

# MONA OFFSHORE WIND PROJECT

## Response to December Hearing Action Points

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Image of an offshore wind farm

**MONA OFFSHORE WIND PROJECT**

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**MONA OFFSHORE WIND PROJECT**

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**Contents**

**RESPONSE TO OCTOBER HEARING ACTION POINTS ..... 1**

**1 APPLICANT’S RESPONSE TO DECEMBER HEARING ACTIONS POINTS..... 7**

1.1 Introduction ..... 7

**2 RESPONSES TO DECEMBER HEARING ACTION POINTS ..... 8**

2.1 Applicant’s response to Hearing Action Points from ISH6: Onshore and Offshore Environmental Matters and the dDCO (ISH6) at Deadline 6 ..... 8

2.2 Applicant’s response to Hearing Action Points from Compulsory Acquisition Hearing 2 (CAH2)19

**Tables**

Table 1.1: Hearing Action Points from CAH2 that will be addressed at Deadline 7 ..... 7

Table 2.1: Hearing Action Points from ISH6 ..... 8

Table 2.2: Hearing Action Points from CAH2. .... 19

Table 3.1: List of Documents to be certified in Schedule 15 of the DCO as suggested by the ExA. .... 23

**Annex**

A.1.1 Annex A..... 23

A.1.1.1 Applicant’s response to Appendix A: List of Documents to be certified in Schedule 15 of the DCO as suggested by the ExA ..... 23

A.1.2 Annex B - Response HAP CAH2 - 6..... 26

A.1.2.2 The public sector equality duty (PSED) ..... 26

A.1.2.3 Application of PSED through Examination procedure ..... 26

A.1.2.4 Consideration in the environmental statement: vulnerable groups..... 26

A.1.2.5 Mitigations and controls ..... 27

A.1.2.6 Conclusion ..... 27

## 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.
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, 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

## MONA OFFSHORE WIND PROJECT

Term	Meaning
	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.
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

## MONA OFFSHORE WIND PROJECT

Term	Meaning
	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).
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.

## MONA OFFSHORE WIND PROJECT

### Acronyms

Acronym	Description
AfL	Agreement for Lease
BEIS	Department for Business, Energy and Industrial Strategy
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EnBW	Energie Baden-Württemberg AG
HVAC	High Voltage Alternating Current
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
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
SoCC	Statement of Community Consultation
TCE	The Crown Estate
TJB	Transition Joint Bay

### Units

Unit	Description
GW	Gigawatt
km	Kilometres
km <sup>2</sup>	Kilometres squared
kV	Kilovolt
MW	Megawatt
nm	Nautical miles

# 1 Applicant’s response to December Hearing Actions Points

## 1.1 Introduction

1.1.1.1 This document addresses the Hearing Action Points raised by the Examining Authority at Issue Specific Hearing 6: Onshore and Offshore Environmental Matters and the dDCO (ISH6) on 10 and 11 December and Compulsory Acquisition Hearing 2 (CAH2) on 11 December 2024.

1.1.1.2 The Hearing Action Points that have been designated as delivery at Deadline 7 are listed in Table 1.1.

**Table 1.1: Hearing Action Points from CAH2 that will be addressed at Deadline 7.**

ef.	Directed to	Action	Deadline
1	The Applicant	When voluntary agreements are reached with APs, the Applicant is to request that the AP either: <ul style="list-style-type: none"> <li>– withdraws their objection/ representation;</li> <li>– where it relates to planning issues as well as land rights, the part of it that is relevant to land rights; or</li> <li>– signs a declaration that they are withdrawing their objection either in whole or just as it relates to land rights if planning issues were also raised.</li> </ul>	7
3	The Applicant	Where agreement on Protective Provisions and/ or any associated commercial or side agreements has been reached that addresses a SU’s concerns, the Applicant is to ask them to advise the ExA that they are withdrawing their associated objection.	7



## 2 Responses to December Hearing Action Points

### 2.1 Applicant's response to Hearing Action Points from ISH6: Onshore and Offshore Environmental Matters and the dDCO (ISH6) at Deadline 6

