

MONA OFFSHORE WIND PROJECT

Hearing Summary Compulsory Acquisition Hearing 2 (CAH2)

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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, licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).

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Term	Meaning
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.
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,

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Term	Meaning
	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).
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

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Acronym	Description
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

Units

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

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Unit	Description
nm	Nautical miles

1 Hearing Summary Compulsory Acquisition Hearing 2 (CAH2)

Table 1.1: Written Summary of the Applicant’s oral submission at CAH2

ID	Agenda item	Notes
1	Welcome, introduction, arrangements for the hearing	
2	Purpose of the Compulsory Acquisition Hearing	

3 Site-specific issues for the Applicant

<p>The ExA will ask the Applicant to provide an update on the progress of negotiations with Affected Parties (APs) and the timetable for their conclusion.</p>	<ul style="list-style-type: none"> (1) The Applicant confirmed that discussions with the various Affected Parties (APs) to secure rights through voluntary agreements are progressing well, with the position as to the status of negotiations with each landowner, occupier and statutory undertaker set out in the Land Rights Tracker (LRT) as submitted at Deadline 5 (REP5-085) [Post hearing note: A version will also be submitted at Deadline 6 – Reference S_PD_5 F08.] The Applicant confirmed that the position in respect of agreed Heads of Terms (HoTs) with freeholders remains the same as the LRT submitted at deadline 5 (REP5-085) which outlines that 27 out of 39 sets of HoTs for the onshore cable corridor easements, hedgerow and enhancement works have been agreed. The Applicant clarified that this is representative of 70% of the landowners and 73% of the cable corridor. The Applicant confirmed that there remains 12 sets of HoTs to be negotiated with the freeholders but such negotiations for these outstanding agreements are at an advanced stage for the majority of landowners. The Applicant indicated that those negotiations that are in their advanced stages are hoped to be secured by the end of Examination. (2) The Applicant confirmed that the occupier agreements are being negotiated save that for where there are outstanding issues at the substation. Since the submission of the LRT (REP5-085) at Deadline 5, there is now one signed occupier agreement and two more confirmed as agreed for signing. (3) The Applicant explained that outstanding issues relate to commercial values and concerns around future development on the land. The Applicant confirmed that where negotiations with landowners and occupiers are less advanced, engagement with the APs and their appointed representatives will continue beyond the end of the
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		<p>Examination period to resolve outstanding points of difference and get agreements in place.</p> <p>(4) In response to the Examining Authority's question which asked whether voluntary agreement has been pursued as a reasonable alternative to compulsory acquisition, the Applicant noted that the submission of site specific objections by APs is inherent to the process of reaching eventual agreement with those parties and indeed forms part of the process around the examination of a DCO application. The Applicant suggested that the aforementioned position in respect of 70% of the cable landowners and 73% of the cable corridor where HoTs are currently in place is a strong outcome for this part of the overall application process. The Applicant confirmed there would be continued negotiations and discussion to the close of Examination and beyond to try to reach agreement with the landowners and land interests wherever possible as it is in the best interests of all parties to avoid the use of compulsory acquisition (CA) powers. This would be the case up to the point of the Order being granted and CA powers being exercised. The Applicant reiterated that this is an ongoing process and it is not unusual to be in this position at this current point in time.</p> <p>(5) The Applicant confirmed that it considers the points raised are specific around areas of land and issues pertaining to compensation matters rather than a fundamental objection to the development as it stands. The Applicant reiterated that it is in all parties' interests to reach agreement wherever possible.</p> <p>(6) The Applicant clarified that for the purposes of the Secretary of State determining whether CA powers can be granted, it is not that the Applicant must agree any terms with the land interests, but rather that any agreements should be on reasonable terms. The Applicant explained that the test for consideration by the Secretary of State is whether negotiations have taken place, that these are continuing and that a genuine attempt to reach agreement between the parties has been made. The Applicant confirmed that the parties do not have to settle on any terms: the purpose of CA powers for a nationally significant infrastructure project is to ensure that projects can be delivered at reasonable cost without a ransom position. The Applicant confirmed that continued efforts to engage with the relevant parties would be made. The Applicant confirmed that, if necessary, it would update the Secretary of State after the close of the Examination in terms of whether further progress has been made.</p>
<p>The ExA may ask questions of the Applicant about negotiations and matters arising from written and oral submissions.</p>		<p>(7) The Applicant confirmed it would request that APs confirm the withdrawal of submitted objections where voluntary agreements are in place by Deadline 7, but noted that the Applicant would be unable to guarantee such withdrawals nor signing of declarations in respect of this. The Applicant explained that the LRT (REP5-085) accurately reflects</p>

