

**PLANNING ACT 2008**

**INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**WRITTEN SUBMISSIONS OF NFU REGARDING THE MONA OFFSHORE WIND FARM PROJECT  
DEVELOPMENT CONSENT ORDER APPLICATION BY BP and EnBW**

**PLANNING INSPECTORATE REFERENCE NO XXX**

**SUBMISSIONS OF NATIONAL FARMERS UNION ON OUTSTANDING ISSUES ON 14 JANUARY  
2025**

**DATE 14<sup>TH</sup> JANUARY 2025**

**Louise Staples  
NFU  
Agriculture House  
Stoneleigh Park  
Stoneleigh  
Warwickshire**

## 1.0 Introduction

**1.1** Submissions on behalf of the National Farmers Union (“NFU”) in respect of the application for a Development Consent Order (DCO) by Mona Offshore Wind Ltd. The NFU is making a case on behalf of its members. This submission is submitted to highlight issues of concern which have been raised by NFU on behalf of NFU members and landowners represented by LIG who will be affected by this project and are still outstanding at the end of the examination as at 14<sup>th</sup> January 2025.

## 2.0 NFU Members with outstanding issues.

### 2.1. G LLOYD EVANS & SONS, BRYN HEN, GROESFFORDD MARLI, LL22 9ED REGISTRATION ID: 20048549

Further to the submission submitted to the Examiners on 20<sup>th</sup> December as highlighted below and an email sent to Dalcour Maclaren on the 20<sup>th</sup> December 2024 we confirm that Dalcour Maclaren have replied in an email dated 24<sup>th</sup> December 2024 that they believe the Applicant has committed to using trenchless technologies over a large proportion of the affected land but that the Applicant is not able to refine this anymore at this stage as has been stated before.

They have stated that they will work with our NFU members the Lloyd Evans and at detailed design stage work up the detail to include the trenchless sections and the haul roads, crossing points etc.

They believe a further meeting will not achieve anything further.

The email on the 20<sup>th</sup> requested the following:

*Further to Susie’s email to you last Wednesday 11<sup>th</sup> December and the issues raised by Susie and Huw Evans at the Compulsory Acquisition hearing, please could we arrange a meeting in-person or Teams to see if we can get something agreed as to how we are going to take forward the area to be direct drilled. We think it would also be beneficial to have an engineer in the meeting so that it can be explained clearly as to why you cant guarantee to the 450m in a set place now. This will then enable us to hopefully draft some wording which could be considered that may for example cover an engineering reason for a section of the 450m to not be direct drilled and what the process will be for dealing with this if it happens when construction takes place.*

**The NFU very much believes that a meeting is still required to draft some wording which could be considered that may for example cover an engineering reason for a section of the 450m to not be direct drilled and what the process will be for dealing with this if it happens when construction takes place.**

**The NFU would like the Examiners to state that the Applicant has to agree wording to this effect that can be included somewhere within the DCO documents which will make this action binding.**

The below is the submission submitted on the 20<sup>th</sup> December 2024:

Following on from the written submission submitted to you on the 6<sup>th</sup> December by Susie Griffiths of J Bradburne Price, the information given by Huw Evans at the Compulsory Acquisition Hearing 2 on the 11<sup>th</sup> December 2024 and issues raised by Louise Staples of the NFU we would like to highlight the following:

- 1) After evidence given at the hearing which confirms that there are two long sections of the underground cable lengths within the whole scheme to be direct drilled and that these lengths are guaranteed, we see no reason why the requested length of 450m through the grazing platform land at Bryn Hen cannot be guaranteed. We believe the only reason is financial and this is why the Applicant is not prepared to guarantee the length in the specific area requested. We believe the Applicant is not taking into consideration the main impact to the dairy herd which will take considerable years to rebuild or the financial impact to the Bryn Hen farming enterprise. Paying compensation will not enable the dairy cows to stay on the holding, the Applicant needs to realise that this is not an arable farm where compensation can be paid for loss of crop/ contract and where the following year the crop is resown and the contract fulfilled.
- 2) As stated by Huw Evans at the hearing they are prepared to work with the Applicant and be flexible on the direct drill if at the time of construction there was an area that could not be direct drilled for a good engineering reason.
- 3) An email has today, 20<sup>th</sup> December been sent to the Applicant requesting a meeting to discuss this further and see how this could be agreed in the voluntary Heads of Terms. It is disappointing that the Applicant has not been in contact with either the NFU, J Bradburne Price or G Lloyd Evans & Sons to request a meeting as was suggested at the hearing.
- 4) The NFU believes that the Applicant is now not trying to negotiate on a parallel basis with formal processes and the failure to conduct such negotiations is now depriving the landowners of the benefit that an agreement on the 450m being direct drilled could bring to completely change the impact of the scheme to the dairy enterprise and the farm business. Direct drilling the 450m in the specific location requested can achieve a completely different outcome for the farm business.
- 5) The NFU and the land agent acting believe that a compelling case cannot be made by the Applicant to open trench the area of land in question rather than direct drill and so as it stands a Development Consent Order should not be granted.
- 6) The Applicant needs to agree wording in either the voluntary Heads of Terms or wording needs to be included within the DCO that confirms that the 450m section in question will be direct drilled except if there is a engineering reason that means direct drilling is not possible and how this will be communicated by contractors during construction to still minimise any area that has to be open trench.
- 7) This difference should be highlighted as an outstanding matter within the Lands Tracker.

## **2.2 E W Roberts: Affected Party Registration identification number-: 20048005**

**Agent Eifion Bibby: Registration Identification number-: 20047783**

The NFU would like to highlight on behalf of its member E W Roberts that the Applicant does need to address the issue of the planning condition that Conwy County Borough Council's Highways Department, has stated to be imposed in the event of the Applicant's Listed Building Planning

Consent application (*Application reference 0/51909*) being granted to alter the roadside access to Plot no 02-032 [on the Land Plan (On Shore)-; [B5 Mona Land Plan \(Onshore\)](#)], i.e. -: **\*\*\*No surface water drainage from the site shall be allowed to discharge onto the county highway'**.

1. As detailed in Mr. Eifion Bibby's submission dated 14<sup>th</sup> January 2025 the NFU is very disappointed that the Applicant has stated we are unable to accept for there to be an obligation inserted within a voluntary agreement, for the Applicant (and Assigns) to be responsible to indemnify the Affected Party (and successors in title) , in **perpetuity** ,against prosecution , penalty and monetary loss in consequence of the proposed project ( including the intended access alterations). It is not acceptable for Mr. Roberts to have to accepted this condition and be responsible in future for any surface water from the site.

Therefore as requested by Mr Bibby there needs to be unequivocal obligation that the Applicant (and assigns) ensure ,that should the subject planning condition be imposed by Highway Authority (or a variation of the same) that the existing and future owner(s) and occupier(s) of the Affected Party's subject plot will be duly indemnified against prosecution , penalty and monetary loss in consequence of the proposed project ( including the access alterations).

This needs to be stated very clearly within the DCO so that it is binding.

### **2.3 AEM OWEN: AFFECTED PARTY REGISTRATION ID NO-:20048007 AGENT EIFION BIBBY: REGISTRATION IDENTIFICATION NUMBER-: 20047783**

The NFU on behalf of its member AEM Owen is very disappointed that the Applicant has not addressed the impact of the scheme, particularly the land take that is required for the substation on farming occupier of the land satisfactorily. The NFU raised that there was a lack of negotiation taking place with occupiers and in particular Mr Owen in its submission in November, highlighting that more input was required from the Applicant to address the lasting impact of the proposed development on the farming businesses.

As stated by Mr. Bibby no substantive, tailored, pre-populated Heads of Terms for an Occupier's consent (and associated plan) in respect of the subject land affected by the proposed onshore substation site has, as yet, been received . For completeness incomplete, updated draft Heads of Terms for the cable route was received on 9<sup>th</sup> January,2025, which will require further review.

As stated by the NFU in previous submission to the Compulsory Acquisition hearing it is required and expected that the Applicant should carry out voluntary negotiations in parallel to progressing the DCO application and to not rely on compulsory acquisition of land if and when the DCO may be granted.

As it stands, the NFU does not see how the DCO can be granted until negotiations are progressed with the occupier, Mr Owen and the impact to his dairy business is addressed. Please see the requests made by Mr Bibby in his submission dated 14<sup>th</sup> January on behalf of Mr. Owen.