**Table 2.1: Hearing Action Points from ISH6.**

Ref.	Directed to	Action	Applicant's response
1	The Applicant	Provide indicative number of movements and maximum sizes for vehicles/trailers using access track forming part Change 1a* as well confirm how these would be controlled together with the maximum use for 12 months.	<p>The Applicant has submitted an Outline Construction Traffic Management Plan (J26.13 F04).</p> <p>Section 1.4 of the Outline Construction Traffic Management Plan (J26.13 F04) provides details as to the indicative number of movements and maximum sizes for vehicles/trailers using access track forming part Change 1a. As specified in the draft Development Consent Order (C1 F07), Schedule 7, the use of plot 11-197b (which is the relevant plot for Change 1a) through temporary possession powers is restricted to onshore site preparation works only.</p>
2	The Applicant and Denbighshire County Council	Provide confirmation from highways authority as to the acceptability of Change 1a.	<p>The Applicant met with Denbighshire County Council on 12 December 2024 to discuss their response to the change request consultation. The Outline Construction Traffic Management Plan (J26.13 F04) was subsequently updated and issued to Denbighshire County Council. The Applicant understands that Denbighshire County Council have confirmed to the Examining Authority that suitable controls regarding Access AC-T1 will be secured through the Outline Construction Traffic Management Plan (J26.13 F04) and that the matters raised in this consultation response have been addressed (CR1-046).</p>
3	The Applicant	Update the dDCO at D6 to include any new Requirements that may be required to secure mitigation for potential aviation and radar effects in order that parties have an opportunity to comment.	<p>The Applicant has added the following new requirements to the Draft DCO (C1 F07) submitted at Deadline 6:</p> <ul style="list-style-type: none"> <li>Requirement 24 Air traffic services at Liverpool John Lennon Airport – mitigation of potential effects on primary surveillance radar and air traffic services at the Isle of Man Airport (subject to the findings of the Airport's radar supplier, Raytheon). Drafting of the requirement has been agreed with the Airport. The parties plan to submit a joint position statement at Deadline 7.</li> <li>Requirement 25 VHF communication systems at Blackpool Airport - mitigation of potential effects on Very High Frequency (VHF) communications at Blackpool Airport (subject to the findings of the Airport's assessment). The</li> </ul>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>draft requirement has been issued to the Airport, however, the drafting remains subject to the Airport's agreement. The parties intend to engage on the requirement post Deadline 6 to allow for submission of any revisions in the final Draft DCO submitted at Deadline 7.</p> <ul style="list-style-type: none"> <li>Requirement 26 Air traffic services at Isle of Man Airport – mitigation of potential effects on primary surveillance radar and air traffic services at the Isle of Man Airport. Drafting of the requirement has been agreed with Airport.</li> </ul>
4	The Applicant	Include an explanatory note sign posting to relevant documents how the Proposed Development has considered the effects on important plaice and sole spawning and nursery grounds.	Please refer to REP5-091.2 in the Response to Welsh Government Fisheries Division Deadline 5 submission (S_D6_24).
5	The Applicant	Summarise the opportunities and area size (ha) available to co-locate offshore bivalve aquaculture assets within the Order Limits including the potential effects of introducing 5 blocks (not less than 50h in area for each block)	Please refer to REP5-103.36 in the Response to Bodorgan Marine Limited ExQ2 submission (S_D6_28).
6	Welsh Government	Respond to Bodorgan Marine's points raised during the hearing and their D5 submission [REP5-103] including its position on whether the Proposed Development complies with the Welsh National Marine Plan.	The Applicant notes that this action point is directed to the Welsh Government however wishes to highlight that it has also summarised its response to Bodorgan Marine's points raised during ISH6 (section 4 of S_D6_4) and has provided a detailed response to Bodorgan Marine's D5 submissions (S_D6_28).
7	The Applicant	Provide updated Design Principles Document incorporating outcome from discussions with Design Commission for Wales, and an explanation of the design process post-DCO should consent be granted.	An updated version of the Design Principles (J3 F04) has been submitted at Deadline 6.
8	The Applicant	<p>Update Outline Vessel Traffic Management Plan [REP3-019] to:</p> <ul style="list-style-type: none"> <li>- address the cumulative emergency towage issues raised by the UK Chamber of Shipping; and</li> <li>- commit to a specific minimum time period for the continuation of the Marine Navigation Engagement Forum in the post-construction stage (likely 5 years after commissioning).</li> </ul>	<p>The Applicant has provided an updated Outline Vessel Traffic Management Plan at Deadline 6 (J14 F03) which:</p> <ul style="list-style-type: none"> <li>Addresses the cumulative emergency towage issues raised by the UK Chamber of Shipping in its response to ExQ2 (Q2.15.3 in REP5-124) by committing to the review of the towage capability of Mona Offshore Wind Project vessels by the Marine Co-ordination Centre. The Applicant has also responded in detail to the UK Chamber of Shipping's ExQ2 response at Deadline 6 (S_D6_42)</li> </ul>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<ul style="list-style-type: none"> <li>Commits to the continuation of the Marine Navigation Engagement Forum post commissioning for a minimum of five years into the operations and maintenance phase.</li> </ul>
10	The Applicant	Further to the Applicant's response to ExQ2.19.5, use the figures provided in the Wood Thilsted report to provide a calculation of the net effects on Greenhouse Gas emissions.	The Applicant has provided a response in S_D6_53.
11	Applicant and Orsted IPs	Parties to respond in full to matters raised by each other during the discussion of wake effects.	The Applicant has provided a summary of the Applicant's position presented in the ISH6 hearing discussion in S_D6_4. The Applicant has also provided a response to the Orsted IPs Deadline 5 submissions on wake effects in S_D6_39 and S_D6_53.
12	The Applicant	In light of the discussion on wake effects, provide a view as to what could constitute appropriate mitigation. In doing so, respond to the Orsted IPs' suggestions about site layout, operational control of turbines and side agreements.	<p>The Applicant does not believe there is an 'appropriate mitigation' in this respect. In the first instance this is because the Applicant does not believe there are identified impacts to be mitigated as there is no policy requiring an assessment of wake impacts, or guidance defining how any assessment might be undertaken, as summarised in Hearing Summary ISH6 (S_D6_4). The Applicant is unsure on what basis the perceived impacts that the Orsted IPs have identified in their Wake Impact Assessment Report (REP5-120) are understood to require mitigation given there are no known thresholds of significance for perceived wake effects, or any guidance on what a mitigation would seek to achieve by way of a change in perceived effects in order to class it as 'appropriate'.</p> <p>The Applicant is unable to model the impacts of any mitigations on the Orsted IPs projects for the same reasons it is unable to model any wake effects on the Orsted IPs with any appropriate certainty and robustness, and therefore unable to demonstrate the appropriateness of any mitigation. However, as the Applicant stated in ISH6 (see a summary in Hearing Summary ISH6 (S_D6_4)) any mitigation would have a disproportionately large effect on the Mona Offshore Wind Project (through for instance an increase in internal wake effects due to increased density) as compared to any potential change in the effects on the Orsted IPs projects (at over 30 km, where even large changes in the Mona design or operation would have minimal effects), and would therefore have a significantly negative effects on overall energy production and GHG reduction as a whole.</p> <p>With respect to the suggested mitigation options, the Applicant's position is that:</p> <ul style="list-style-type: none"> <li>Changes to the internal layout of Mona, for instance individual turbine locations or orientation of turbine rows, assuming the array area is not constrained, is likely to have no measurable impact on the Orsted IPs</li> </ul>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>projects. The Applicant also notes that there are a number of constraints already placed on the layout of structures for the purposes of navigational mitigation that would limit any ability to amend layouts for the purposes of wake effects. These layout principles, including a minimum spacing between structures of 1400 m, are set out in Table 3.7 Layout Development Principles in APP-050.</p> <ul style="list-style-type: none"> <li>Increasing the separation distance between Mona and the Orsted IPs projects would require reducing the Mona array area. The Applicant believes that for there to be a meaningful change in the outcomes of a wake effects assessment on the Orsted IPs projects the change to the Mona array area would need to be substantial. Given the low levels of impact the Orsted IPs have predicted from Mona on their projects, the scope for any mitigation to reduce impacts is correspondingly small. Noting that the Orsted IPs projects are in a range of directions from Mona, boundary changes may be required on a number of fronts to increase distances from all Orsted IP projects. However, a substantial change in the Mona array area (which would be required to make any meaningful reduction in effect) would have significant effects on Mona's energy output due to an increased density of turbines and increased internal wake effects. The Applicant has undertaken some preliminary work, applying first principles of wake effects on how stepping a boundary back (ie increasing the distance) would affect the existing and new project respectively. Based on an understanding of the consequential increase in internal turbine density and internal wake effects on the new project the Applicant believes there would be an order of magnitude difference in the impacts on the new project as compared to any benefit to the existing project. As a result, the net impact of the mitigation to the overall energy output from the projects collectively would be reduced under the mitigated scenario. The Applicant would also note that such boundary changes may adversely affect the overall capacity of the project should the changes be significant enough to require a reduction in the number of turbines.</li> <li>As discussed in ISH6, and acknowledged by the Orsted IPs representative from Wood Thilsted, there is no known use of wake steering to address wake effects outside of an array itself. Any examples of wake steering are confined to reducing effects in the near field, within an array. The Applicant does not believe there would be any value to this</li> </ul>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>as a mitigation, as it would likely have no effect on the Orsted IPs projects.</p> <ul style="list-style-type: none"> <li>As the Applicant set out in ISH6 (Ref) it is negotiating commercial side agreements with parties where there are identified residual effects under the EIA process undertaken against established guidance by established regulators in the relevant field, which is not the case for the Orsted IPs. The Applicant therefore does not believe this is an appropriate mitigation.</li> </ul>
13	The Applicant	Submit borehole log results and monitoring data supporting the Hydrogeological Risk Assessment into the examination and send directly to Tan-y-Mynydd Trout Fishery Limited if available before D6.	The borehole logs and monitoring data have been appended to the Tan-y-Mynydd Trout Fishery Hydrogeological Risk Assessment (S_D6_8) submitted at Deadline 6.
14	The Councils	Comment on availability of resources, both time and expertise, to monitor compliance with management plans in respect of ground water flows.	<p>The Applicant is engaging with both CCBC and DCC regarding a Planning Performance Agreement (PPA), or alternative approach of contract, which would allow the Councils to engage expert consultants to assist with the discharge of conditions if in-house resources are not available.</p> <p>As part of that PPA the Applicant would expect the councils, working with the Applicant to undertake a review of resources and specialist requirements to determine what external specialist support is required to be delivered through the PPA.</p>
15	The Applicant	Submit Hydrogeological Risk Assessment into examination and send directly to Tan-y-Mynydd Trout Fishery Limited if available before D6	The Tan-y-Mynydd Trout Fishery Hydrogeological Risk Assessment (S_D6_8) has been submitted at Deadline 6.
16	The Applicant	Advise what provision the relevant management plans make for the monitoring of ground water.	The Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) includes a commitment to mitigate private groundwater supply sources in accordance with the hierarchy set out in paragraph 1.10.4.9 of the Outline Code of Construction Practice (CoCP) (J26 F05). A key element of the hierarchy is to provide additional hydrogeological characterisation (informed by detailed construction design) to allow a more detailed assessment of the risks to groundwater resources. The Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) has been updated to be include groundwater monitoring where it is already known monitoring will take place.