	the position in respect of agreed matters and is evidenced by signed documentation which confirms agreement between the parties.
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4 Site-specific representations by APs

<p>The ExA will ask APs to briefly set out any outstanding concerns in relation to CA/ TP for the land in which they have an interest that have not been addressed by the Applicant. They are asked to avoid repetition of oral and written evidence that has already been submitted into the Examination and focus on updating their case and/ or addressing the Applicant’s Deadline 5 submissions.</p>	<p>Mr Roberts</p> <p>(8) In response to the concerns raised by Mr Roberts, represented by Mr Bibby, the Applicant explained that the issue relates to drainage matters onto and from Mr Roberts’ land as a result of works taking place. The Applicant outlined that there is a suggestion from Mr Roberts’ representative that there should be an indemnity placed within the outline highways access management plan (oHAMP) that would hold his client not responsible for any surface water that is discharged from his land as a result of those works in perpetuity. The Applicant confirmed that the oHAMP (REP5-046) is not the appropriate place for such a provision. This is because it is a control document for the purposes of how those works would be undertaken. The Applicant explained that it does not and should not contain the types of provisions being proposed by the AP in this case. The Applicant confirmed that the Applicant’s agent has recently liaised with the AP to progress this separately from the oHAMP (REP5-046), which the Applicant confirmed is the appropriate route to achieve this.</p> <p>(9) The Applicant confirmed it was confident that the issue can be dealt with successfully through the voluntary agreement between the parties and noted additional provisions offered by the Applicant which would allow Mr Roberts to review the proposed drainage designs. [Post hearing note: see Response to December Hearing Action Points (S_D6_3), row HAP_CAH2_02 and Response to Davis Meade Property Consultants on Behalf of EW Roberts - Listed Building Consent and CAH2 9 S_D6_30).]</p> <p>Mr Owen</p> <p>(10) In response to the Examining Authority’s question as to whether email correspondence received from Mr Owen on 21st November and 3rd December had clarified the type of voluntary agreement required directly with Mr Owen as raised in the Applicant’s submissions (REP5-063), the Applicant explained that this is contingent on progression of conversations and negotiations with the landlord. The Applicant highlighted the complexities as being some of the land will be taken permanently whereas some will be on a temporary basis. [Post hearing note: see Response to Davis Meade Property Consultants on behalf of Mr AEM Owen ExQ2 and CAH2 (S_D6_29) for the Applicant’s response to Mr Owen’s written submissions.]</p> <p>Executors of the Late Sir David Watkin Williams Wynn Bt / Cefn Estate</p>
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(11) In response to the Executors of the Late Sir David Watkin Williams Wynn Bt (referred to here as the Cefn Estate) representative's submission that the key issue from the freeholder's perspective is the acreage of land required, the Applicant confirmed that the extent of the land required is set out in the Application and the compulsory acquisition documentation. Clarification was provided that the Book of Reference (REP3-006) is clear as to which plots are required on a permanent basis and for freehold acquisition. **[Post hearing note:** see Response to December Hearing Action Points (S_D6_3), row HAP_CAH2_02].

The ExA may ask questions of APs about matters arising from written and oral submissions.

