

MONA OFFSHORE WIND PROJECT

Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ2 Submission

Deadline: 6

Application Reference: EN010137

Document Reference: S_D6_45

Document Number: MOCNS-J3303-DMC-10519

20 December 2024

F01



Image of an offshore wind farm

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Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Submission at D6	Dalcour Maclaren	Mona Offshore Wind Ltd	Mona Offshore Wind Ltd	20 Dec 2024

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Appropriate Assessment	A step-wise procedure undertaken in accordance with Article 6(3) of the Habitats Directive, to determine the implications of a plan or project on a European site in view of the site's conservation objectives, where the plan or project is not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in-combination with other plans or projects.
Bodelwyddan National Grid Substation	This is the Point of Interconnection (POI) selected by the National Grid for the Mona Offshore Wind Project.
Competent Authority	Regulation 6(1) defines competent authorities as "any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office".
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Evidence Plan Process	The Evidence Plan process is a mechanism to agree upfront what information the Applicant needs to supply to the Planning Inspectorate as part of the Development Consent Order (DCO) applications for the Mona Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Inter-array cables	Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
Intertidal access areas	The area from Mean High Water Springs (MHWS) to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities.
Intertidal area	The area between MHWS and MLWS.
Landfall	The area in which the offshore export cables make contact with land and the transitional area where the offshore cabling connects to the onshore cabling.
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition,

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Term	Meaning
	licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona 400kV Grid Connection Cable Corridor	The corridor from the Mona onshore substation to the National Grid substation at Bodelwyddan.
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
Mona Array Scoping Boundary	The Preferred Bidding Area that the Applicant was awarded by The Crown Estate as part of Offshore Wind Leasing Round 4.
Mona Offshore Cable Corridor	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Cable Corridor and Access Areas	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located and in which the intertidal access areas are located.
Mona Offshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area encompassing and located between the Mona Potential Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
Mona Offshore Wind Project Boundary	The area containing all aspects of the Mona Offshore Wind Project, both offshore and onshore.
Mona Offshore Wind Project PEIR	The Mona Offshore Wind Project Preliminary Environmental Information Report (PEIR) that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Offshore Wind Project Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Onshore Cable Corridor	The corridor between MHWS at the landfall and the Mona onshore substation, in which the onshore export cables will be located.
Mona Onshore Development Area	The area in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid substation will be located
Mona Onshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area located between MHWS at the landfall and the onshore National Grid substation, in which the onshore export cables, onshore substation and other associated onshore transmission infrastructure will be located.
Mona PEIR Offshore Cable Corridor	The corridor presented at PEIR that was consulted on during statutory consultation and has subsequently been refined for the application for Development Consent. It is located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables and the offshore booster substation will be located.

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

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Term	Meaning
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

Acronyms

Acronym	Description
AfL	Agreement for Lease
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity net gain
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EnBW	Energie Baden-Württemberg AG
EWG	Expert Working Group
HVAC	High Voltage Alternating Current
IEF	Important Ecological Feature
IEMA	Institute for Environmental Management and Assessment
ISAA	Information to support the Appropriate Assessment
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
NBB	Net Benefits for Biodiversity
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
OSP	Offshore Substation Platform
PDE	Project Design Envelope
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
POI	Point of Interconnection
SAC	Special Area of Conservation
SoCC	Statement of Community Consultation
SPA	Special Protection Area
TCE	The Crown Estate
WTW	Wildlife Trust Wales
TWT	The Wildlife Trusts

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Units

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

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1.1 Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ2 Submission

