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Ref: EN010137

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4 July 2025

Dear Mr Carter,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE MONA OFFSHORE WIND FARM

1. Introduction

1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Examining Authority's ("ExA") report dated 16 April 2025. The ExA consisted of 5 examining inspectors: Caroline Jones, Julie de-Courcey, Graham Hobbins, Jessica Powis and Jason Rowlands. The ExA conducted an Examination into the application submitted on 21 February 2024 ("the Application") by Mona Offshore Wind Limited ("the Applicant") for a Development Consent Order ("DCO") ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Mona Offshore Wind Farm ("the Proposed Development"). The Application was accepted for Examination on 21 March 2024. The Examination began on 16 July 2024 and closed on 16 January 2025. The Secretary of State received the ExA's Report on 16 April 2025.

1.2. On 12 May 2025 a letter was issued by the Secretary of State seeking information on several matters. Responses were provided by relevant parties. On 29 May 2025 the Secretary of State invited all Interested Parties to comment on the responses received in response to the 12 May letter. There were six responses from Interested Parties. On 30 May 2025, 5 June 2025 and 25 June 2025 further updates were requested from specific parties.

1.3. The Order, as applied for, would grant development consent for an offshore generating station comprising [ER 1.3.7]:

<u>Offshore</u>

- Up to 96 wind turbines;
- Four Offshore Substation Platforms ("OSP"s);
- Foundations for the wind turbines and OSPs;
- Inter-array cables linking the individual wind turbines to each other and the OSPs;
- Offshore export cables; and,
- Scour Protection for foundations and cables, where required.

Onshore

- Transition joint bays (connecting the offshore and onshore cables);
- Onshore export cables;
- An onshore substation;
- A connection from the onshore substation into the existing Bodelwyddan National Grid Substation; and,
- Landscaping mitigation works.

1.4. The Applicant also seeks compulsory acquisition ("CA") and temporary possession ("TP") powers, set out in the draft Order submitted with Application [ER 9.5.1 et seq.].

1.5. Published alongside this letter on the Planning Inspectorate's National Infrastructure Planning website is a copy of the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report"). The ExA's findings and conclusions are set out in Chapters 3 - 7 of the ExA Report, and the ExA's summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA's Report ["ER *.*.*"].

2. Summary of the ExA's Report and Recommendation

2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings:

- Need;
- Alternatives;
- Landscape and visual;
- Land use and ground conditions;
- Noise and vibration;
- Traffic and transport;
- Onshore ecology and biodiversity;
- Flood risk and water quality;
- Seascape and visual resources;
- Navigation and shipping;
- Other offshore infrastructure and activities;
- Marine mammals;
- Offshore ornithology;
- Commercial fisheries;
- Fish and shellfish;
- Benthic subtidal and intertidal ecology;
- Physical processes;
- Historic environment;
- Civil and military aviation and defence interests;
- Socio-economics;
- Climate change and greenhouse gas emissions;
- Other matters;
- Cumulative and inter-related effects; and,
- Good design.

2.2. The ExA recommended that the Secretary of State should grant consent for the Proposed Development and make the Order in the form recommended at Appendix E of the ExA's Report [ER 11.5.1].

2.3. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of his conclusions and recommendations.

3. Summary of the Secretary of State's Decision

3.1. As the Proposed Development is an offshore wind turbine generating stations in waters adjacent to Wales up to the seaward limits of the territorial sea that would have a generating capacity greater than 350MW, it falls within s15(3B) of the 2008 Act, meets the definition of a Nationally Significant Infrastructure Project ("NSIP") set out in s14(1) of the 2008 Act and requires a development consent order ("DCO") in accordance with s31 of the 2008 Act [ER 1.1.3].

3.2. Sections 104 and 105 of the 2008 Act provide for the approach to be taken to decisions where one or more of the NPSs have effect (s104) and where no NPS has effect (s105). NPSs EN-1, EN-3 and EN-5 have effect in relation to the Proposed Development and consequently it is to be determined under the provisions of s104 of the 2008 Act. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS"). Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply.

3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.

3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's Examination and responses to the Secretary of State provided during the decision-making stage. 90 Relevant Representations ("RRs") were made in respect of the Application. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the Local Impact Report ("LIR") submitted by Conway County Borough Council and Denbighshire County Council, environmental information as defined in regulation 3(1) of the

EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act including relevant policy set out in the NPSs EN-1, EN-3 and EN-5.

4.2. The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of EN-1, the 2024 NPSs had effect for the ExA's consideration of this Application. On 24 April 2025, a consultation on the draft revisions of NPS EN-1 and EN-3 was launched; whilst these 2025 versions of the NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process.

4.3. The Secretary of State has also had regard to the updated National Planning Policy Framework from February 2025 which was released after the close of the Examination. The Clean Power 2030 Action Plan ("CP2030") was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.

4.4. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Alternatives – The Applicant provided sufficient detail of reasonable alternatives and reasons for its choice [ER 3.2.25];
- Traffic and Transport – Little negative weight [ER 4.4.27];
- Onshore Ecology and Biodiversity – Little negative weight [ER 4.5.38];
- Flood Risk and Water Quality – Neutral weight [ER 4.6.45];
- Marine Mammals – Moderate negative weight [ER 8.3.15];
- Commercial Fisheries – Moderate negative weight [ER 5.6.44];
- Fish and Shellfish – Little negative weight [ER 5.7.24];
- Benthic Subtidal and Intertidal Ecology – Little negative weight [ER 5.8.40];
- Physical Processes – Neutral weight [ER 5.9.36];
- Historic Environment – Little negative weight [ER 6.1.77];
- Socio-Economics – Moderate positive weight [ER 6.3.57];
- Climate Change and Greenhouse Gas Emissions – Neutral weight [ER 6.4.48];
- Other Matters – Neutral weight [ER 6.5.73];
- Cumulative and Inter-related Effects – Neutral weight [ER 6.6.32]; and,
- Good Design – Neutral weight [ER 6.7.58].

4.5. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including those matters on which further information has been sought.

<u>The need for the Proposed Development</u>

4.6. The ExA concludes that the Proposed Development would make a meaningful contribution to meeting the urgent need for offshore wind and transitioning to a lower carbon system, as established by the energy NPSs [ER 3.1.15]. The ExA is satisfied, notwithstanding the consideration of project-specific issues, the overarching need argument for the Proposed Development is very strong in terms of meeting the urgent need for low carbon energy, deliverability within a reasonable timeframe to meet growing energy demands and ensuring

security of supply. Therefore, the ExA ascribes the need for the Proposed Development very great positive weight in the planning balance [ER 3.1.16].

The Secretary of State's Conclusion

4.7. The Secretary of State agrees with the ExA's view and considers that the need for the Proposed Development is established and notes the contribution the Proposed Development would make to the established need and targets for low carbon, renewable energy generation. The Secretary of State notes the impact of wake effects on other offshore windfarms and the impact on cumulative GHG emission reductions, as discussed at paragraph 4.72 of this letter. The Secretary of State considers that while the capacity of some projects may be reduced, cumulatively there is a greater capacity of clean electricity generation with the proposed development. The Secretary of State, therefore, concludes that this does not affect the need case in the NPS, or the need for the Proposed Development. The Secretary of State ascribes the need for the Proposed Development substantial positive weight in favour of making the Order.