Jennings Building and Civil Engineering

(12) The Applicant confirmed that in respect of the voluntary agreement HoTs, the Applicant had reverted with amendments and is now awaiting comments/revisions from the Jennings Building and Civil Engineering's (Jennings) representative.

(13) The Applicant agreed that discrepancies in respect of ownership and occupation in the area had been identified from a site meeting with Jennings and their representative last year. The Applicant confirmed that it had used information from the Land Registry (LR) and land information questionnaires and where (as in this case) the land is unregistered the Applicant had included purported owners based on adjacent land ownership. The Applicant confirmed its position that the Book of Reference (REP3-006) and Land Plan (Onshore) (REP1-004) are correct as to understanding ownership and no evidence has been provided to the Applicant to confirm otherwise.

(14) The Applicant confirmed that plots 02-022 and 02-023 in the Book of Reference are currently unregistered land. The Applicant explained that it has identified Jennings as the reputed owner together with Mr Baker on the basis that they are both adjacent landowners to these parcels of land. The Applicant confirmed it can only evidence the position through a further LR check to understand whether the land has since been registered.

(15) The Applicant explained that due diligence was undertaken to collate the Book of Reference and this was based on LR information in addition to information provided directly by landowners. The Applicant explained that an assumption on ownership was made by virtue of the parcels in question being unregistered land and clarified that such land parcels around railways and roads is commonplace. The Applicant explained that if title and ownership is evidenced, this will be updated at the LR and whoever is registered on the title to these parcels of land will be the relevant interest when the scheme comes forward or a voluntary agreement is put in place. The Applicant confirmed that the approach taken to date has been to identify the adjacent landowners

as the reputed landowners and on this basis has treated Jennings as if they were the owners of the plots in question.

GL Evans and Sons

- (16) The Applicant thanked Mr Lloyd Evans for his submissions to date and confirmed that there have been a number of negotiations between the parties in respect of the area where trenchless cable installation techniques will be used and highlighted that an offer has been put forward to Mr Evans to use trenchless techniques by way of drilling 650m out of a 950m cable length which was requested.
- (17) The Applicant explained that it was not clear on the reasons behind the specific request to drill between two precise points of 450m within the required location and that at this point there can be no commitment to drilling the specific requested area. The Applicant submitted that detailed design has not been undertaken and there is therefore a need for sufficient flexibility to deliver sections of trenched and trenchless installation in this area, with the overall aim being to reduce the land take and impact to the farming business.
- (18) The Applicant highlighted that electrical design is dictated by the length of cable procured in addition to being influenced by the trenchless techniques required. The Applicant explained that where there are complex drills (such as at the landfall and Gwrych Wood) combined with the spacings that are then determined for the sections of cable and where cable jointing bays will go then determine the length of other drills and sections of both trenched and trenchless installation.
- (19) The Applicant reiterated it is keen to work to find a solution with Mr Evans, and referenced the Mr Evans's statement that if the Applicant cannot drill the identified 450m section that would be accepted. The Applicant explained that it had offered to commit to a 650m drill on the land owned and occupied by Mr Evans, but it cannot at this stage commit at the particular location requested by Mr Evans. The Applicant raised that in its response to the Examining Authority's Written Questions (REP5-080) it has stated that if an agreement on drill lengths is reached, it is to be captured in a voluntary agreement and through a subsequent update to the outline Onshore Construction Method Statement (REP4-019) or would be included in the Onshore Crossing Register.
- (20) The Applicant agreed with the Examining Authority's summary of the current position and further explained that from an engineering perspective, the proposed drill is a long drill (as opposed to short drills which go underneath roads) the length of which will dictate the locations of the cable joint bays and the next sections of cable. However, this particular section of the cable route cannot dictate the cable procurement for the

remainder of the onshore cable route, which is what could happen if the Applicant commits to a 450m trenchless section in this specific location and for that reason it cannot commit to Mr Evan's request.