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
17	The Applicant	Advise if the Applicant, ExA or Secretary of State has the discretion to include the Fishery as a Category 3 person as defined by the PA2008.	The Applicant has not identified that the Tan-y-Mynydd Trout Fishery is a category 3 claimant based on the assessments completed for the application. The Applicant is not able to choose which category a landowner or interest falls under and it is not something that a party can have conferred on them unless they have the relevant interest or are able to make a claim under those specific areas of legislation. It is important to note and as set out in issue specific hearing 6, even though Mr Chambers is not identified as a category 3 claimant in the Book of Reference (REP3-006), this does not preclude Mr Chambers for making a relevant and evidenced claim under section 10 of the Compulsory Purchase Act 1965 or part 1 of the Land Compensation Act 1973 in the event that there is a demonstrable effect from the project in respect of the Tan-y-Mynydd Trout Fishery.
18	The Applicant	Ensure definition of 'Bank Holiday' includes Christmas Day and Good Friday.	<p>The Applicant has reviewed other recent made Orders and understands the usual definition of "bank holiday" reflects the current draft DCO definition taken from the Banking and Financial Dealings Act 1971. Christmas Day and Good Friday are not listed under the Financial Dealings Act 1971 as bank holidays in England and Wales because they are common law public holidays. The term public holidays in England and Wales covers both bank holidays and the traditional common law holidays of Good Friday and Christmas Day.</p> <p>The National Grid (Bramford to Twinstead Reinforcement) Order 2024 uses the following definition of "business day": means Monday to Friday excluding bank holidays and other public holidays. It also retains the definition of "bank holiday" as per section 1 of the 1971 Act.</p> <p>The Applicant has updated the draft development consent order (C1 F07) to include a definition which aligns with National Grid (Bramford to Twinstead Reinforcement) Order 2024 to supplement the definition of "bank holiday".</p>
19	The Applicant	Check and confirm the definition of "Building" in relation to the word 'Structure' to avoid conflict with the erection of lightning masts and Requirement 6 in which restricts the height of buildings.	<p>The Applicant has not made any further changes to the definition of building but has updated its explanation of its changes to the Deadline 4 draft development consent order (REP4-005) in the Response to October Hearing Action Points (REP4-036), row HAP_ISH5_02.</p> <p>The Draft DCO, Requirement 6(3)(b) has been updated (REP40005). This update applies in respect of the control on the maximum height of any "building" being 15 m above finished ground level. The Applicant added into 6(3)(b) that the maximum of 15 m would apply to buildings "excluding lightning rods" (which may be considered "structures" under the definition of "building" (see Article 2 of the Draft DCO)). This ensures the definition of building as used within Requirement</p>

