

From: [REDACTED]
To: [Mona Offshore Wind Project](#)
Cc: [REDACTED]
Subject: RE: EN010137 - Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm
Date: 20 December 2024 16:35:04
Attachments: [REDACTED]

Dear Sirs,

Further in this matter, please find attached our Deadline 6 submission.

Many thanks

Ella Jones
Associate



[REDACTED]

T [REDACTED]

M [REDACTED]

E [REDACTED]

From: Ella Jones
Sent: Thursday, December 5, 2024 5:35 PM
To: monaoffshorewindproject@planninginspectorate.gov.uk
Cc: Matthew Evans [REDACTED]@Forsters.co.uk>
Subject: RE: EN010137 - Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm

Dear Sirs,

We act for The Executors of the Late Sir David Watkin Williams- Wynn. Bt. (20048429)

Please find attached our request to attend the Compulsory Acquisition Hearing (CAH2).

Many thanks

Ella Jones
Associate



[REDACTED]

T [REDACTED]

M [REDACTED]

E [REDACTED]

From: Ella Jones
Sent: Tuesday, December 3, 2024 5:48 PM
To: monaoffshorewindproject@planninginspectorate.gov.uk
Cc: Matthew Evans <[REDACTED]>
Subject: RE: EN010137 - Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm

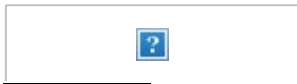
Dear Sirs,

We act for The Executors of the Late Sir David Watkin Williams- Wynn. Bt. (20048429)

Please find attached in response to ExQ2.

Many thanks

Ella Jones
Associate



[REDACTED]

T [REDACTED]

M [REDACTED]

E [REDACTED]

From: Ella Jones
Sent: Monday, November 4, 2024 5:38 PM
To: monaoffshorewindproject@planninginspectorate.gov.uk
Cc: Matthew Evans <[REDACTED]>
Subject: RE: EN010137 - Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm

Dear Sirs,

We act for The Executors of the Late Sir David Watkin Williams- Wynn. Bt. (20048429)

Please find attached our post hearing submissions in accordance with Deadline 4.

Many thanks

Ella Jones
Associate



[REDACTED]

T [REDACTED]
M [REDACTED]
E [REDACTED]



From: Ella Jones
Sent: Monday, October 7, 2024 5:31 PM
To: monaoffshorewindproject@planninginspectorate.gov.uk
Cc: Matthew Evans [REDACTED]
Subject: EN010137 - Application by Mona Offshore Wind Limited for Mona Offshore Wind Farm

Dear Sirs,

We act for The Executors of the Late Sir David Watkin Williams- Wynn. Bt. (20048429)

Please find attached a letter which contains the details of the points we wish to raise and the parties who wish to attend the Issue Specific 3 Hearing (ISH3: Environmental Matters) on 16 October 2024 and Compulsory Acquisition Hearing 1 (CAH1) on 17 and 18 October.

Kind regards

Ella Jones
Associate



[REDACTED]



T: [REDACTED]
M: [REDACTED]
E: [REDACTED]

Forsters LLP is a limited liability partnership registered in England with no. OC306185 whose registered office is at the above address. Authorised and regulated by the Solicitors Regulation Authority (SRA number 400249). We use the terms 'partner' or 'partners' to refer to a member of Forsters LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications. A list of members is available for inspection at the principal place of business at which service of documents will be effective, or at [REDACTED]

The firm contracts on its terms of business, which may be read at [REDACTED]. No personal liability is assumed by the sender of this email.

Emails are inherently insecure and may be intercepted or altered before reaching the recipient. If you think someone may have interfered with this email, please contact the firm by telephone. Although this email (as well as any attachments) has been scanned for viruses, the recipient should ensure that it is virus-free before opening

it.

This email may contain privileged and confidential information. If you are not the intended recipient, any dissemination of it or its content is prohibited. If you have received this email in error, please notify us at [REDACTED] or on 020 7863 8333 and delete it from your system.