Landscape and visual – onshore works

4.8. The ExA is satisfied that the Applicant has undertaken an appropriate landscape and visual assessment in relation to the onshore works, and with the exception of the effects on visual amenity discussed, has adequately identified the effects of the Proposed Development on landscape and visual receptors [ER 4.1.75]. As a result of the establishment and maturing of proposed landscape planting, the ExA is satisfied that for most receptors, such significant effects would diminish considerably by year fifteen. This is with exception to viewpoint ("VP") 2 and VP3 where the ExA considers that the effects would remain significant at year fifteen. The ExA agrees with the Applicant's conclusion that there would be no additional cumulative effects to visual receptors from the Proposed Development [ER 4.1.77]. The ExA is satisfied that the matter of sensitive design of energy infrastructure has been suitably addressed by the Applicant and that the mitigation hierarchy has been applied [ER 4.1.78]. The ExA is also satisfied that mitigation and control for the avoidance and reduction of adverse landscape and visual effects, where reasonable and appropriate, would be adequately secured through the Order [ER 4.1.79].

4.9. The ExA is satisfied that the duty set out in section 85 of the Countryside and Rights of Way Act 2000 ("CROW Act") can be discharged [ER 4.1.80]. The ExA is satisfied that the Proposed Development would accord with the provisions set out in NPS EN-1, NPS EN-3 and NPS EN-5 in respect of landscape and visual matters relating to the proposed onshore works. Furthermore, given that residual significant adverse effects in respect of landscape and visual matters would be limited and localised, the ExA attributes moderate weight relating to these matters against the Order being made [ER 4.1.81].

4.10. The ExA notes the Welsh Government's Programme for Government (2021-2026) set out its intention to designate a new National Park ("NP") in Wales based on the existing Clwydian Range and Dee Valley National Landscape ("CRDVNL"), for which consultation took place in 2024. The ExA advised that the Secretary of State may wish to seek confirmation on the status of the proposed NP prior to making a decision to be satisfied that any statutory duties imposed on public bodies can be satisfactorily discharged [ER 4.1.82].

4.11. On 12 May 2025 the Secretary of State requested an update from Welsh Minsters and Natural Resources Wales (Advisory) ("NRW(A)") on the proposed designation of a new

National Park in Wales based on the existing Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

4.12. On 22 May 2025 Welsh Ministers responded stating that it has asked NRW to take forward a programme of work to consider designating a new national park. It confirmed that NRW is working towards a statutory consultation on a Designation Order in autumn 2025, the outcome of which will inform a final decision on the making of the order. At this stage, the Welsh Government is unable to confirm if there will be a need to call a public enquiry prior to determining whether to confirm, amend, or refuse to confirm the order.

4.13. NRW responded on 22 May 2025 stating "*Following a period of engagement in 2023 and a public consultation on a Candidate Area in 2024 NRW are working towards a statutory consultation on a Designation Order in the Autumn of 2025. The outcome of this consultation will inform a final decision by NRW on the making of the Order and submission to Welsh Ministers, together with supporting documentation, for confirmation. At this stage it is unknown if there will be a need for Welsh Ministers to consider the need to call a public inquiry prior to determining whether to confirm, amend or refuse to confirm the Order*".

The Secretary of State's Conclusion

4.14. Noting the responses received, the Secretary of State is satisfied that he has sufficient information on the status of the proposed new NP to take a decision on the Proposed Development. As there is currently no confirmation that the NP will be designated, the Secretary of State is satisfied that there is nothing further for him to consider, that was not taken into account by the EXA, in relation to landscape and visual impacts on this potential receptor.

4.15. The Secretary of State agrees with the ExA's conclusions on this matter and has assigned landscape and visual impacts moderate negative weight in the overall planning balance.

<u>Land use and ground conditions</u>

4.16. The ExA is satisfied that the Applicant's assessment has fully addressed the Proposed Development's potential effects on land use and ground conditions, and that it accords with sections 5.11 and 5.16 of NPS EN-1 [ER 4.2.218].

4.17. The ExA recommended that the Code of Construction Practice ("CoCP") be amended to include a commitment to the use of Horizontal Directional Drilling ("HDD") to undertake the proposed works between points A and B of the Evans landholdings. The ExA also recommended that, if, upon further investigation, there were reasonable and cogent reasons why this was not possible, then alternate means of construction must be included within the final CoCP submitted to the relevant planning authority, with evidence of any proposed, revised method(s) of construction discussed with the landowners and/or their representatives [ER 4.2.127].

4.18. Subject to the recommended amendment to the CoCP [REP7-087], the ExA is satisfied the measures to be encapsulated within the final version of the suite of management plans forming part of that outline document and secured by Requirement 9 of the Applicant's final draft Order [AS-036], would achieve the satisfactory reinstatement of agricultural land in general, and that there would be no further effect on the bulk of agricultural holdings during the operation, maintenance and decommissioning phases, save for the 11.9ha that would

be lost during its operational life, including 1.7ha of Best and Most Versatile Agricultural Land [ER 4.2.219].

4.19. The ExA is satisfied that any other identified effects for the Proposed Development individually or in combination with other projects, on land use and ground conditions would be satisfactorily mitigated and managed [ER 4.2.221]. The ExA concludes that effects on land use and ground conditions would carry moderate negative weight against the making of the Order [ER 4.2.222].

4.20. Noting the ExA's recommended amendment to the CoCP, on 12 May 2025, the Secretary of State requested that the Applicant provide an amended version of the outline CoCP on a without prejudice basis.

4.21. On 23 May 2025, the Applicant responded stating it will not be able to commit to using trenchless techniques between the identified points A and B due to the impact this will have on the electrical system design of the Proposed Development.

4.22. The Applicant stated it has committed to crossing multiple existing obstacles using trenchless techniques to the west of the 'A to B' section. Due to the number of obstacles that need to be crossed using trenchless techniques and their proximity to one another, it is highly likely that it will need to undertake one long drill to cross these obstacles. The Applicant also stated it has committed to cross the underground high voltage 33 kV line which is located within section A to B, and the minor road to the east. The Applicant notes that there are several obstacles to the east of the A to B location that could be crossed using trenched or trenchless techniques, and it is likely that it will need to use trenchless techniques starting from the underground line all the way throughout to the minor road.

4.23. The Applicant's position is that requesting to drill a further 450 metres between points A and B after the extensive section of obstacle crossing to the west, followed by an extensive section of crossings east of the location that has already been committed to, effectively removes the flexibility it requires to refine and deliver the electrical design so that it can locate joint bays at fixed distances along the cable route. The Applicant also states that there is no certainty that the Lloyd Evans' will be in occupation when any Mona construction activities take place on this land parcel, as the drill requested is located on the land that is owned by Hugh Morris Parry and Gillian Ann Parry, with whom the Mona Offshore Wind Project have agreed heads of terms for the voluntary rights sought and is occupied by G Lloyd Evans & Sons (Book of Reference, REP7-014). Mr and Mrs Parry have recently put their land up for sale, which includes plot 10-179.

4.24. In the response, the Applicant stated it is prepared to make specific mitigation measures for the benefit of G Lloyd & Sons, providing that they are in occupation of plot 10-179 before construction commences. The Without Prejudice Outline Onshore Construction Method Statement (S_RFI1_06 F01) submitted as part of the Applicant's response includes, at

section 1.10.2.1 the specific mitigation measures the Applicant would be able to employ to reduce impacts in this area[1].

4.25. On 30 May 2025, noting that the Applicant has provided specific mitigation measures for the Evans' landholding at section 1.10.2.1 of the WP Outline Onshore Construction Method Statement but that the plot is currently up for sale by the landowners, the Secretary of State asked the Applicant to provide an amended version of the WP Outline Onshore Construction Method Statement that secures these mitigation measures for any landholders or tenants of that land who may require them and not limited to a particular tenant.

4.26. On 12 June 2025, Bradburne Price & Co. provided a response to the Secretary of State's letter of 29 May 2025 on behalf of G Lloyd Evans & Sons re-stating their position that they require a commitment from the Applicant for HDD in one continuous length the 450m between points A and B.