**MONA OFFSHORE WIND PROJECT**

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20	The Applicant	Check and confirm the definition of "Maintain".	<p>6(3)(b) does not inadvertently restrict the height of lightning rods which can be built up to a height of 30m. No change to the definition of "building" is proposed as this could potentially restrict the definition elsewhere which is not the intention.</p> <p>The Applicant has further reviewed the definition of maintain compared to other recently made DCOs. The Applicant notes that there continues to be a varied approach to the definition with some DCOs (including Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 and A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024) having been made with a broad definition of maintain which aligns with the definition of maintain included in the submission version of the Mona draft DCO [APP-023]. It is also notable that a number of other recently made DCOs (including Cottam Solar Project Order 2024, Sunnica Energy Farm Order 2024 and Gate Burton Energy Park Order 2024) have simply included a clarification that remove, reconstruct or replace does not include removal, reconstruction or replacement of the whole of the authorised development. However, those DCOs only include onshore works and that drafting does not necessarily provide greater clarity for DCOs which include both onshore and offshore works and deemed marine licence controls. The Applicant also notes that a Correction Order for The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (the "Sheringham and Dudgeon Order") was made on 10 December 2024. The Correction Order amends the definition of maintain in Sheringham and Dudgeon Order and includes for example removal of reference to both 'foundations and buildings' associated with the onshore substation. The Applicant has taken all the above into account and has sought to strike a balance in its drafting to ensure its proposed definition of maintain is clear and precise, but also reasonable and proportionate to the type of works for which it is seeking consent.</p> <p>With regards to offshore works, the definition in this DCO needs to align with condition 11 of the deemed marine licence and the offshore operation and maintenance plan that will be approved under that condition. Condition 11 and the outline Offshore Operations and Maintenance Plan (APP-198) together make clear what maintenance works can and cannot be undertaken in relation to the offshore works and provide the licencing authority with appropriate controls in relation to the offshore works. Therefore, inclusion of a cross reference to condition 11 within the definition of maintain is considered to provide clarity to all parties with regards to the extent of maintenance that can be undertaken to the offshore works and does not give rise to any discrepancy between the front end of the DCO and the deemed marine licence. Minor amendments to the definition of maintain in Article 2 have been made to add further clarity.</p>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>With regards to the onshore works, the definition makes clear that remove, reconstruct or replace only relates to any part of the onshore works. The definition also provides clarity that this does not include consent to remove, reconstruct or replace whole buildings associated with the onshore substation. The Applicant has slightly updated the wording to align more closely with the drafting now included in the Sheringham and Dudgeon Order in relation to onshore works, save that the Applicant has included reference to 'whole' buildings to ensure, where it is feasible to do so, the undertaker can still undertake removal, reconstruction or replacement of part of a building as maintenance works.</p>
21	The Applicant	Check that the paragraphs that Article 9 is referring to within the Environmental Protection Act are applicable to the Proposed Development.	Article 9 has been updated to align with the Statutory nuisance statement (APP-191).
22	The Applicant	Article 17 – Notice period to be considered to determine if a compromise/longer timescale can be achieved.	<p>The Applicant notes comments made by the Examining Authority during Issue Specific Hearing 6 with respect to the notification period in Article 17. The Examining Authority referenced submissions made by the National Farmers Union at Deadline 4 (REP4-123) to which a response to those submissions provided by the Applicant at Deadline 5 (REP5-068). The Applicant notes that in respect of notice periods, the National Farmers Union's comments were focussed on the periods in Articles 29 and 30. The Applicant has responded on these points in their Deadline 5 submissions. No comments have been made by the National Farmers Union regarding the period in Article 17.</p> <p>The Applicant notes that 14 days' notice for surveys is very well precedented. This 14 day period has been accepted by the Secretary of State in the following recently made Orders: Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024, National Grid (Bramford to Twinstead Reinforcement) Order 2024, Cottam Solar Project Order 2024, Gate Burton Energy Park Order 2024, Mallard Pass Solar Farm Order 2024 and Sunnica Energy Farm Order 2024. The Applicant further notes that the majority of all members of the National Farmers Union who are affected parties for the Project have already signed heads of terms for voluntary agreements and have not raised this matter in the Examination. For these reasons the Applicant does not consider it necessary or appropriate to change the notification period under Article 17.</p>
23	The Applicant	Article 19 - clarify how the Requirement and the Written Scheme of Investigation are to be read	Article 19 has been updated to align with the Outline onshore written scheme of investigation (J23 F03) and updates within that outline document to clarify the position have also been made.



## MONA OFFSHORE WIND PROJECT

Ref.	Directed to	Action	Applicant's response
		alongside each other and confirm that they do not contradict each other.	
24	The Applicant	Article 47: check and amend reference to 57(b) of the TCPA.	The draft DCO, Article 47 has been reviewed and amended to correct a minor drafting error. Article 47(3) now refers to the overarching section 57 (Planning permission required for development) of the Town and Country Planning Act 2009.
25	The Applicant	Requirement 6: amend wording to "relevant highway authority"	Requirement 9 has been updated to refer to the "relevant" highway authority.
26	The Applicant	R9 Outline Surface Water and Drainage Management plan (OSWDMP) – further refine the OSWDMP to ensure that the impact on ground water is clear, that sufficient monitoring is included and include those locations where it is already known monitoring will take place.	<p>The Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) include a commitment to mitigate private groundwater supply sources in accordance with the hierarchy set out in paragraph 1.10.4.9 of the Outline Code of Construction Practice (CoCP) (J26 F05). A key element of the hierarchy is to provide additional hydrogeological characterisation (informed by detailed construction design) to allow a more detailed assessment of the risks to groundwater resources. The Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) has been updated to be include groundwater monitoring where it is already known monitoring will take place.</p> <p>A hydrogeological risk assessment has been undertaken for the Tan-y-Myndd Trout Fishery and has been submitted to the Examination at Deadline 6 (S_D6_8). The risk assessment proposes that a monitoring strategy should be implemented during the construction phase. The Outline Construction Surface Water and Drainage Management Plan (J26.6 F03) has been updated, and has been submitted at Deadline 6, to include groundwater monitoring at Tan-y-Mynydd Trout Fishery during the construction phase.</p>
27	The Applicant	Consider the wording within Requirement 14 to ensure the provisions are tightly drawn and fully enforceable to alleviate concerns raised by local residents with respect to mobilisation.	The Applicant has revised the wording of Requirement 14 in response to concerns raised to remove reference to 'unloading' as part of mobilisation activities and specifically excluded heavy good vehicles from deliveries. It is considered that these changes and the additional of mobilisation noise limits to the Outline Noise and Vibration Management Plan (as set out in response to HAP 29 below) address the concerns raised.
28		Schedule 10 – Encourage Statutory Undertakers to inform the ExA of agreement to the wording within the Protective Provisions. Where agreement has not been reached by the end of the Examination, the Applicant to provide an explanation for each of the areas where	The Applicant confirms it will do so. The Applicant has requested that SP Manweb write into the Examining Authority and, as appropriate, will do the same for other statutory undertakers.