Forsters LLP is a limited liability partnership registered in England with no. OC306185 whose registered office is at the above address. Authorised and regulated by the Solicitors Regulation Authority (SRA number 400249). We use the terms 'partner' or 'partners' to refer to a member of Forsters LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications. A list of members is available for inspection at the principal place of business at which service of documents will be effective, or at www.forsters.co.uk.

The firm contracts on its terms of business, which may be read at www.forsters.co.uk. No personal liability is assumed by the sender of this email.

Emails are inherently insecure and may be intercepted or altered before reaching the recipient. If you think someone may have interfered with this email, please contact the firm by telephone. Although this email (as well as any attachments) has been scanned for viruses, the recipient should ensure that it is virus-free before opening it.

This email may contain privileged and confidential information. If you are not the intended recipient, any dissemination of it or its content is prohibited. If you have received this email in error, please notify us at mail@forsters.co.uk or on 020 7863 8333 and delete it from your system.

Deadline 6 Response on Behalf of the Executors of the Late Sir David Watkin Williams-Wynn Bt. and others (referred to as 'The Cefn Estate')

Date

20 December 2024

Author(s)

Lucy Tebbutt MRICS (Associate Partner)

Selina Wakeham MRICS (Partner)

Overview

The Cefn Estate is committed to negotiating a voluntary agreement with EnBw & BP (the Applicant).

As at the date of this paper there has been a **lack of meaningful negotiation and engagement** on the part of the Applicant. The Applicant is **requesting compulsory acquisition powers over a disproportionate area of land (akin to a land grab)** and the **freehold acquisition is not justified**.

The Estate requests that the Examining Authority exercise extreme caution in granting compulsory powers for the acquisition of the land subject to the Option for the substation and surrounding land. **It is not necessary nor proportionate to grant compulsory powers over operational and non-operational land extending to over 70 acres.** This is especially significant when considering the financial and planning benefit to the Applicant who has dual privileges by allocating all the mitigation onto the Estate's land, at the financial impediment of the Estate. **We ask the Examining Authority to question why freehold Compulsory Acquisition powers should be granted over an entire area, where we understand only 15% of it is required for the actual substation.**

The mitigation land should not be secured by freehold acquisition under the Development Consent Order. It is **not reasonable** for the Applicant to apply for powers to freehold acquire over 50 acres of land with future for grid connectivity and renewable energy development – **purely to satisfy the Applicant's NBB requirements** (Net Benefit for Biodiversity).

Timeline of Negotiations/ Engagement since CAH 1

- **08/11/2024** – Heads of Terms (HoTs) received from Harry Stubbs. These were on a long leasehold basis (which is the industry standard), as opposed to the freehold HoTs that were previously supplied to the Estate.
 - **The Estate requests that the Examining Authority consider why reasonable HoTs were not provided until after Deadline 4 of the DCO Examination.**
 - **For the avoidance of doubt, since we have been provided with an industry standard long leasehold set of HoTs on 8 November 2024, we have responded as follows:**

- **11/11/2024** – Meeting held between Cefn Estate representatives and the Applicant representatives. Several actions were taken away, **but no follow up from the Applicant to request another meeting. Little information provided to the Estate following the meeting.**
- **20/11/2024** – The Estate shared a number of actions between the parties to the Meeting.
- **22/11/2024** – **Response from Harry Stubbs to email dated 20/11/2024.**
- **28/11/2024** – Response from Harry Stubbs: answers included: the Applicant is still reviewing areas of land that could be handed back to the Estate (as opposed to be included within the Option area) and is still pulling together a plan of the constraints.
- **02/12/2024** – LT requested a breakdown of the figure for the lease premium, as the figures provided did not back calculate to the figure provided.
- **03/12/2024** – **Email received from the Applicant, however, still, the figures detailed within the email did not align with the calculation provided within the Hots.**
- **03/12/2024** – The Estate responded with further queries.
- **05/12/2024** – A response was received from the Applicant, however, the response was limited and lacking real value. The Estate would like to submit a copy of the email correspondence at Deadline 7, as this demonstrates a lack of meaningful negotiation and engagement.
- **16/12/2024** - Chaser email received from the Applicant.
- **17/12/2024** – Letter sent to Harry Stubbs from the Estate with a counter offer and a robust rationale for why the offer provided is not reasonable. Market facing comparable evidence sent to the Applicant. The Applicant’s agent, Harry Stubbs will be aware of such as his company acts for other developers, including RWE he also negotiated one of these historic agreements.
- **19/12/2024** – Tracked changes word document of the HoTs sent to Harry Stubbs and Tom Harrison.
- **20/12/2024** – Counter proposal put forward via email regarding the construction compound rate offered and the short term mitigation. A response on the HoTs for the cable easement.