(21) In response to the Examining Authority's query as to whether there are other long drills proposed within the Project at present, the Applicant confirmed there to be two complex long drills: the landfall drill which comes offshore underneath the beach, railway and roads and comes out at the transmission joint bay locations; and the second is the Gwrych Castle woodland drill.

(22) In response to the Examining Authority asking whether the reluctance to reduce flexibility in the electrical design is a purely commercial decision, the Applicant explained that it was necessary to ensure the deliverability of the project. The Applicant confirmed that it has provided indicative lengths between joint bays for purposes of the application as noted in the Environmental Statement - Volume 1, Chapter 3: Project Description (APP-050) and this points towards what the electrical design will be. The Applicant explained cable lengths will vary dependent on various factors such as ground conditions, thermal resistivity and therefore these decisions can only be undertaken at the detailed design phase. The Applicant clarified that the Project cannot be restricted to locating joint bays or trenchless techniques in specific locations which would have implications for the overall electrical design of the onshore cable route outside of the two long drills already committed to. The Applicant highlighted that it is too simplistic to suggest that the contractor could procure different lengths of cable across the whole cable corridor.

(23) The Applicant further explained that the decision is not purely around procurement of cabling, but also about providing an electrical system that works and operates as it should. The Applicant clarified that this requires careful balancing of lengths and distancing between joint bays: this cannot be random allocations. The Applicant explained that the cable route is tethered at two ends, the first is the transition joint bay where the onshore cables meet the offshore cables and the second is the substation itself. The Applicant described a variety of factors that will influence the electrical design which exist between the two connecting points of the cable route such as the availability of cable lengths from the same manufacturers, the length of cable that can be fitted to the drum that can be delivered, the number of joint bays that can be fitted along the route and ensuring the spacing between them is adequate and standardised so the project can have a design that works well and is efficient. The Applicant highlighted that these factors will result in an efficient and well-working design and this is the critical reason for needing flexibility. The Applicant confirmed that the project would factor in the length of drills where there can be no cable joint bays or where there are other trenched crossings along the route, but explained that where those are longer for example 450m, this would present a very difficult constraint to manage

around. The Applicant concluded that it was therefore very difficult to commit to drilling in specific locations without this affecting the delivery of the electrical system, not only from a commercial point of view, but also from an efficiency of system point of view.

(24) The Applicant agreed with the Examining Authority's summary that the decision is influenced by a set of complex considerations and confirmed that there are a number of issues that will influence the electrical design, but further expanded that this must also include considerations about electrical design in a more theoretical manner in terms of how a system operates effectively and efficiently. The Applicant confirmed that it would be able to more comprehensively explain this by way of a conversation with Mr Evans and his representative, but for the purposes of Mr Evan's submissions, it is certainly a relevant point as to the constraints over the overall final design.

(25) In response to the Examining Authority asking if there is any scope for obtaining a preliminary assessment or design to assess the feasibility of 450m drilled length at this stage, the Applicant reiterated that any consideration of specifics of cable installation need to be part of the overall design of the system and it is not possible to take an individual section like this out of the context of the work that needs to be undertaken with the Project's supply chain and cable installation team.

(26) The Applicant instead highlighted that significant commitments to undertaking drilling in this area to alleviate impacts to the farming business have been made. The Applicant appreciated that it was currently unable to make the specific commitment raised but nevertheless highlighted that once detailed design is completed, it may well be that it can drill the section requested by the landowner.

(27) In response to the ExA asking whether any sort of commitment could be included within any of the management plans to capture the Applicant's goodwill and voluntary agreement discussions, the Applicant confirmed that it in its Response to Examining Authority's Written Questions Q2.6.16 (REP5-080) that the view is that the way to address this issue is through a voluntary agreement. The Applicant confirmed that this section of trenchless installation is included in the Onshore Crossing Schedule (REP5-012) within the draft development consent order (DCO)). The Applicant clarified that this has therefore been acknowledged as an area where there would be trenchless installation, but how that is then done is part of detail design. The Applicant confirmed that as far as commitments can be made up to this point, they have been in those documents, but the exact process is captured in the voluntary agreement.