MONA OFFSHORE WIND PROJECT

Ref.	Directed to	Action	Applicant's response
29	The Applicant	<p>the wording does not match that required by the Undertaker as to why the preferred wording does not cause any detriment.</p> <p>Requirement 14 - Consider maximum noise limit for mobilisation and the addition of monitoring locations to the Outline Noise and Vibration Management Plan.</p>	<p>The Applicant has reviewed the application of maximum noise limits for mobilisation hours associated with the Project. In its review, the Applicant has considered the principle applied to setting a limit to such activities in Requirement 7(4) in the National Grid (Bramford to Twinstead Reinforcement) Order 2024, as requested by the Examining Authority. The Applicant understands the limit applied is aligned with the daytime Lowest Observed Adverse Effect Level (LOAEL) applied to noise sensitive properties in the assessment of construction noise from the works, aligning with baseline levels measured at noise sensitive receptors likely to be affected by them.</p> <p>Whilst the Applicant acknowledges that construction noise impacts from mobilisation works should be minimised to protect the amenity of residents, for the reasons set out below the Applicant does not consider that a limit based on the daytime LOAEL is appropriate for the Project.</p> <p>Instead, the Applicant considers that the application of thresholds set out in BS 5228-1 are appropriate for ensuring residents are not significantly affected by mobilisation works. These have been used in the determination of significant adverse impacts and effects from construction of the Project as reported in ES Chapter 9 Noise and Vibration (REP5-010).</p> <p>BS 5228-1 provides thresholds for different time periods at which potential significant effects may be experienced at dwellings. The thresholds are expressed in terms of an average <math>L_{Aeq,T}</math> where <math>T</math> is greater than 1 hour for all times of day, however a time period of one hour is proposed for limiting noise from mobilisation activities.</p> <p>The Applicant therefore considers that the following levels are appropriate to avoid noise impacts from mobilisation activities at noise sensitive receptors:</p> <p>Construction noise levels from the mobilisation activities set out in Requirement 14(7) will therefore not exceed the following at any Noise Sensitive Receptor:</p> <ul style="list-style-type: none"> <li>• 45 dB <math>L_{Aeq,1hr}</math> (façade) during the hours of 0600 and 0700</li> <li>• 55 dB <math>L_{Aeq,1hr}</math> (façade) during the hours of 1900 and 2000</li> </ul> <p>The Applicant has updated the Outline Construction Noise and Vibration Management Plan (J26.3 F05) to include the above construction noise limits and also a commitment to prepare a noise monitoring strategy, which will include</p>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>locations at which noise monitoring will be undertaken during the construction works and their duration. The strategy will form part of the final Construction Noise and Vibration Management Plan which will be submitted for approval by the relevant local authorities.</p> <p>The final Noise and Vibration Management plan is considered to be the appropriate place to secure the commitment (rather than as requirement of the DCO) as adherence to the proposed noise levels for mobilisation activities will be confirmed through the noise monitoring undertaken. The Applicant has committed to undertake monitoring at noise sensitive receptors, however the specific locations of the noise monitoring positions cannot be determined as detailed design has not been undertaken. The locations and scope of monitoring will be determined following detailed design, taking account of the specific locations of the works and their proximity to the relevant noise sensitive receptors.</p>
30	The Applicant	Schedule 14 2(e) : site clearance and preparation works – clarify if this should be defined as Site Clearance.	The Applicant does not consider this should be a defined term. The wording of paragraph 2(e) of Schedule 14 refers to “ <i>site clearance and preparation works including clearance of debris, boulder clearance and the removal of out of service cables and static fishing equipment</i> ” and the Applicant considers it is clear from the drafting that site clearance and preparation works means what is listed in paragraph 2(e).
31	The Applicant	Schedule 14 5: Applicant to check the Offshore Order Limits and Grid Coordinates Plan (REP5- 004) Key panel with the other panels insets.	An updated Offshore Order Limits and Grid Coordinates Plan (B2 F04) has been submitted at Deadline 6.
32	The Applicant	Schedule 14 Conditions 12, 18(4), 19(2), 20(3), 21(3): respond to NRW's concerns in writing.	The Applicant notes its Response to NRW Deadline 3 Submission (REP4-047) Table 3.1. The remains a matter which will be ‘Not Agreed’ between the Applicant and NRW at the end of Examination.
33	The Applicant	Schedule 15 - Review the list of documents provided in Annex A and suggested by the ExA to be included in Schedule 15. If the Applicant does not consider the documents should be included, please explain why.	Please see responses to the Examining Authorities’ list of documents to be certified in Annex 1 of this document. The Applicant notes a further update to Schedule 15 of the Draft Development Consent Order will be provided at Deadline 7 which will incorporate all relevant updates to the Planning Inspectorate Reference, Revision number and Dates of the documents which are listed in Schedule 15 (C1 F07).

## 2.2 Applicant's response to Hearing Action Points from Compulsory Acquisition Hearing 2 (CAH2)

Table 2.2: Hearing Action Points from CAH2.