Lack of Clarity from the Applicant demonstrating lack of meaningful negotiation

As detailed at CAH1 & CAH2, the Applicant’s agent has provided information that is either incomplete or incorrect. The long leasehold HoTs do not provide a justification for how the figures have been arrived at, nor do they stipulate the area required.

On 17 November 2024, the Estate sent a fourth request for clarification on this information (via a Letter on 17 December 2024) and included an excel schedule detailing the errors in the calculation (a redacted version can be provided).

Information has been sought on various occasions with the Estate adamant that the Applicant must now provide the granular detail that has been requested repeatedly.

Scale of the Proposals - Insufficient justification for the amount of land within the DCO.

There is an issue of proportionality – with insufficient justification for the amount of land within the DCO, subject to potential freehold acquisition. We highlighted this to the Applicant at CAH1 and CAH2.

In addition, the Applicant seems unclear on the amount of land they require, and this is evidenced by the recent Change request, with the **late addition of the access track**, which has surprisingly been accepted into the Design by the Examining Authority, after a brief consultation. Clearly there has been a lack of due diligence on the land required by the Applicant, with additions being made ad hoc.

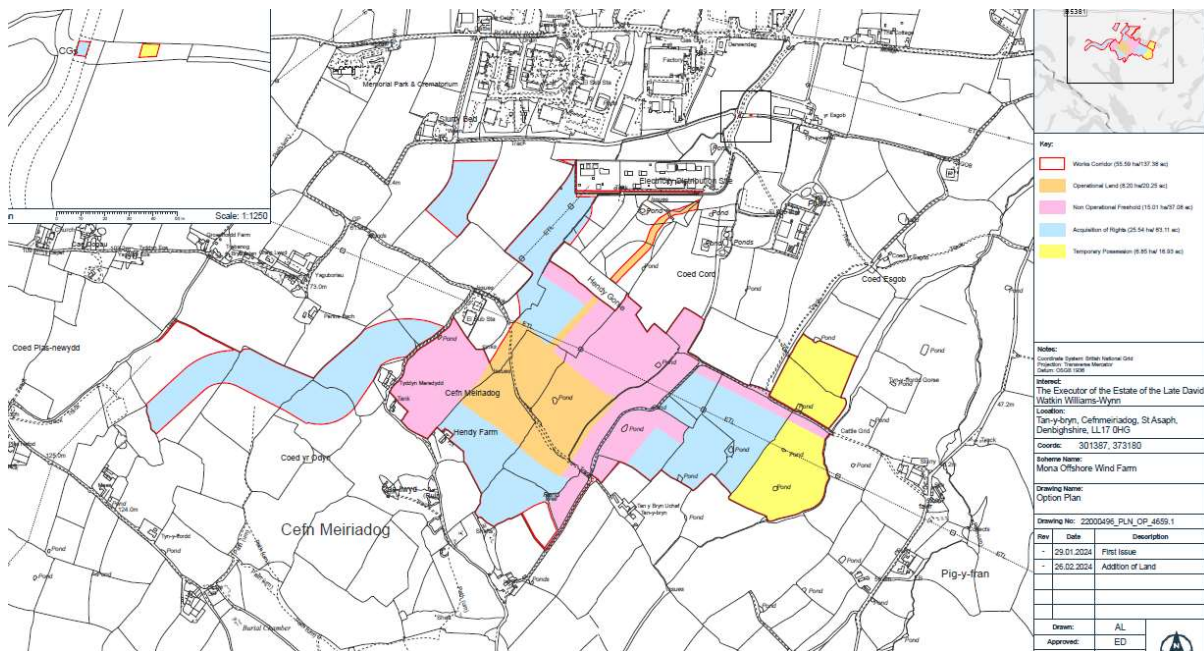
We are concerned the Applicant is therefore requesting CA powers over a disproportionate amount of land and are still including additional areas at this late stage in the DCO process, which is surprising.