4.27. The Applicant responded to the Secretary of State's letter of 30 May 2025 on 23 June 2025, providing an updated version of the Without Prejudice Outline Onshore Construction Method Statement (S_RFI1_06 F02) to clarify that the proposed mitigation measures for land plot 10-179 will be agreed with the relevant Affected Parties before the commencement of construction. The Applicant also noted the letter sent by Bradburne Price & Co on 12 June and confirmed that their appointed land Agents, Dalcour Maclaren, Mr HL Evans, Mr RJL Evans and their appointed agent Ms Griffiths had a productive meeting on 13 June 2025 to discuss possible mitigation measures, including the examples outlined in the Without Prejudice Outline Construction Method Statement (S_RFI1_06 F02) and the Applicant stated that they are hopeful that a voluntary agreement can be reached.

The Secretary of State's Conclusion

4.28. The Secretary of State notes that the Applicant's proposed mitigation measures will be agreed with the relevant Affected Parties before the commencement of construction and considers that the mitigation measures are acceptable in terms of reducing the impacts on the Evans' landholding. Whilst this falls short of the ExA's recommendation, the Secretary of State considers that it is sufficient in the circumstances and agrees with the ExA's other conclusions and the weighting ascribed and has, therefore, assigned land and ground impacts moderate negative weight in the overall planning balance.

Noise and vibration

4.29. In respect of noise and vibration, the ExA concludes that the mitigation hierarchy has been applied and the requirements of NPS EN-1, NPS EN-3 and NPS-5 have been met. Noting that some harm from noise and disturbance associated with the Proposed Development would still accrue to sensitive receptors, the ExA concludes that matters relating to noise and vibration carry little negative weight against the Order being made [ER.4.3.72].

[1] https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010137/EN010137-002238-S_RFI1_06_Mona_Without%20Prejudice%20Outline%20Onshore%20Construction%20Method%20Statement%20(F01)%20(Tracked).pdf

4.30. The ExA has noted that the Applicant is seeking longer than typical working hours on Saturdays for the onshore works and heavy goods vehicle movements, as the Applicant's draft of the Order allows for working between 0700 and 1900 on Saturdays [ER 4.3.47 et seq.]. The ExA is not persuaded that there are unique circumstances in this instance that the working hours should be longer than 0700 to 1300 on a Saturday [ER.4.3.59]. Therefore, the ExA has recommended that the Requirement that restricts construction hours limits working hours to 0700 to 1300 on Saturdays.

4.31. In a letter dated 12 May 2025, the Secretary State requested that the Applicant provide, without prejudice, updated versions of the CoCP, including the outline CoCP and the outline Construction Noise and Vibration Management Plan to refer to working hours of 0700 to 1900 from Monday to Friday and 0700 to 1300 on Saturday, with no activity on Sundays or bank holidays. On 23 May 2025, the Applicant provided updated versions of the following documents, on a without prejudice basis, to incorporate the working hours proposed in the Secretary of State's letter:

- Without Prejudice Outline Code of Construction Practice (S_RFI1_03 F01)
- Without Prejudice Outline Construction Noise and Vibration Management Plan (S_RFI1_04 F01)
- Without Prejudice Outline Construction Traffic Management Plan (S_RFI1_05 F01)
- Without Prejudice Outline Onshore Construction Method Statement (S_RFI1_06 F01)
- Without Prejudice Outline Highways Access Management Plan (S_RFI1_07 F01)

4.32. In their response, the Applicant also commented that restricting Saturday afternoon working would mean individual work locations would require longer construction periods. As a result, communities along specific sections of the route would experience construction impacts over an extended timeframe, undermining the Applicant's intention of completing works efficiently and promptly in each area.

The Secretary of State's Conclusion

4.33. The Secretary of State has considered the Applicant's position. However, he agrees with the ExA's conclusions regarding restricting working hours on a Saturday. The Secretary of State considers that the EXA's amendment to requirement 14 and the updated documents provided by the Applicant sufficiently secure the restricted working hours. The Secretary of State agrees with the ExA and ascribes noise and vibration little negative weight in the overall planning balance.

<u>Seascape and visual – offshore works</u>

4.34. The ExA considers the Proposed Development would be in general conformity with NPS EN-1 and NPS EN-3 in relation to seascape, landscape and visual matters relating to the offshore works. Furthermore, the ExA is satisfied that the Applicant has applied the mitigation hierarchy as far as possible to reduce the seascape, landscape and visual effects of the Proposed Development [ER 5.1.105]. The ExA concludes that the proposed landscape enhancement scheme would compensate for some of the seascape, landscape and visual harms identified and would provide benefits to the Isle of Anglesey National Landscape ("IoANL") and Eryri National Park ("ENP") designated landscapes over the longer term [ER 5.1.107]. The ExA is satisfied that the duty set out in section 85 of the CROW Act can be discharged [ER 5.1.113].

4.35. The ExA notes the duty in section 11A of the National Parks and Access to the Countryside Act 1949 places on relevant authorities [ER 5.1.111]. Notwithstanding the ExA's finding of harm with respect to the ENP, the ExA is satisfied the application is consistent with this objective and that the ExA's Report, the ES and the principles document is sufficient to inform the Secretary of State that the duty can be discharged [ER 5.1.112].

4.36. The ExA is satisfied that the Proposed Development is in general conformity with policies SOC_06 and SOC_07 of the Welsh National Marine Plan ("WNMP"). Nonetheless, having regard to the significant effects on the special qualities of IoANL and ENP identified, the ExA attributes great weight to the adverse effects on seascape, landscape and visual matters relating to the Proposed Development against the Order being made [ER 5.1.106].

4.37. The Applicant confirmed at deadline 7 that it had agreed to provide compensation for residual effects of the Proposed Developments on designated landscapes in the form of a landscape enhancement scheme, as secured in a Requirement of the Order [ER 5.1.49]. However, at the close of the examination, a signed and executed s106 agreement was not before the ExA, but the Applicant instead submitted a general principles document [ER 5.1.50]. The general principles document for a landscape enhancement scheme set out the mechanism for delivery, the spatial and project scopes, the fund timings, fund size, payment profile, project steering group, and a list of potential projects. The ExA noted that the Applicant stated that it intended on providing an agreed s106 to the Secretary of State prior the end of the decision-making stage [ER 5.1.51].

4.38. On 12 May 2025, the Secretary of State asked the Applicant to confirm if it was able to provide a signed and executed section 106 ("s106") planning agreement for the Landscape Enhancement Scheme under the Town and Country Planning Act 1990 relating to the landscapes of the Isle of Anglesey National Landscape and the Eryri National Park.

4.39. On 23 May 2025, the Applicant responded that "*The Applicant has been engaging with Denbighshire County Council, Isle of Anglesey County Council and Eryri National Park Authority regarding the form of section 106 agreement that will be entered into. Agreement has not yet been reached but it will continue to engage with a view to reaching an agreed position in due course and does not foresee any barriers to doing so. Until the Applicant is in possession of land to which the section 106 can be bound, it will not be able to complete the agreement, however it will continue to seek an agreed position on the drafting of the section 106 in the meantime and complete the agreement when the required land is available. Requirement 28 of the Draft Development Consent Order (AS-036) continues to secure the commitment to a landscape enhancement scheme which ensures the delivery of the Landscaping Enhancement Scheme whether or not the form of section 106 has been agreed*."