Ref.	Directed to	Action	Applicant's response
2	The Applicant	<p>Applicant to respond to the Examining Authority's request for further evidence that drew on the Cefn Estate's submission [REP5-115] that the rights sought in its land are disproportionate. This is as follows: 'In your response to Forsters' D4 submission on behalf of the Cefn Estate, you distinguished between the land take for the proposed substation and that for the Burbo Bank Extension and Gwynt y Môr on the basis of the respective developments' installed capacity. However, that doesn't directly address the Estate's point about the magnitude of the differential in the comparative land-take whereby the other 2 substations are said to occupy 4.76 and 3.82 acres respectively compared to the cited 137 acres of land within the Option area of which over 20 acres is proposed as permanent operational land and a further 37 acres for nonoperational purposes. If the comparative differential is down to installed capacity alone then a fuller explanation needs to be given as to how this corresponds with the magnitude of the differential in land-take. If there are other contributing factors, you need to identify them so that the SoS will have the evidential basis on which to consider this outstanding, pertinent point in applying the tests for compulsory acquisition set out in s122 of the PA2008'.</p> <p>If this answer is available before D6, it is to be sent directly to Forsters.</p>	<p>The required land take and justification is set out in the case for powers of acquisition sought at paragraph 1.10 of the Statement of Reasons (D3 F03).</p> <p>The comparison of land take required is not solely linked to the generating capacity of the wind farm, as the substation's unique location and local ecological features will determine the appropriate levels of landscape and ecological mitigation, as well as engineering requirements (such as cut a fill balance). It should also be added that previous developments, like the Burbo Bank Extension project and Gwynt y Môr project, were consented under different regulatory regimes and the land required for the substation and associated mitigation was appropriate to comply with the relevant legislative and policy requirements at that time. Both were consented and constructed before the introduction of the legislative and policy requirements relating to biodiversity benefit that now apply through the National Policy Statements, the Environment (Wales) Act 2016 and Planning Policy Wales.</p> <p>The Applicant has reviewed the recently consented Awel y Môr Offshore Wind Farm Order 2023. As this is the most recent offshore wind farm in the north Wales area to be consented, it is uconsidered to be the most relevant comparable. The permanent land take for the Awel y Môr onshore substation and associated mitigation works equates to 83 acres. A breakdown of the full impact on the Cefn Estate has been provided below, however the freehold land take proposed is 57.33 acres with an additional 26.96 acres of landscape and ecological mitigation required, totalling 84.29 acres. This is clearly comparable to the land recently secured for Awel y Môr.</p> <p>The extent of the land owned by the Cefn Estate impacted by the project's order limits equates to a total of 137 acres. This is broken down into the following requirements:</p> <ol style="list-style-type: none"> <li>Operational Substation platform and access to the substation (Plots 11-197, 11-219) totalling 20.25 acres. This land is necessary to 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</li> </ol>

Ref.	Directed to	Action	Applicant's response
			<p>minimise the land take at the substation, the Applicant is only seeking consent for gas insulated switchgear (GIS) which requires a smaller footprint than air insulated switchgear. This will be a permanent land take and cannot continue to be farmed by the current farming tenant upon completion of construction. In accordance with paragraphs 2.6.5 and 2.6.6 of NPS EN5, the Applicant is seeking the compulsory acquisition of freehold land for its Onshore Substation and related permanent mitigation.</p> <ol style="list-style-type: none"> <li>2. Freehold for mitigation and screening (Plots 11-197, 11-190, 11-199, 11-212, 11-213, 11-216, 11-217) totalling 37.08 acres and Long term mitigation and screening (Plots 11-191, 11-192, 11-193, 11-195, 11-196, 11-214) totalling 26.96 acres. Although the freehold of this land is required to deliver and manage the necessary landscaping and ecological mitigation works the Applicant is in ongoing discussions with the Cefn Estate regarding the land and how it could continue to be farmed following the planting and works required to deliver the Outline Landscape and Ecology Management Plan (J22 F04). Figure 1.4 of the Outline Landscape and Ecology Management Plan shows the proposed landscaping with each parcel given a number- the justification for each of the parcels can be found in Appendix F table 8 of the Outline Landscape and Ecology Management Plan (J22 F04).</li> <li>3. Short term mitigation area (Plots 11-215 and 11-218) totalling 16.93 acres is only required during the construction phase of the project and will be reinstated and returned to the landowner following completion of the works.</li> <li>4. This land is required temporarily (Plots 10-185, 10-186, 10-188, 11-198, 11-200, 11-202) totalling 36.25 acres for the construction and installation of the onshore export cables and 400kv cable route, and an easement with permanent rights within this land will be required for the cables. Following the installation of the cables, the land will be returned to the owner and normal agricultural practices can resume on the land.</li> </ol>
4	The Applicant	Colour code final land rights tracker: green if voluntary agreement has been reached; and red where negotiations have concluded without agreement being reached.	The Applicant understands that the last land rights tracker is due to be provided at deadline 7 and the Applicant will therefore colour the tracker as requested at deadline 7. The Applicant will continue to negotiate with land interests after the close of examination in hope to conclude any agreements that remain outstanding at deadline 7.

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
5	The Applicant	<p>In the absence of detailed economic assessment of the Proposed Development's likely impact on the operations and viability of the 3 intensive dairy farms identified in its response to ExQ1 [REP3- 062], Applicant to consider if the degree of importance that has been given to existing farming uses of the land and rights therein that it proposes to compulsorily acquire, is consistent with Articles 8 and 6 of the European Convention on Human Rights and Article 1 of the First Protocol?</p>	<p>The Applicant confirms that the assessment on farm businesses (set out in Volume 3, Chapter 7: Land Use and Recreation (APP-070)) including the three intensive dairy farms is appropriately based on publicly available information and information that was disclosed by the landowners or occupiers to the agents acting on behalf of the Applicant through their land referencing work, and discussions with individual landowners and interested parties. This included: 1. Data on the extent of individual land holdings as far as it was disclosed. 2. Information on the nature of farming arrangements including land ownership, farming tenancies, licences or informal agreements. 3. Information on the nature and operation of the individual farming businesses affected. A detailed economic assessment of the viability of these businesses is only possible with full disclosure and co-operation of the relevant business owners and is not typically undertaken at the Environmental Impact Assessment stage, but as part of a compensation claim.</p> <p>The design of the Mona Offshore Wind Project has sought to minimise the interference with land (and those in occupation of land) through its approach to:</p> <ul style="list-style-type: none"> <li>- The use of temporary possession powers for land required for construction only and the installation of the cables.</li> <li>- Only seeking the ability to secure rights and necessary restrictions over the 'as-built' cable easement to avoid the need for acquisition of rights in more extensive areas of land or permanent acquisition. Where permanent cable rights are secured normal farming practices (which would include dairy farming) can continue.</li> <li>- Freehold acquisition being limited to land required for the onshore substation and associated mitigation and landscaping works where exclusive use and control of the land is required.</li> </ul> <p>Where a voluntary agreement is not in place and compulsory powers are exercised any interference with the Order land or interests in it (including any related to business interests such as intensive dairy farming) by the Applicant must be compensated in accordance with the provisions of the Development Consent Order.</p> <p>In addition to this, where temporary possession of land is needed for construction the Outline Code of Construction Practice (J26 F05) includes measures to limit as far as possible the temporary effects of the Mona Offshore Wind Project on that land. This includes the provision for an Agricultural Liaison</p>