The Applicant is effectively undertaking a ‘land grab’ over the Cefn Estate’s land to satisfy a number of their planning requirements, without providing sufficient justification nor reasonable terms to compensate. These include:

Works Area within DCO Order Limits	Size (Acres)
Operational Substation	20.25
Long term Mitigation (providing benefits to the Applicant in terms of screening the substation and satisfying NBB requirements as well as mitigation)	50.01
Short term mitigation land	17.58
Construction compound x 2	18.96 (in total)
Woodland area/ ecological mitigation	26.96
Cable easement/ other acquisition of Rights	36.25

The above Mona scheme requirements necessitate separate agreements and the Applicant has not (to date) provided draft agreements to reflect the differing requirements above. The Applicant has therefore not shown reasonable attempts to negotiate.

Please see a plan provided by the Applicant detailing the vast scale of the proposals on the Cefn Estate.



Probate

The Examining Authority must appreciate that the land being in probate has created various challenges. In November 2023, unfortunately the owner of the Estate (late David Watkin Williams-Wynn) sadly passed away, less than 3 months (Feb 2024) before the DCO was submitted.

2 months after his death, the agents, Dalcour Maclaren issued option plans and Heads of Terms to the Executors of his estate. It is not reasonable, to expect a family in mourning, before probate has even been granted, to enter practical negotiations for a substation agreement.

As the Estate (and the land impacted by the Mona substation proposals) is currently in probate, this has hindered the opportunity for meaningful negotiations and will mean that negotiations and documentation around any agreement may be more protracted than usual.

It is therefore not reasonable for the Applicant to be awarded compulsory acquisition powers when the probate remains outstanding. This is the only above ground infrastructure across the entire project, and owing to the personal circumstances of the Estate, more time is required for viable negotiations.

Creation of a Private Grid Supply Point

137 acres (55 hectares) within the Option area is akin to a ‘land grab’ over the Cefn Estate’s land. The Estate has concerns that the Applicant intends to create their own private grid supply point. The substation footprint of over 20 acres implies the Applicant intends to get more grid connection through this location.

The below table illustrates the disproportionate amount of land that Mona is intending to ‘land grab’, when compared to other more reasonable developments nearby. **The size of the substation footprint is not line with modern requirements for other windfarms which appear to be more beneficial in terms of Grid Capacity. The table below demonstrates two key points:**

1 – The Applicant is taking more land than needed, when compared with offshore wind developments of a similar scale (or smaller).

2 - This has led the Estate to question the long term intentions of the Applicant. Given the **footprint is nearly double the size of the Awel-y-Mor substation** (an RWE development located just to the north) the Estate asks the Examining Authority to consider whether the Applicant is seeking to use the substation **for future uses as a private Grid supply point**.

Substation	Substation Footprint (acres)	Megawatts (MW) Maximum capacity	Ratio of acres to Megawatt capacity
Mona, Wales	20	350	1:17
Awel-y-Mor, Wales (RWE)	12.35	1,100	1:89
Burbo Bank Extension (now Orsted), Wales	3.82	367	1:96
Gwynt-y-Mor (RWE) (Prior to National Grid Expansion) Wales	4.69 2.26 (National Grid)	672	1:143
Rampion 2, West Sussex (RWE)	4.76	1,200	1:252
Sofia, Doggerbank (RWE)	6.17	1,400	1:227

As at 16:00 on 20 December 2024, the Cefn Estate has not received a response from the Applicant, as requested by the Examining Authority in CAH 2. The Estate is therefore still waiting for justification for why such a large swathe of land is required within the DCO Order Limits, when benchmarked against other substation sites/ existing infrastructure in the area.