1.2 Introduction

1.2.1.1 The Applicant has responded to Richard Fearnall on behalf of Mr and Mrs Leach's ExQ2 submission below.

2 Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ2 Submission

Table 2.1: REP5-128 Richard Fearnall on behalf of Michael and Sally Leach

Planning Inspectorate Ref. No	Question to	ExQ2 Question	Michael and Sally Leach response	Applicant's response
REP5-128.1	Richard Fearnall on behalf of Michael and Sally Leach	<p>Q.2.1.4 Michael & Sally Leach</p> <p>Is there anything that you want to add to your earlier submissions in respect of the Applicant's Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ1 Responses ([REP4-077], REP3-113.1)?</p>	<p>The Owners are not satisfied with the response at REP3-113.1. The statutory position is not sufficient to offer adequate protection for potential losses that may arise from the execution of the works. No assessment of compensation is being requested, merely an assurance from the Applicant that a sufficient route to protect the Property will be provided.</p> <p>Section 10 of the Compulsory Purchase Act 1965 and the resultant "McCarthy Rules" (as consolidated by the House of Lords in Metropolitan Board of Works v McCarthy (1874) LR 7 HL 243) are wholly inadequate to provide protection against losses that may arise from the works (Injurious Affection) as they limit any loss to those that stem from the interference with any legal rights enjoyed by the Owners (specifically in this case, rights for the Water Pipe). The wider threat of impacts from increased noise, dust, vibration and other disturbances at the Property are already putting o, prospective purchasers and this may result in a loss in value. It is likely that the quantum of any impact will directly affect the quantum of any loss (this is over and above the limited losses caused through interference with the rights to the Water Pipe).</p> <p>This deficiency in statute has been raised by the Compulsory Purchase Association as an area for major reform as per the attached summary at Appendix 1. In a situation where this deficiency in statute has been identified and where there may clearly be a loss sustained by the Owners because of the wider execution of the works, the underlying compensation bedrock of equivalence is clearly not adequately addressed. This situation may present a basis of challenge to the Project on the grounds of Human Rights. A solution has been proposed to provide this protection should any loss need to be assessed because of the execution of the works. The assessment of quantum is not the issue, it is lack of provision of statutory protection that is issue.</p> <p>If the Applicant can satisfy itself that no significant impacts will arise it is not clear why they are cautious to assure or underwrite such a position as requested. There has been no meaningful engagement with the Affected Party on these issues.</p>	<p>The statutory compensation code is set out in various Acts of Parliament and supplemented by case law. It is for Parliament and not the Applicant to create or amend primary legislation which governs the compensation code and its application.</p> <p>The Applicant refers to paragraph 1.12 of the Statement of Reasons (D3 F03) regarding Human Rights.</p> <p>The Applicant maintains that there is no significant impact on the property Nant Ganol. The assessment reported in the Construction Noise and Vibration technical report (REP5-016) has identified that there is a negligible or low impact on Nant Ganol from the construction works. Measures to mitigate construction noise and vibration are set out in the Outline Construction Noise and Vibration Management Plan (REP5-040) which is part of the Code of Construction Practice (REP5-038) secured as a requirement in the DCO. The Construction Noise and Vibration Management Plan will be agreed with the relevant planning authority prior to the start of construction and will be in accordance with the Outline Construction Noise and Vibration Management Plan included in the DCO application (Document Reference J26.3).</p>
REP5-128.2	Richard Fearnall on behalf of Michael and Sally Leach	<p>Q.2.6.20 Michael & Sally Leach</p> <p>Where it deals with potential interference with your land rights, and bearing in mind that the Secretary of State cannot intervene in respect of the award of compensation, is there anything that you want to add to your earlier submissions in respect of the Applicant's Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ1 Responses ([REP4-077], REP3-113.4)?</p>	<p>The Owners are content that section 10 of the Compulsory Purchase Act 1965 is sufficient to deal with any impact on the rights for the Water Pipe. As set out in the response to Q2.1.4 above, the matter of quantum is not for consideration here. The possible impacts of the execution of the works generally (increased noise, vibration, dust, traffic etc) and the lack of statutory protection for any resulting losses over and above the impact on the Water Pipe needs to be acknowledged and provided for by the Applicant. When such is in place, quantum, if any, can be considered if losses arise. Given the proximity and identified potential impacts a position leaving the Owners potentially exposed is not sufficient or compliant.</p>	<p>Based on the assessments undertaken, the Applicant believes that the provisions for compensation section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973 are sufficient for any loss experienced by the owners of the property.</p>
REP5-128.3	Richard Fearnall on behalf of Michael and Sally Leach	<p>Q2.8.14 Michael & Sally Leach</p> <p>Is there anything that you want to add to your earlier submissions in respect of the Applicant's Response to Richard Fearnall on behalf of Michael and Sally Leach ExQ1 Responses ([REP4-077], REP3-113.3 and REP3-113.5)?</p>	<p>As above with regards to comfort on route to compensation. Despite the mitigation proposed by the Applicant the levels of impact at the Property will still be significant and there has to be an acknowledgment to ensuring a fair and reasonable route to compensation is available to the Owners should it be necessary.</p>	<p>As set out above, the assessments undertaken to date show that there is a negligible or low impact on Nant Ganol. Compensation for any losses arising from noise and vibration is available under Part 1 of the Land Compensation Act 1973 and the Applicant will engage with the landowner and their agent if a claim is made and evidenced at the appropriate time. Mitigation measures for noise and vibration are secured under</p>

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Planning Inspectorate Ref. No	Question to	ExQ2 Question	Michael and Sally Leach response	Applicant's response
				the Outline Noise and Vibration Management Plan (REP5-040) and which is secured under the DCO.