4.40. On 30 May 2025, the Secretary of State asked the Applicant to provide a signed and executed section 106 planning agreement for the Landscape Enhancement Scheme under the Town and Country Planning Act 1990 relating to the landscapes of the IoANL and the ENP. The Secretary of State noted that, if provision of the s106 is not possible by 23 June, the Applicant should explain why the position has changed. The Applicant was also asked to provide confirmation from the other parties to the proposed s106 that agreement is not possible. The Applicant responded on 23 June with an agreed, but unsigned, form of the s106 agreement, reiterating that while there was now agreement on the drafting, it was not possible for the parties to execute the agreement until they have an interest in the land to which it relates. The Secretary of State is content with this position, noting that the draft is

now agreed and that Requirement 30 of the Order will ensure delivery of the Landscape Enhancement Scheme.

4.41. The ExA notes the Welsh Government's Programme for Government (2021-2026) set out its intention to designate a new NP in Wales based on the existing CRDVNL, for which consultation took place in 2024. The ExA advised that the Secretary of State may wish to seek confirmation on the status of the proposed NP prior to making a decision to be satisfied that any statutory duties imposed on public bodies can be satisfactorily discharged [ER 5.1.113].

4.42. As set out in paragraphs 4.11-4.14 of this letter, the Secretary of State requested an update from NRW(A) on the proposed designation of a new National Park in Wales based on the existing Clwydian Range and Dee Valley Area of Outstanding Natural Beauty and for the reasons set out in those paragraphs, the Secretary of State is satisfied that there is nothing further for him to consider, that was not taken into account by the EXA, in relation to seascape, landscape and visual impacts on this potential receptor.

The Secretary of State's Conclusion

4.43. The Secretary of State agrees with the ExA's conclusions on this matter and ascribes seascape and visual resources great negative weight in the overall planning balance.

Navigation and Shipping

Impacts on navigational safety

4.44. Regarding navigational safety for the Proposed Development alone, a general consensus with stakeholders was reached that no unacceptable hazards were identified. Stena Line Limited ("Stena") submitted that any increase in risk was unacceptable but withdrew their objection by letter on 27 May 2025. The ExA considered it had not been presented with any substantive evidence the Proposed Development alone was unsafe and therefore would not depart from the Applicant's finding that risks would be 'Tolerable if As Low As Reasonably Possible ("ALARP")' or 'Broadly Acceptable' [ER 5.2.41]. The ExA is satisfied that it has been demonstrated that the project alone risk to navigational safety would be ALARP and that there would be no unacceptable hazards after mitigation measures have been adopted, and accepts that there were no significant effects in EIA terms [ER 5.2.42].

4.45. The ExA agreed that when the Mooir Vannin Offshore Wind Farm ("MVOWF") project is excluded from the cumulative picture, the cumulative risk to navigational safety would be ALARP [ER 5.2.43]. The ExA accepted the Applicant's finding that when the MVOWF project is included there would be unacceptable collision and allision hazards meaning that the risk to navigational safety would not be ALARP and this would result in significant adverse effects in EIA terms on human health [ER 5.2.44].

4.46. The ExA considered that the cumulative risk to navigational safety would not, in all cases, be ALARP and therefore represents a significant adverse effect in EIA terms and conflicts with paragraphs 2.8.179 and 2.8.332 of NPS EN-3 [ER 5.2.47]. The ExA considered that the contribution of the Proposed Development itself to the unacceptable cumulative allision and collision risks is very limited and was satisfied that the Applicant had taken all reasonable steps to reduce the contribution of the Proposed Development to the identified cumulative effects [ER 5.2.47]. The ExA noted that the cumulative effects relate predominantly to projects which have not obtained necessary consents and licenses and considers it

reasonably foreseeable that the array area presented in the MVOWF scoping request could be subject to some level of reduction in the final application to reduce cumulative collision and allision risk [ER 5.2.48]. Therefore, the ExA concluded that the Proposed Development would not pose unacceptable risks to navigational safety after mitigation measures secured in the Deemed Marine Licence ("DML") and management plans have been adopted and that the effect does not represent a barrier to granting consent as envisaged by paragraph 2.8.331 of NPS EN-3 [ER 5.2.49]. Noting the policy conflict, the ExA ascribed this matter significant weight against the making of the Order [ER 5.2.49].

Marine radar and visual navigation

4.47. Stena submitted that turbines had the potential to create interference for vessel-based radar, however, they withdrew their objection by letter on 27 May 2025. The ExA, noting the Maritime and Coastguard Agency's ("MCA") agreement with the Applicant regarding marine radar and visual navigation issues, considered there was no substantive evidence to contradict the Applicant's finding that, with secured mitigation in place, there would be effects of minor adverse significance for the Proposed Development alone or cumulatively [ER 5.2.67].

Impacts on Isle of Man Steam Packet Company ("IoMSPC")

4.48. The ferry services between Douglas and Liverpool and Douglas and Heysham, operated by the IoMSPC, constitute lifeline ferries in the sense of NPS EN-3. The ExA agreed that the Proposed Development, both alone and cumulatively, would have significant adverse effects on lifeline ferry services in adverse weather conditions, particularly the Douglas to Liverpool service which would be at a scale and frequency sufficient to generate material increases in fuel costs, carbon emissions tax, operational pressure in port, likelihood of delays and cancellations [ER 5.2.104].

4.49. At the end of Examination, the IoMSPC made a submission to demonstrate the potential impacts of the Proposed Development on transit distances and associated costs and referred to potential knock-on effects for its obligations under the Strategic Sea Services Agreement ("SSSA") with the Isle of Man ("IoM) Government and to the Company's reputation [AS-048]. The Applicant did not respond, however the ExA noted the Applicant's earlier view that the IoMSPC would not be prevented from fulfilling the requirements of the SSSA, further noting the identified cumulative effects on the Heysham to Douglas route were attributable to Morgan and MVOWF [ER 5.2.88]. Both parties expressed a commitment to continuing negotiations regarding a Ferry Mitigation Agreement ("FMA") to compensate the IoMSPC for the commercial impacts of increased transit distance, fuel costs and costs associated with the UK Emissions Trading Scheme [ER 5.2.89]. The ExA considered this an entirely commercial agreement not relevant to the determination of this Application [ER 5.2.90]. However, the ExA considered that if evidence of a mutually agreeable commercial agreement with the IoMSPC was presented, this may be sufficient to overcome the significant operational harm to the IoMSPC and the conflict with paragraph 2.8.329 of NPS EN-3 [ER 5.2.113].

4.50. On 5 June 2025, the Secretary of State wrote to IoMSPC and the Applicant, requesting an update on the status of the FMA. IoMSPC responded on 11 June 2025, stating that no final agreement had been reached and negotiations were continuing with the Applicant, noting that IoMSPC hoped to reach an agreement imminently. The Applicant responded on 12 June 2025, stating that there had been a lack of meaningful engagement from IoMSPC since the

Applicant issued revised Heads of Terms on 11 February 2025. The Applicant does not consider an agreement with IoMSPC to be required as it has demonstrated that impacts are ALARP and the residual moderate adverse effect concluded for adverse weather routing only. The Applicant also referred to NPS EN-3 which recognises it is inevitable that there will be an impact on navigation in and around the area of the site for offshore wind farm development. The Applicant emphasised that it has sought to minimise the extent of impacts on lifeline ferries and strategic routes. The Applicant concluded that the Application accords with NPS EN-3 and considered that, to the extent there is a residual adverse commercial impact, it is considerably outweighed by the benefits of the Proposed Development, noting that it would welcome continued discussions with IoMSPC post-consent.

Impacts on Stena

4.51. Stena sought both a commercial agreement and PPs. In principle, the ExA considered that if a commercial agreement and PPs were in place, it may be possible to conclude that the significant operational harm to Stena had been mitigated and the conflict with paragraph 2.8.329 of NPS EN-3 identified had been resolved [ER 5.2.115]. However, the ExA did not recommend the inclusion of the proposed PPs as there had been no time to examine them or seek the views of the Applicant, meaning that the substantial harm to the strategic navigation routes must be weighed in the overall planning balance [ER 5.2.116].