The land subject to the Mona proposals in unequivocally Strategic Land

The Cefn Estate currently accommodates 3 substations. The Cefn Estate is a reasonable operator who has historically negotiated these substation agreements on their land. These were agreed by mutual consent under appropriate lease terms, with reflective capital payments. The Cefn Estate is familiar with energy operators and the negotiation process to reach voluntary agreements.

The Cefn Estate is strategically important for renewable energy projects due to its existing infrastructure and ease of Grid connectivity. With reference to offshore wind, the Cefn Estate's land has both proximity to the Grid and the coastline, facilitating cabling for energy scheme connections. In addition, the land's proximity to the Grid creates demand from other energy developers including, but not limited to: Solar, BESS, offshore wind, grid stability schemes and data centres. As a result, numerous developers have approached the Estate, expressing interest

in utilising the Cefn Estate land both for development of their own renewable energy schemes and connections to schemes proposed in the surrounding area.

Land with development potential for energy schemes is more valuable than regular agricultural land because it can generate higher and more stable income streams. This reliability, combined with the environmental benefits of clean energy, makes land for solar development a highly sought-after and valuable commodity.

Given these factors, the offer presented by the Applicant's agent does not accurately reflect the strategic value and competitive interest in the market. The unique advantages of the Cefn Estate, including its existing infrastructure and location, significantly enhance its value for renewable energy projects, making it a prime site for future development.

The value of the land at the Cefn Estate is categorically routed in its development value (hope value) for energy projects (both current, planned and future). Given the quantity of future projects and projects currently in the pipeline nationwide, more robust Market facing comparable evidence, supporting open market values for similar parcels of land, will become public over the coming years. These would undoubtedly be relied upon should any form of dispute resolution develop.

Land surrounding existing National Grid substations is extremely valuable, due to providing connection opportunities for future energy generation projects. Standard assessments for the freehold value of BESS schemes are in the region of **25 Megawatts (MW) per acre** when assessing the capacity of a site.

The Mona scheme proposals have a disproportionate impact on the strategic land surrounding the existing National Grid substation, thereby preventing planned, current and future developments and connections on the Cefn Estate. As outlined above, demand for strategic parcels of land (such as the land owned by the Cefn Estate) is high and will grow exponentially over the coming years.

Mitigation Land

The Applicant is proposing to acquire over 50 acres of land, merely to satisfy their planning requirements with respect of NBB, mitigation and screening for the substation and proposed development.

Whilst the Estate is aware that BNG does not exist in Wales (we understand it is NBB), the table below illustrates the high cost of BNG credits to developers in England. The Applicant is placing an undue burden on the Cefn Estate in respect of the area of land required for mitigation (both short term and long term) purely to satisfy the NBB requirements. This is strategic land with adjacency to the National Grid substation. **Either other less valuable land should be investigated by the Applicant for this mitigation, or a reasonable commercial agreement should be put in place.**

The Applicant is achieving a triple benefit of value, at the expense of the Estate: mitigation; screening for the substation and Net Biodiversity Benefit; which all tick the boxes for planning requirements, without the Applicant having to seek these resources in land elsewhere.

This is for the financial benefit of the Applicant, at the expense of the Estate.