**MONA OFFSHORE WIND PROJECT**

Ref.	Directed to	Action	Applicant's response
			<p>Officer (ALO) who will be appointed to engage with landowners and occupiers on practical matters before, during and after the construction process, such as the use of crossing points, movement of water troughs and fencing.</p> <p>Section 1.12 of the Applicant's Statement of Reasons (D3 F03) sets out the consideration given to Articles 6 and 8 of the European Convention on Human Rights and Article 1 of the First Protocol.</p> <p>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. Article 6 of the Convention protects the right to a fair and public hearing. 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.</p> <p>In relation to Articles 1 and 8, as set out in the Statement of Reasons, there is a clear and compelling case in the public interest for the development of the Mona Offshore Wind Farm, the strong policy support for the project means it is in the public interest and the Planning Act 2008 authorises the use of compulsory acquisition powers where needed to deliver nationally significant infrastructure projects subject to compensation provisions. The Planning Act process ensures a fair and public hearing in accordance with Article 6.</p>
6	The Applicant	Consider if in exercising their public sector equality duty as required by the Equality Act 2010, what weight should the SoS give to the contention that construction noise is likely to have a differentially worse impact on a tinnitus sufferer than a person without the impairment?	Please see Applicant's response in Annex B - Response HAP CAH2-6 below.

**MONA OFFSHORE WIND PROJECT**

**A.1.1 Annex A**

**A.1.1.1 Applicant’s response to Appendix A: List of Documents to be certified in Schedule 15 of the DCO as suggested by the ExA**

**Table 0.1: List of Documents to be certified in Schedule 15 of the DCO as suggested by the ExA.**

Document	Applicant’s Comments
S_D1_5.5 Appendix to Response to Hearing Action Point: Onshore Ecology summary table [REP1-017]	The Environmental Statement - Volume 3, Chapter 3: Onshore Ecology is to be updated at Deadline 7 and that update will also include this table. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D1_25 Offshore Ornithology Assessment of Pen y Gogarth/Great Orme’s Head SSSI [REP4-025]	The Environmental Statement - Volume 2, Chapter 5: Offshore ornithology is to be updated at Deadline 7 and that update will also include this table. For this reason the Applicant does not consider it necessary for this document to be certified
S_D1_36 Barn Owl Clarification Note [REP1-038] ( <i>Explanatory note - Chapter 3 (Vol 3) [APP-066] notes in paragraph 3.1.1.4 that it draws upon baseline information contained within Volume 7 of the Environmental Statement. Paragraph 1.2.5 of the Barn Owl note refers to surveys undertaken for the Awel Y Mor application – this information is not included in [APP-066].</i> )	This clarification note was to provide comfort to the Examining Authority on how the information provided in the DCO Application adequately considers barn owls. It does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
S_D3_17.1 Appendix 17.1 Revised Tree Survey Schedule Onshore Cable Corridor [REP3-050]	The Tree survey and arboricultural impact assessment Appendix A (APP-161) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.2 Appendix 17.2 Revised Tree Survey Schedule Onshore Substation [REP3-051]	The Tree survey and arboricultural impact assessment Appendix A (APP-161) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.3 Appendix 17.3 Updated Tree Survey Plan Part 1 [REP3-052]	The Tree survey and arboricultural impact assessment Appendix A (APP-162 – APP-) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.4 Appendix 17.4 Updated Tree Survey Plan Part 2 [REP3-053]	The Tree survey and arboricultural impact assessment Appendix A (APP-162) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.5 Appendix 17.5 Updated Tree Survey Plan Part 3 [REP3-054]	The Tree survey and arboricultural impact assessment Appendix A (APP-162) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.6 Appendix 17.6 Updated Tree and Hedgerow Protection Plan Part 1 [REP3-055]	The Tree survey and arboricultural impact assessment Appendix A (APP-162) is to be updated at Deadline 7 and that update will



**MONA OFFSHORE WIND PROJECT**

Document	Applicant's Comments
	also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.7 Appendix 17.7 Updated Tree and Hedgerow Protection Plan Part 2 [REP3-056]	The Tree survey and arboricultural impact assessment Appendix A (APP-162) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_17.8 Appendix 17.8 Updated Tree and Hedgerow Protection Plan Part 3 [REP3-057]	The Tree survey and arboricultural impact assessment Appendix A (APP-162) is to be updated at Deadline 7 and that update will also include information from this document. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D3_15 Seascape and Visual Resources: Cumulative Wirelines [REP3-046]	This has been added to Schedule 15 of the Draft DCO.
S_D3_16.1 Landscape and Visual Resources – Cumulative Visualisations Part 1 [REP3-047]	This has been added to Schedule 15 of the Draft DCO.
S_D3_16.2 Landscape and Visual Resources – Cumulative Visualisations Part 1 [REP3-048]	This has been added to Schedule 15 of the Draft DCO.
S_D4_6.2 Appendix to HAP ISH3_20: Updated Visualisations Part 1 [REP4- 038]	This has been added to Schedule 15 of the Draft DCO.
S_D4_6.3 Appendix to HAP ISH3_20: Updated Visualisations Part 2 [REP4- 039]	This has been added to Schedule 15 of the Draft DCO.
S_D4_8 Greenhouse Gas Reduction Strategy [REP4-041]	This document does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
S_D4_12 Lighting Clarification Note [REP4-043]	This clarification note was to provide comfort to the local authorities on how adequate controls are already applied through the DCO and relevant management plans in respect of lighting impacts. It does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
S_D4_25.1 Response to Martyn and Margaret Hussey D3 Submission - Onshore Substation Cross-Section Profile [REP5-057]	It does not constitute further or additional information from an Environmental Statement perspective. For this reason the Applicant does not consider it necessary for this document to be certified.
S_D4_15 Zone of Theoretical Visibility and representative viewpoint locations at 1:50,000 Scale [REP4-046]	This has been added to Schedule 15 of the Draft DCO.
ES Vol 3, Chapter 9: Noise & Vibration [REP5-010]	The relevant row of Schedule 15 Table 6 has been updated to note the updated version of this Chapter. The Applicant will provide a full document reference update for Schedule 15 in the Deadline 7 Draft DCO.
ES Volume 7, Annex 9.2: Construction noise and vibration technical report [REP5-016]	This has been added to Schedule 15 of the Draft DCO.

