Council over the status of the track and the presentation of evidence gathered by them and from looking at historic records, the authority accepts on balance of probabilities that the definitive map is presently incorrect and that the way should be recorded as a</p>

			<p>bridleway. After reviewing the evidence we are about to make a Definitive Map Modification Order to have the rights recorded on the definitive map as a bridleway.</p> <p>c) The order is to be made imminently. We have just completed a preliminary informal consultation to determine if there is any evidence we are aware of that may alter our opinion. The length of time the matter takes is dependant if any objections are made to the order. If none ,it is likely the order will be confirmed by DCC within 12 months. If there is an objection that cannot be withdrawn the matter is passed to Welsh Government who will ask PEDW to determine if the Welsh Ministers should confirm the order. The timescale to this is uncertain but because of a significant backlog in such work in Cardiff the outcome may take 2 – 3 years to reach a conclusion.</p>
Q2.13.2	CCBC DCC	<p><b>Construction Lighting</b> Do the Councils have any comment on the Applicant’s Lighting Clarification note [REP4-043], in particular, paragraph 1.2.4.2, which states: “A separate assessment of lighting was not considered proportionate given that the use of task lighting will be temporary and localised and given the fact that task lighting will be controlled through the implementation of the Outline Artificial Light Emissions Plan”?</p>	<p>The Councils are content with Paragraph 1.2.4.2 in the Clarification note [REP4-043] and in particular that Requirements 9 and 16 related provide adequate control of artificial lighting through the submission and agreement by the relevant planning authority of the Artificial Light Emissions Plan. It is noted that important aspects of the acceptability of this approach, to not assess the potential for landscape and visual impacts, is based on the Applicant’s commitment that both construction and operation lighting will be:</p> <ul style="list-style-type: none"> <li>• Infrequent on account of it being manually or automatically switched and for use only as necessary,</li> <li>• unlikely to give rise to any night time landscape and visual effects: and</li> <li>• will be mitigated through design to maximise the efficiency of that lighting and to minimise any light spill.</li> </ul> <p>It is suggested that in the Artificial Light Emissions Plan submitted to discharge related Requirements that the Applicant include a section on adaptively monitoring the successful management of artificial light through construction and operation.</p>
Q2.16.3	CCBC DCC	<p><b>Noise assessment and monitoring</b> Further to your Response to First Written Questions ([REP3-078], Q1.16.3), amongst other things, IPs rebutted the Applicant’s response [REP2-078] to their initial concerns about noise assessment and monitoring [REP1-086]. Taking account of the IPs’ submission [REP3-110] and the Applicant’s response [REP4-056], with reasoning for your conclusions, do you share any of the former’s on-going concerns?</p>	<p>No, the Councils are content that the Applicant’s responses resolve the points raised by the IP and so do not share the IP’s concerns.</p>
Q2.16.4	CCBC DCC	<p><b>Construction Noise and Vibration Clarification Note</b> Either in response to this question at Deadline 5 or at Deadline 6 when the Applicant has submitted its updated versions of the Noise and Vibration Chapter of the ES [APP-072] and the Construction noise and vibration technical report [APP-179] at Deadline 5, with reasoning for your position, please advise whether you agree with the Applicant’s assumptions/ methodology, analysis and conclusions in its Construction noise and vibration clarification note [REP4-045]</p>	<p>The Councils have reviewed the Construction Noise and Vibration Clarification Note [REP4-045]. The Councils are in agreement with the content and conclusions of the note, however it does not address specifically the concern raised by the Councils in its Local Impact Report [REP1-049] regarding structural amplification. The Councils understand that the Applicant is to share further information on this imminently, with a view to providing an update at a future deadline via the SoCG.</p>