4.52. On 12 May 2025, the Secretary of State sought an update on the negotiations between the Applicant and Stena. On 23 May 2025, the Applicant confirmed that it had signed a FMA with Stena. On 27 May 2025, Stena confirmed that it had entered into commercial agreement with the Applicant to address the impacts to Stena's ferry routes. Stena also confirmed that its objection and request for PPs was withdrawn.

ExA conclusions

4.53. The ExA concluded that the Applicant's assessment adequately considered the potential navigation and shipping effects in accordance with section 2.8 of NPS EN-3, section 4 of NPS EN-1 and Marine Guidance Note 654 and the approach to Navigational Risk Assessment was acceptable [ER 5.2.133]. The ExA found there would be no interference to the use of recognised sea lanes essential to international navigation [ER 5.2.134], adequate mitigation for effects on maritime Search and Rescue and emergency response capability, appropriate mitigation for impacts on marine radar and visual navigation and the ExA accepted the Applicant's decision not to adopt Emergency Towing Vessels as an additional risk control measure [ER 5.2.135].

4.54. The ExA found the Applicant's approach to ongoing engagement and co-existence with maritime stakeholders generally acceptable and agreed the approach in the outline Vessel Traffic Management Plan is proportionate [ER 5.2.136]. The ExA further concluded that transboundary effects were adequately assessed and there would be no significant effects on navigation and shipping in other EEA states [ER 5.2.136].

4.55. Regarding navigational safety, the ExA found that the cumulative risk would not, in all cases, be ALARP, as a result of reduced sea room in the vicinity of other proposed OWFs in the Irish Sea [ER 5.2.137]. This cumulative risk would give rise to significant adverse effects and be in conflict with paragraphs 2.8.179 and 2.8.331 of NPS EN-3 [ER 5.2.137]. The ExA was satisfied the Applicant had taken all reasonable steps to reduce the contribution of the Proposed Development to the identified cumulative effects and did not consider the

Proposed Development would pose unacceptable risks to navigational safety after the adoption of mitigation measures [ER 5.2.138]. However, the ExA considered this carried significant weight against the making of the Order [ER 5.2.138].

4.56. The ExA found that the Proposed Development would, both in isolation and cumulatively, have significant adverse effects on lifeline ferries between the UK and IoM in adverse weather conditions, contribute to significant adverse cumulative effects on Stena's operations between England and Belfast in both typical and adverse weather conditions and result in significant adverse effects on commercial cargo and tanker traffic transiting to and from the Port of Liverpool [ER 5.2.139]. The ExA concluded that the impacts to lifeline ferries and strategic routes would represent appreciable adverse effects on major commercial navigation routes and noted that NPS EN-3 indicated this resultant harm attracts substantial weight in decision making {ER 5.2.139].

4.57. Overall, the ExA concludes that the adverse effects on navigation and shipping, principally in terms of cumulative navigational safety effects and appreciable operational effects on lifeline ferries and strategic navigation routes, carry great weight against the making of the Order [ER 5.2.144].

The Secretary of State's Conclusion

4.58. The Secretary of State notes Stena's withdrawal of its objection and request for PPs, however considers this does not reduce the identified adverse effects on navigational safety. The Secretary of State notes that the ExA was satisfied that for the Proposed Development alone all risks would be ALARP and there would be no unacceptable hazards post mitigation. The Secretary of State also notes that, for the cumulative picture, it is primarily the reduced sea room between the Morgan and MVOWF resulting in risks being greater than ALARP. The Secretary of State agrees with the ExA that the Applicant has taken all reasonable steps to reduce the contribution of the Proposed Development and notes that the contribution of the Proposed Development itself is limited. The Secretary of State also notes that, since the Examination concluded for the Proposed Development, changes were made to the boundary of MVOWF which would increase the distance between the Morgan and MVOWF structures and therefore increase the sea room. The Secretary of State therefore ascribes the matter of navigational safety risk moderate negative weight in the overall planning balance.

4.59. For lifeline ferries, the Secretary of State agrees with the ExA that there would be significant adverse effects in adverse weather conditions, both as a result of the Proposed Development alone and cumulatively. The Secretary of State has noted that the Applicant and the IoMSPC have not reached agreement on a FMA. For strategic routes, the Secretary of State agrees with the ExA that there would be a significant adverse effect on Stena's operations between Liverpool and Belfast, however, notes that Stena have withdrawn its objection to the Proposed Development upon completion of a commercial agreement. The Secretary of State notes that EN-3 ascribes substantial weight to adverse effects on major commercial navigation routes and agrees with the ExA that these routes are covered by this policy. The Secretary of State can see no reason to depart from that policy in this case and therefore on balance, concludes that the impact on lifeline ferries and strategic routes should be ascribed substantial negative weight in the overall planning balance.

4.60. Overall, considering the contribution of the Proposed Development itself to the matter of navigational safety risk and the effects to shipping routes, the Secretary of State considers

that navigation and shipping should be ascribed moderate negative weight in the overall planning balance.

Other offshore infrastructure and activities

4.61. The ExA considers that potential effects on subsea cables, oil and gas infrastructure, Radar Early Warning Systems ("REWS") and recreational activities have been adequately assessed [ER.5.3.89] and the appropriate mitigation will be secured by the relevant conditions of the DML and by the subsequent Safety Zone Application and standalone Marine Licence for the transmission assets [ER.5.3.90]. The ExA also concludes that potential interactions between the Proposed Development and subsea telecommunications cables would be managed through offshore crossing and proximity agreements with the relevant operators when details of the offshore infrastructure are finalised [ER.5.3.91].

4.62. However, the ExA concludes that the Applicant's assessment should have included consideration of the potential wake effects of the Proposed Development on existing operational offshore wind farms, and therefore the Applicant's assessment has not fully met the requirements of paragraph 2.8.197 of NPS EN-3. The ExA considers that the Applicant has not taken all opportunities to work with the Ørsted IPs to minimise negative impacts or the potential need for mitigation, either when the matters were raised during the Pre-Application phase or during the Examination. The ExA considers that this approach is not in accordance with paragraphs 2.8.344 and 2.8.200 of NPS EN-3 and is contrary to the spirit of paragraph 2.8.261 of NPS EN-3 [ER 5.3.92], and also finds a degree of conflict with Policy ECON_02 of the WNMP and Policy NW-CO-1 of the North West Inshore and North West Offshore Marine Plan ("NWINWOMP") due to the Applicant's failure to undertake a wake assessment [ER.5.3.95].

4.63. With specific regard to the remaining uncertainty about potential wake effects and the identified non-compliance with some relevant policy, the ExA concludes that effects on other offshore infrastructure and activities carry moderate weight against the Order being made [ER5.3.97]. In arriving at these conclusions, the ExA has acknowledged that in the absence of a settled evidence base, clear policy direction, methodological guidance and data sharing mechanism, the question of wake effects is a particularly complex one for applicants and other IPs to navigate [ER.5.3.98].

4.64. The Secretary of State notes that, from the outset of the examination, the Ørsted IPs expressed concern that the Proposed Development has the potential to adversely affect energy yields for their assets due to interference with wind speed and direction (known as wake effects). The Ørsted IPs consider that the Applicant should have undertaken an assessment of potential wake effects in accordance with NPS EN-3 paragraph 2.8.197 [ER5.3.34], and in the absence of a wake assessment from the Applicant, the Ørsted IPs commissioned Wood Thilsted Partners Limited to produce a wake impact assessment report, which was submitted at Deadline 5 [REP5-120] [ER.5.3.46].