The table below demonstrates the scale of the land the Applicant is requesting compulsory powers over in order to satisfy their mitigation/ habitat enhancement obligations:

Land Parcel	Habitat Creation/enhancement measure	Area/Size, (acres) (APPROXIMATE)
1	Reinstatement of hedgerow	Too small to identify
2	Woodland planting	0.66
3	Woodland planting	1.85
4	Woodland planting	1.54
5	Reinstatement of hedgerow	Too small to identify
6	Reinstatement of hedgerow	Too small to identify
7	Reinstatement of hedgerow	Too small to identify
8	Woodland planting	2.28
9	Woodland planting	1.13
10	Woodland planting	2.07
11	Enhancement of existing area of woodland	3.04
12	Woodland planting	0.13
13	Woodland planting	1
14	Creation of ponds, scrub and hibernacula	2.55
15	Enhancement of existing hedgerows and ponds, creation of ponds and implementation of habitat management regime (i.e.cessation of grazing)	3.41
16	Enhancement of existing hedgerows and ponds, creation of ponds and implementation of habitat management regime (i.e.cessation of grazing)	3.56
17	Enhancement of existing hedgerows and ponds, creation of ponds and implementation of habitat management regime (i.e.cessation of grazing)	9.29
18	Creation of additional hedgerow	Too small to identify
19	Creation of additional hedgerow	Too small to identify
20	Reinstatement of hedgerow	Too small to identify
21	Creation of additional hedgerow	Too small to identify
22	Habitat enhancements to diverted watercourse; improvements to channel form, substrate and sinuosity.	Too small to identify
23	Creation of wildflower meadows	2.71

24	Creation of wildflower meadows	0.78
25	Creation of wildflower meadows	0.78
26	Creation of wildflower meadows	20.02
27	Creation of species rich grassland and an additional hedgerow	0.61
28	Creation of additional hedgerow	Too small to identify
29	Creation of wildflower meadows and ponds	0.93
30	Creation of hibernaculum and hedgerows	6.78
31	Creation of ponds, hibernaculum and hedgerows	0.23
32	Creation of ponds, hibernaculum and hedgerows	0.72
33	Creation of ponds, hibernaculum and hedgerows	0.23
34	Creation of ponds, hibernaculum and hedgerows	0.72
35	Creation of additional hedgerow	Too small to identify
36	Creation of additional hedgerow	Too small to identify
37	Creation of additional hedgerow	Too small to identify
38	Creation of additional hedgerow	Too small to identify
39	Creation of additional hedgerow	Too small to identify
40	Creation of additional hedgerow	Too small to identify
41	Creation of additional hedgerow	Too small to identify
42	Woodland planting	3.3
43	Hedgerow enhancement	Too small to identify
44	Creation of wildflower meadows	0.69
45	Creation of a wild flower meadow hedgerow and watercourse diversion	1

Habitat Distinctiveness	Broad habitat type	Price per credit	No. of habitats	Potential Cost
Various	Hedgerow	£44,000	17	£748,000
High	Woodland & Forest	£66,000	10	£660,000
High	Ponds	£125,000	9	£1,125,000
Various	All watercourses	£230,000	2	£460,000
High	Heathland & shrub	£48,000	7	£336,000
				£3,329,000

Conclusion

The Mona proposals have a **disproportionate** impact on the Cefn Estate in terms of the scale of land take both for operational and non-operational land. This concern has been raised with the Examining Authority on numerous occasions.

The Applicant has taken an **overly aggressive** approach by applying for compulsory powers for freehold acquisition – **for a disproportionate amount of land**.

The Mona scheme proposals will sterilise a significant proportion of the Cefn Estate's strategic land where the Estate has long term plans related to the Grid Connectivity.

It is inappropriate to value the land on an existing use value basis considering the timescales around the DCO, the additional energy schemes that the Cefn Estate has in the pipeline and the development potential as a result of the land's connectivity to the grid. Given the land's strategic connectivity to the grid, there are already 3 existing substations in this location, further strengthening the development potential on that basis. In addition, the Applicant has undertaken numerous feasibility studies on the site's capability, which further strengthens the above point.

In a no Scheme world, the Cefn Estate has been and will continue to be approached by third party developers on the basis it has good connectivity to the grid. In a world where renewable energy project and planning permissions are being pushed forward and demanded to a significant degree, as stipulated in the commentary above, this needs to be reflected in a reasonable offer and reasonable attempts to negotiate from the Applicant. This has not been evidenced to date.