**MONA OFFSHORE WIND PROJECT**

Document	Applicant's Comments
ES Volume 7, Annex 7.2: Soil survey data technical report [REP5-014]	This has been added to Schedule 15 of the Draft DCO.
S_D4_7 Geomorphology Clarification Note [REP4-040]	This clarification note was to collate information in relation to geomorphology impacts from the Environmental Statement for the benefit of NRW and the local authorities. It does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
S_D4_14 Construction Noise and Vibration Clarification Note [REP4-045]	This clarification note was to provide comfort to Mr and Mrs Hussey on the updates to the Noise and Vibration Chapter of the ES (REP5-010) and in the Construction noise and vibration technical report (REP5-016) which are both certified documents. It does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
S_D5_28 Community Impact Clarification Note [REP5-077]	This clarification note was to provide comfort to the Examining Authority and local communities regarding how communities have been assessed within the Environmental Statement. It does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.
E5 Community and Linguistic Impact Assessment [APP-045]	This document does not constitute further or additional information from an Environmental Statement perspective and does not secure any mitigation or management. For these reasons the Applicant does not consider it necessary for this document to be certified.

## A.1.2 Annex B - Response HAP CAH2 - 6

A.1.2.1.1 Consider if in exercising their public sector equality duty as required by the Equality Act 2010, what weight should the SoS give to the contention that construction noise is likely to have a differentially worse impact on a tinnitus sufferer than a person without the impairment?

### A.1.2.2 The public sector equality duty (PSED)

A.1.2.2.1 The general duty under section 149 of the Equality Act 2010 is threefold, prescribing that public authorities must in the exercise of their functions have due regard to the need to:

- a. exclude unlawful behaviour, including victimisation, harassment and discrimination, against those who have a protected characteristic;
- b. advance equality of opportunity between persons who have a protected characteristic and those who do not; and
- c. foster good relations between persons who share a relevant protected characteristic and those who do not.

A.1.2.2.2 Importantly, this “due regard” duty does not require a particular outcome. It is a procedural requirement for the decision maker to be conscious of the duty placed on them when reaching their decision. Any decision maker must be cognisant of how the decision could impact groups with protected characteristics.

A.1.2.2.3 The PSED will apply to the Secretary of State in its determination of this Application. The duty will extend to the Planning Inspectorate and the Examining Authority, and also apply to relevant local authorities in discharging any DCO requirements.

### A.1.2.3 Application of PSED through Examination procedure

A.1.2.3.1 Throughout Examination, the Planning Inspectorate and Examining Authority have taken steps to facilitate engagement by those with protected characteristics e.g. confirming if any reasonable adjustments are required in hearings. The Examination has been conducted in a manner that facilitates engagement

### A.1.2.4 Consideration in the environmental statement: vulnerable groups

A.1.2.4.1 The Applicant has provided a comprehensive assessment of the potential impacts of the project on receptor groups within the Environmental Statement Volume 4, Chapter 4, Human Health (APP-78). Section 4.8.7 outlines a specific assessment of noise and vibration on “vulnerable groups”. Vulnerable groups are defined in section 4.5.2 to include children and young people, older people, low income groups, people with existing poor health including disability, those who share protected characteristics under the Equality Act 2010 and people living in deprivation (including those experiencing income and/or access and geographic vulnerability).

A.1.2.4.2 The assessment within the Human Health Chapter (APP-078) considers the mitigation measures proposed as part of the Proposed Development, as outlined in Environmental Statement Volume 3, Chapter 9: Noise and vibration (REP5-010). The ES Chapter on Human Health concludes that there would be minor adverse, non-significant effects on vulnerable groups as a result of the construction of the development. This conclusion had regard to the extensive set of mitigation measures to reduce noise impacts from construction operations and maintenance.

## **A.1.2.5 Mitigations and controls**

- A.1.2.5.1 As outlined in the Response to Examining Authority's Written Questions (ExQ2) Q2.2.1 (REP5-080), the Applicant has committed to extensive mitigation and control measures secured through the Code of Construction Practice and associated management plans (See Requirement 9 of the Draft Development Consent Order – Reference C1). The Applicant has provided a clarification note (Code of Construction Practice Controls for Tyddyn Meredydd – Reference REP5-076)) to highlight the relevant parts of the Outline Code of Construction Practice (Reference J26) and the associated management plans which contain details applicable to the Tyddyn Meredydd property and all others in the vicinity of the development area. Paragraph 1.4.3.2 confirms that the Outline Construction Noise and Vibration Management Plan (Reference J26.3) secures the application of standard good practice measures across all construction sites to reduce the impact of noise and vibrations. These will be further supplemented by a number of specific measures for works located close to residential properties such as Tyddyn Meredydd. These include temporary noise barriers, phased works, directional noise emissions pointing away from Tyddyn Meredydd, and the re-positioning of the plant and associated maintenance operations to be conducted as far away from Tyddyn Meredydd as practicable. The Outline Communications Plan (REP2-046) secures a consistent framework of communication to receptor groups throughout the construction process.
- A.1.2.5.2 As outlined in the response to Q2.2.1 (REP5-080), the Applicant is committed to ongoing, direct liaison with the owners of Tyddyn Meredydd, but does not consider it necessary or appropriate to include a requirement in the draft development consent order specifically for Tyddyn Meredydd. This aligns with the application of the PSED, which does not require a case-specific assessment of implications to individuals with protected characteristics.

## **A.1.2.6 Conclusion**

- A.1.2.6.1 The Environmental Statement has considered the impact that the Proposed Development would have on vulnerable groups and whether the mitigation measures proposed are sufficient to prevent any significant effects from arising. Through having regard to the information within the application documents, the Examining Authority and the Secretary of State can be satisfied that they have complied with their PSED duties and met the necessary procedural requirements. The Examining Authority and Secretary of State can also conclude that no further mitigation measures would be necessary.