(28) The Applicant explained that the Onshore Crossing Schedule sets out where the Applicant will commit to a particular type of installation for cables and in particular where trenchless installation is being proposed. The Onshore Crossing Schedule is secured through the draft DCO and Requirement 6(4) (Reference C1 F07). The

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		<p>Applicant clarified that identification within the Onshore Crossing Schedule, albeit without the specific length identified, ensures it is secured through the draft DCO exactly in same way as crossings underneath Network Rail for example.</p> <p>(29)The Applicant highlighted it is keen and willing to continue these discussions with the AP to reach a resolution if possible.</p> <p>Executors of the Late Sir David Watkin Williams Wynn Bt / Cefn Estate</p> <p>(30)The Applicant agreed to further consider and provide information in a written response which distinguishes between land take for the proposed substation and that for the Burbo Bank Extension on the basis of installed capacity. [Post hearing note: see Response to December Hearing Action Points (S_D6_3), row HAP_CAH2_02].</p> <p>(31)The Applicant confirmed that as soon as a response is prepared this will be sent directly to Forsters and if possible ahead of Deadline 6. The Applicant stressed that a significant part of the 137 acres is the cable corridor (where only rights are being sought) and not the substation site. The Applicant explained that the areas for landscaping and biodiversity set out in the outline Landscape and Environmental Management Plan (REP5-034) as required are supported in terms of proportionality by the local authority and Natural Resources Wales. The Applicant explained that the reason the draft DCO (Reference C1 F07) includes the permanent acquisition of land is because rights for a specified term cannot be provided for.</p> <p>(32)The Applicant highlighted that it is not possible to compulsorily acquire a long lease but that this can be done on a voluntary basis. [Post hearing note: see the Applicant's Hearing Summary (CAH1) Compulsory Acquisition Hearing 1 (REP4-033)].</p>
	<p>Without prejudice as to whether the ExA accepts the Applicant's Change Request [CR1-001 to CR1-023 inclusive], it will also hear any oral submissions from landowners affected by the additional TP powers that the Applicant seeks.</p>	<p>N/A</p>
	<p>Environmental matters arising from the proposed changes will be considered at Issue Specific Hearing 6 (ISH6) and discussion at CAH2 will be confined to the additional rights sought in land.</p>	<p>Jennings Building and Civil Engineering</p> <p>(33)In response to Jennings' concerns in respect of redevelopment of land, the Applicant confirmed that it would respond in writing [Post hearing note: see Response to Davis Meade Property Consultants on behalf of Jennings Building & Civil Engineering Limited CAH2 S_D6_XX]. The Applicant explained that the provisions within the draft DCO, both rights and restrictive covenants, are well precedented for cable rights underneath existing infrastructure. The Applicant confirmed that it is open to Jennings and the</p>

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		<p>Applicant to agree a voluntary agreement which would prescribe exactly how that land could be used if a development was to come to fruition, including any restrictions. The Applicant explained that for the purposes of CA, it needs to be in a position where it can ensure that the cables installed underneath the existing infrastructure are protected and there is no potential for damage to those cables from surface or below ground activity.</p> <p>(34) The Applicant confirmed that it is awaiting Jennings' representative providing updated drafting which captures the position as acceptable to him. The Applicant then clarified that Jennings does not yet have a registered interest in the plots in question and this is part of the reason for seeking CA powers: to ensure any unknown interests are captured. The Applicant concluded that it is important any other possible interests in that land do not impede the Applicant's ability to develop the project.</p>
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5 Statutory Undertakers and other relevant bodies