4.65. At the final deadline of the Examination, the Ørsted IPs submitted a revised version of the report to take account of the Applicant's comments in relation to the boundary of the Morgan Offshore Wind Generation Assets used in the assessment [REP7-153]. This resulted in a minor change to the predicted cumulative impacts, but no change to the predicted project alone impacts. Due to the timing of the submission, there was no opportunity for the Applicant to respond to it before the Examination closed [ER.5.3.47]. The Wood Thilsted Report finds that the Proposed Development could be responsible for an additional wake loss of between

0.83% and 1.67% on each of the eight assessed Ørsted OWFs compared with the current operating conditions. Taking the portfolio of Ørsted assets as a whole, this could equate to an additional wake loss of approximately 1.38% compared with the baseline [REP7-153] [ER.5.3.49].

4.66. The Applicant disagrees with the Ørsted IPs' interpretation of NPS EN-3 paragraph 2.8.197. Its position is that that the Proposed Development could not reasonably be considered to be 'close to' the Ørsted assets as they are all located at least 30km from the proposed array area and that the reference to 'licences' rather than 'consents' does not apply to authorisations for the operation of a wind farm or the taking of wind for economic activity [ER.5.3.35]. The Applicant also argues that there is currently no accepted industry standard model or methodology and lack of a recognised approach to undertaking an assessment of wake effects [ER.5.3.38].

4.67. In a letter dated 12 May 2025, the Secretary of State asked the Applicant to provide its views on the final version of the Wood Thilsted Report. Further, if the assessment contained within the Wood Thilsted Report was not agreed, the Applicant was asked to provide a without prejudice proposal for the Applicant to secure an assessment, and further consideration of means to minimise any assessed impacts, including opportunities to work with impacted wind farms to achieve this.

4.68. In its response of 23 May 2025, the Applicant stated that it disagrees with the summary of the existing NPS EN-3 in the Secretary of State's letter and considers that there is no reference under existing NPS policy to consider wake effects as part of an applicant's assessment (paragraph 1.2.2.3). Further, the Applicant does not consider it appropriate for any weight to be placed on the proposed revisions to EN-3 at this time (paragraph 1.2.2.6).

4.69. The Applicant does not consider that the Wake Impact Assessment Report from Wood Thilsted provides a robust or accurate appraisal of wake impact on the Ørsted IPs projects and that it can only be indicative and should not be the basis on which any determination of a baseline or consent decision is undertaken (paragraph 1.2.4.3).

4.70. The Applicant recognises that there will be residual wake effects from the Mona Array on Ørsted IP assets (paragraph 1.2.2.10). The Applicant provided wording for a 'without prejudice' wake effects requirement (paragraph 1.2.3.3). The Applicant notes that, in order that any approved wake effects plan is accommodated within the wind turbine design plan which must be submitted to the licencing authority for approval under the DML at Schedule 14 of the Order, an associated amendment to Condition 17 of the DML concerning pre-construction plans and documentation would also be required (paragraph 1.2.3.4).

4.71. Ørsted IPs were also asked to provide views on the Applicant's technical note "Calculation of the net effects on GHG emissions" AS-033. In its response of 23 May 2025, Ørsted IPs state that they do not consider the GHG Note provides an accurate assessment of the worst-case scenario of the effects of the Proposed Development in terms of GHG emissions, as the GHG Note assesses the effects of the Proposed Development on the basis of the shortest possible lifetime of each of the Ørsted IPs assets (paragraph 2.1).

4.72. Ørsted IPs suggest that the Applicant should be requested to provide an updated GHG assessment which incorporates the worst-case scenario, so that the Secretary of State can properly evaluate the project in accordance with the relevant legislative and policy framework. The ExA noted the Applicant's position that due to the methodology adopted in

ES Annex 2.1 (Volume 8): greenhouse gas assessment technical report [APP-182], at a high level the possible reduction of generation by the Ørsted IPs was already factored into its assessment [REP5-080] [REP6-082] and, therefore, accepted that even wake effects at the scale alleged by the Ørsted IPs would not change the overall outcome of the Applicant's assessment of GHG net effects, as set out in section 2.10.8 of ES Chapter 2 (Vol 4) [ER 5.3.62]. The ExA also noted the limitations of the GHG technical note, as well as the procedural difficulties associated with its late submission, and therefore the ExA afforded the technical note limited weight in its overall consideration of the issue [ER 5.3.63]. In a letter dated 12 June 2025 in response to the Ørsted IPs letter of 23 May 2025, the Applicant argued that undertaking the GHG assessment using different dates will not alter the overarching conclusion of the assessment, that Mona Offshore Wind Farm will have a net benefit. They go on to argue that their assessment also considers a 35-year operational lifetime of Mona Offshore Wind Farm, but any extension of Mona Offshore Wind Farms operational lifetime, following the same logic as applied to the Ørsted IP projects life extension, would result in additional net avoided emissions, and reinforce rather than alter the conclusions of the assessment.

4.73. On 12 June Orsted IP's agent Shepherd and Wedderburn LLP provided a response to the Secretary of State's letter dated 29 May 2025. They re-stated their position that the Applicant should have considered wake effects as part of their assessment and confirmed that whilst they do not consider that the 'without prejudice' wake effects requirement provided by the Applicant adequately covers the level of mitigation required, they considered that there is a typographical error in part (3) of the requirement, where the words 'wake effects plan' should be changed to 'design plan'.

The Secretary of State's Conclusion

4.74. The Secretary of State agrees with the ExA's conclusions that potential effects on subsea cables, oil and gas infrastructure, REWS, recreational activities and subsea telecommunications cables have been adequately addressed and that the appropriate mitigation for these effects has been adequately secured.

4.75. The Secretary of State also agrees that the Applicant's assessment should have included consideration of the potential wake effects of the Proposed Development and agrees with the ExA's assessment of the issue in the context of the relevant policies in NPS-EN3, the WNMP and the NWINWOMP.

4.76. The Applicant has taken a consistent entrenched position, repeated in its response to the Secretary of State's information request of 12 May 2025. The Secretary of State considers that the Applicant's position is unhelpful and overly legalistic and is unable to agree with any of the arguments put forward in support of that position. In particular, the Secretary of State considers that:

a. There is no sensible basis for asserting that an existing windfarm does not amount to "existing operational offshore infrastructure" for the purposes of EN-3;

b. In the context of a policy in relation to impacts on other infrastructure, a project is unarguably "close" enough to be relevant if it is accepted that there is a direct physical impact on that project;

c. The semantic argument based upon the word “licence” in the policy is misguided. The building and operating of the existing windfarms are activities regulated by Government in a number of ways. The names of these regulatory approvals varies, but the Secretary of State reminds the Applicant that like any offshore wind farm they will be required to hold both a marine licence and an operating licence; and

d. The absence of an accepted industry standard model or methodology for carrying out a wake assessment does not mean that an acknowledged impact can simply be ignored.

4.77. The Applicant also asserts that if a wake assessment was required by NPS EN-3 then no application for a windfarm should ever have been accepted for examination unless accompanied by such an assessment. The Secretary of State disagrees. An acknowledged adverse environmental impact cannot be entirely ignored just because the understanding of that impact is new and evolving, or its exact impact is uncertain and not agreed. The Secretary of State is clear that this would be inconsistent with both NPS and EIA requirements.

4.78. The Secretary of State has recently consulted on amendments to NPS EN-3 to remove this supposed doubt and make clear that a wake assessment and early engagement with affected parties are always required, as well as to provide further clarity on what is expected from applicants. The Secretary of State has done this because such doubts were being expressed, not because he considers the existing policy allows Applicant’s to ignore wake effects. As the introductory text at 2.8.176 of the draft EN-3 makes clear “*As with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these*.” Therefore, while the Secretary of State gives the new draft EN-3 no independent consideration, he does note the substance of those proposed amendments.