	<p>The ExA will ask the Applicant to summarise any outstanding matters arising from representations by Statutory Undertakers (SUs).</p>	<p>(35) The Applicant confirmed that in respect of National Grid (NG), the parties are in ongoing discussions regarding the protective provisions and the supplemental side agreement. The Applicant explained that good progress has been made and a commitment to cooperate and reach an agreed position is in place. The Applicant confirmed that there has been an ongoing discussion since Deadline 5. The Applicant clarified that NG has returned additional comments which have been well received and the drafting in the draft DCO (REP5-006) was updated to closer align the parties' position. The Applicant confirmed it accepts that where there are interactions regarding the Mona development works and extension to the NG substation, that there should be appropriate controls placed on the works. The Applicant gave an example as agreement to working arrangements to enable both parties to work simultaneously in a safe manner. The Applicant acknowledged that the extension is necessary for Mona to be able to connect into the substation and therefore collaboration and coordination with NG is in the Applicant's interest. The Applicant concluded that it considers that the protective provisions within the draft DCO (REP5-006), although not NG's preferred set, will provide adequate protection and there would be no serious detriment in respect of the section 127 test under the Planning Act. The Applicant nonetheless confirmed continued engagement with NG with the aim of reaching a positive position before the end of Examination. [Post hearing note: see Response to December Hearing Action Points (S_D6_3), row HAP_ISH6_28].</p> <p>(36) The Applicant confirmed that discussions with Awel y Mor are ongoing and the parties are moving towards providing protective provisions within the draft DCO at Deadline 6. The Applicant explained that there may be additional provisions requiring consideration thereafter and it will keep the ExA notified of this. The Applicant confirmed that both parties are in agreement that the route forward will be in the form</p>
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		of protective provisions within the draft DCO [REP5-006]. [Post hearing note: see Response to December Hearing Action Points (S_D6_3), row HAP_ISH6_28].
Any SU or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA by way of an update to any previous written and/ or oral submissions.	N/A	
The ExA may ask questions of the SU or other relevant body, and the Applicant, about matters arising from written and oral submissions including the Applicant's Applications under s127 and 138 of the Planning Act 2008 (PA2008), due to be submitted at Deadline 5 of the Examination Timetable. SUs or other relevant bodies are asked to familiarise themselves with those Applications notwithstanding that their written response is to be submitted at Deadline 6.		Please also see Applicant's Summary of Oral Submissions at ISH6 (S_D6_4).
The ExA wants to examine whether the Proposed Development satisfies the legal tests primarily set out in Sections 127 and/or 138 of the PA2008. Protective Provisions and any commercial/side agreements will be considered at ISH6.	N/A	

6 Crown Land

The ExA will ask the Applicant (and any Crown authorities present) to provide an update on matters relating to Crown land and s135 of the PA2008 and advise on implications for the Proposed Development should the relevant Crown authority consents not be forthcoming by the close of the Examination.		<p>(37)The Applicant agreed that within the LRT (REP5-085) updates have been provided to the Examining Authority in respect of negotiations with the Crown Estate and Welsh Ministers relating to the acquisition of Crown Land. The Applicant confirmed that it has received a further email regarding the section 135 consent from the Crown Estate and a response will be provided. The Applicant confirmed it was confident that the position can be agreed for Deadline 7.</p> <p>(38)The Applicant also noted it had received confirmation from the Welsh Government's legal representation that they had no comments on the proposed section 135 consent in relation to the A55 land.</p>
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7 Funding

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	<p>The ExA does not have any questions relating to the Funding Statement and subsequent written and verbal evidence on the matter. However, the Applicant may want to advise of any updates or other parties may raise any additional associated issues or queries that they have not already submitted into the Examination in previous written and/ or oral submissions.</p>	<p>(39)The Applicant confirmed that there are no outstanding matters in respect of this item and the approach taken is standard, with all the requisite information having been provided.</p>
<p>8</p>	<p>Review of issues and actions arising</p>	
<p>9</p>	<p>Any other business</p>	
<p>10</p>	<p>Closure of the hearing</p>	