4.79. The Secretary of State is particularly disappointed to see that the Applicant was expressly asked to provide a wake assessment by the ExA, but instead of complying with that reasonable request, refused to do so for the same legalistic reasons. This is an issue that should and could have been properly addressed during the examination by reasonable parties acting collaboratively, rather than adopting entrenched positions.

4.80. In the absence of a wake assessment from the Applicant, Ørsted IPs have commissioned a report from Wood Thilsted. While the Applicant criticises many aspects of this report, it notes that those criticisms would apply to any wake assessment and accepts that although the report should not be used to establish a precise baseline, it is at least indicative. The Secretary of State agrees. Although the ExA and the Secretary of State would have expected the Applicant to provide an assessment, in line with the policy, the Secretary of State accepts that the Wood Thilsted report is an acceptable alternative for him to consider.

4.81. The Secretary of State agrees with both the Applicant and Ørsted IPs that the assessment of wake effects is an emerging process, with considerable levels of uncertainty. It is not a process that can yet establish exact figures for impacts, and it may never be able to. However, the Secretary of State notes that all parties accept that there will be an impact from the Proposed Development on Ørsted IPs existing wind farms and that the levels of impact set out in the Wood Thistle report are at least indicative.

4.82. The Secretary of State accepts that there will be wake effect impacts from the Proposed Development on existing operational offshore infrastructure, noting that precise figures for this impact cannot be established. The average impacts across the Ørsted IPs assets, based upon the Wood Thilsted report (and accepting that these figures may only be indicative), appears to be less than 1.5% for the Proposed Development alone or less than 4% when considered in combination with other proposed wind farms in the area. The greatest cumulative impact on an individual Ørsted IP asset is assessed by Wood Thilsted as 5.3% for the Walney extension. The Proposed Development's impact alone on the Walney extension is assessed as 1.58%

4.83. The Secretary of State accepts that this will have a financial impact on Ørsted IPs and that this impact may be of some relevance to future decisions in relation to their assets. However, the Secretary of State agrees with the ExA that there is insufficient evidence that wake effects will in itself be likely to affect the future viability or safety of any of Ørsted IPs existing infrastructure. The Secretary of State has already noted the urgent need for new offshore wind generation. The Applicant's GHG assessment, even accounting for the Ørsted IPs criticisms, shows that the certain and quantifiable benefits of the proposed development clearly outweigh the indicative and uncertain loses causes to the Ørsted IPs assets by wake effects.

4.84. Acknowledging the impact of wake effects on Ørsted IPs and the requirement set out in NPS EN-3, the Secretary of State requested that the Applicant provide, on a without prejudice basis, a method of securing the provision of a wake assessment (if the assessment contained in the Wood Thilsted Report is not agreed); and further consideration of means to minimise any assessed impacts, including opportunities to work with impacted wind farms to achieve this.

4.85. As set out above, while the Applicant does not expressly agree with the Wood Thilsted Report, in refusing to secure provision of its own assessment the Applicant does accept that the Wood Thilsted Report is at least indicative. On this basis the Secretary of State sees little merit in demanding a further assessment and accepts the Wood Thilsted report as the best available evidence of wake effects, albeit that the evidence is indicative rather than precise.

4.86. However, the Secretary of State notes the Applicant's stance in relation to wake effects and notes the ExA's view that the Applicant undertook very little meaningful engagement with the parties on the question of wake effects at the pre-application stage. While the Secretary of State accepts the ExA's view that there may not be a simple solution which would not significantly compromise the generating capacity of the Proposed Development or other secured mitigation, the Secretary of State considers that the Applicant's approach has not allowed the issue of mitigation to be satisfactorily considered.

4.87. The Secretary of State, therefore, considers it necessary to insert the Requirement provided by the Applicant in the Order to ensure that no part of any wind turbine generator may be erected as part of the authorised development until either a wake effects plan has been submitted to and approved by the Secretary of State or the undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the existing Ørsted offshore wind farms. This Requirement has been inserted as Requirement 29 and the associated amendment to Condition 17 of the DML has also been made and is detailed in section 9 of this letter.

4.88. In the absence of a wake assessment report, the Applicant has provided a GHG assessment, which in turn relies upon the levels of impact set out in the Wood Thilsted report. The ExA gave this GHG assessment little weight and the Secretary of State agrees. As set out above, the Secretary of State accepts that the Wood Thilsted impact figures are indicative, rather than precise. With regards to the suggestion by Ørsted IPs that the Applicant should now provide an updated GHG assessment, the Secretary of State, noting the uncertainties around methodologies in relation to wake effects and the use of indicative figures, agrees with the ExA that the overall outcome of the Applicant's assessment of GHG net effects as set out in section 2.10.8 of ES Chapter 2 (Vol 4) can be relied upon. Both Ørsted IP's projects and the proposed new projects could seek to have their lifetimes extended. However, there is considerable uncertainty about which, if any, would seek such an extension. The Secretary of State therefore accepts that the use of the consented lifetimes for all projects represents a reasonable worst-case scenario. Any lifetime extensions will alter the assessment, but such extensions will not be allowed without a further consent. Any extensions can only increase the assessed avoided emissions overall.

4.89. With a wake effects plan or alternative mitigation agreed with Ørsted IPs now secured by the insertion of Requirement 29, The Secretary of State is content that any further reasonable steps that can be taken to mitigate the severity of the impact of wake effects will be taken. However in light of the acknowledged wake effects impact that the proposal will have on existing operational offshore infrastructure and the Secretary of State's clear finding that the Applicant's approach to this issue has not been consistent with NPS policy, nor helpful to good project planning, the Secretary of State concludes that effects on other offshore infrastructure and activities should be ascribed moderate negative weight in the planning balance.

Offshore ornithology

4.90. The ExA is satisfied that the Applicant's assessment includes adequate information to understand the potential effects of the Proposed Development alone or cumulatively, that it has followed the mitigation hierarchy, and meets the policy tests of NPS EN-1 and NPS EN-3, and the relevant policy provisions related to UK Marine Policy Statement and the Welsh National Marine Plan ("WNMP") and North West Inshore and North West Offshore Marine Plan ("NWINWOMP") [ER 5.5.35]. The ExA ascribes moderate negative weight to the issue of offshore ornithology due to the collision risk during operation and the likely increase in baseline mortality for great black-backed gull and the likely decline of Pen y Gogarth/Great Orme's Head SSSI black-legged kittiwake population levels [ER 5.5.36].

4.91. In a letter dated 12 March 2025 the Secretary of State requested that NRW(A) and the Joint Nature Conservation Committee ("JNCC") confirm that they are content with the Applicants in-combination assessment for northern gannet, regarding the Grassholm Special Protection Area ("SPA") [REP6-088].

4.92. On 21 May 2025, the JNCC confirmed that the Grassholm SPA is the sole responsibility of NRW(A) and as such it had no comments to make.

4.93. On 22 May, NRW(A) referred to its Deadline 7 response [REP7-146] where it concluded that an Adverse Effect on Site Integrity ("AEoSI") could be ruled out for in-combination collision, displacement and collision plus displacement impacts to the features of the Grassholm SPA.

4.94. The Secretary of State also requested an update from NRW(A) on the status of the updated condition assessments for Welsh SPAs, which were anticipated to be published in March 2025. In its response, NRWA(A) confirmed that the new conservation advice packages, including updated condition assessments, are due to be released summer 2025. As the new conservation advice packages have not yet been published, the Secretary of State has not been able to take them into consideration.

4.95. With regards to the Secretary of State's request for any comments on the HRA information submitted following publication of the Report on Implications for European Sites, NRW confirmed that, for offshore ornithology, it was able to agree no AEoSI from the Mona project alone and in-combination for any features of any Welsh SPAs/Ramsar sites. It confirmed that beyond this, it has no further comments to make.

The Secretary of State's Conclusion

4.96. The Secretary of State, noting the responses received from NRW(A) and the JNCC, concludes that with regard to offshore ornithology, there are no AEoSI from the Proposed Development alone and in-combination for any features of any Welsh SPAs/Ramsar sites.

4.97. The Secretary of State agrees with the ExA's conclusions and ascribes impacts on offshore ornithology moderate negative weight in the overall planning balance.

Unexploded ordnance

4.98. The ExA is satisfied that the Applicant's assessment includes adequate information to understand the potential effects of the Proposed Development alone or cumulatively, that it has followed the mitigation hierarchy, and meets the policy tests of NPS EN-1 and NPS EN-3, and the relevant policy provisions related to UK Marine Policy Statement and the WNMP and NWINWOMP [ER 5.5.35]. The ExA ascribes moderate negative weight to the issue of offshore ornithology due to the collision risk during operation and the likely increase in baseline mortality for great black-backed gull and the likely decline of Pen y Gogarth/Great Orme's Head SSSI black-legged kittiwake population levels [ER 5.5.36].

4.99. Throughout the Proposed Development's Examination the matter of Unexploded Ordnance ("UXO") clearance was discussed. The Proposed Development involves the clearance of UXO in separate works areas which are covered under two Marine Licenses (a DML included in the DCO in relation to the offshore area and a standalone Marine Licence issued by NRW in relation to the inshore area). At the conclusion of the Examination, Condition 20 of Schedule 14 in the DML included wording that would ensure all UXO clearance which fell under the DML would be carried out using low order techniques, and any deviation to high order clearance would be subject to an additional Marine License application. The schedule also included the need for a method statement to be provided prior to any UXO clearance which includes specific details on the UXO, and which is approved by NRW, in consultation with the JNCC.

4.100. Since the close of Examination, the Applicant has begun the application process for the standalone marine license to be issued by NRW. As part of the consultation for that application, the JNCC responded that "a maximum number of UXO to be cleared must be stated i.e. 22 [in any Marine Licence awarded] to reflect the scenario presented in the ES".

4.101. In response to the Secretary of States first consultation letter, the Applicant provided an update in regard to the progress of the consideration of UXO clearance by NRW as part of

the standalone NRW marine licence as described above. In this correspondence the Applicant had noted the JNCC's advice surrounding the need for a maximum number of clearances and has agreed to include wording that would restrict the number of clearances to a maximum of 22.

4.102. In regard to the DML and DCO related clearances, throughout pre-examination and examination the JNCC stated that their preferred option for all UXO clearance to be removal from the DCO and DML and it instead to be dealt with via a separate standalone Marine License. However, in [REP4-098] they confirmed that if the clearance was restricted to low-noise methods only, and if it was clearly stated that an additional Marine License had to be applied for any high order clearance, that they would be supportive of UXO clearance being included in the DCO and DML.

4.103. In response to the Applicants update, the JNCC responded on 12 June 2025 that new updates in policy, in particular the new unexploded ordnance clearance Joint Position Statement, meant that their original position of not including any mention of UXO clearance in the DCO/DML was strengthened further. In this consultation response the JNCC argue that there is currently a lack of information as to specific details about the UXO clearance, and that the surveys that would inform these details are yet to have been conducted.

4.104. However, the JNCC also stated that whilst not their preferred method, if the Secretary of State was minded to secure the clearance within the DML, that there were methods of making this more agreeable to them.

4.105. Firstly, the JNCC welcomed the Applicants' willingness to accept a condition limiting the number of low order clearances to 22, in line with the maximum scenario assessed within the ES. The Secretary of State agrees that this a reasonable addition to make to the DML, which will ensure that any clearances will result in no more harm on sensitive receptors than has been assessed in the worst-case scenarios assess in the ES. He has added wording to secure this into Schedule 14, Condition 20.

4.106. The Secretary of State also notes that the Applicant highlighted that including a limit on the number of UXOs cleared would also ensure consistency between the drafting of the DML and the standalone Marine License.

4.107. He also notes that as NRW are responsible for discharging both the DML and the standalone Marine License, if both licenses have a requirement that restricts clearances to a maximum of 22, he is confident that NRW will not allow the number of clearances across the 2 licenses to exceed that which has been assessed as a worst-case scenario (22).

4.108. The JNCC also made comments related to the maximum size of donor charge that should be used by the Applicant. The JNCC assess that based on discussions they have had, the Applicant wishes to use donor chargers of up to 3kg (i.e the 4 x 0.75kg proposed for low yield), however this is not secured. On this matter the Secretary of State notes that the Underwater Sound Management Strategy ("UWSMS"), which is secured, confirms low order deflagration involves methods which use a small charge to 'burn out' the explosive material without detonation. He considers that the small charges used by the Applicant will not cause any effects outside of those which are assessed in the Applicant's maximum design scenario and notes the UWSMS contains varying mitigation methods for different potential charge sizes. However, he welcomes the JNCC's comments and notes that specific details such as

the size of donor charges can be resolved by the Applicant, NRW and the JNCC through the approval of plans post-consent, in particular the method statements for low order unexploded ordnance clearance, secured by condition 20 of the DML. When doing so the Secretary of State urges the Applicant to take account of the Government's latest joint position policy paper on UXO clearance, which was published on 21 January 2025, after the close of the Mona Examination. In their consultation response, JNCC also request that a more detailed document detailing all the clearance methods be produced prior to the process commencing. They added that this method statement document could be produced following investigative surveys. The Secretary of State welcomes the production of this document, and considers its production is secured via the DML Schedule 14 (Condition 20(1)(a)).

4.109. The JNCC also made comments on the outline UWSMS and the Outline Marine Mammal Mitigation Protocol. The Secretary of State is supportive of these requests and notes that these can be resolved by the Applicant, NRW and the JNCC through the approval of the final plan post-consent. He considers their current forms contain sufficient detail so that he can assess the potential worst-case impacts of the Project.

4.110. NRW did not comment on the matter of UXO clearance in any of their correspondence responses to the Secretary of State, and their final position in their closing statement [REP7-146] was that they were satisfied with the inclusion of low order UXO clearance in the DML subject to some small alterations in drafting.

The Secretary of State's Conclusion

4.111. Overall, on the matter of securing UXO clearance, the Secretary of State has chosen to include UXO clearance as part of the DML, in agreement with NRW. However, he understands the JNCC's concerns and has added a requirement to ensure the number of UXO clearances carried out will not exceed those which were assessed in the ES.

4.112. This matter predominantly relates to effects on marine mammals and onshore ornithology, but also has implications in relation to other receptors. However, with the mitigations now secured in the DML, this does not change the Secretary of State's weighting of any of these matters.

Civil and military aviation and defence interests

4.113. In respect of civil and military aviation and defence matters, the ExA finds that the mitigation hierarchy has been applied and the requirements of NPS EN-1, NPS EN-3, NPS EN-5 and all other relevant legal and regulatory provisions have been met [ER 6.2.95]. The ExA does, however, note that several of the mitigation solutions are dependent on the outcome of strategic reviews being undertaken by the relevant operators and four of the five Requirements (22, 24, 25 and 26) must be discharged prior to construction of any wind turbine (excluding foundations) [ER 6.2.97]. The ExA considers that the combination of these factors creates an inherent risk of delay for the overall delivery of the Proposed Development and concludes that the effects on aviation and defence carry a little weight against the making of the Order [ER 6.2.97].

4.114. The ExA also notes that the final drafting of Requirement 23, concerning Warton Aerodrome Primary Surveillance Radar ("PSR"), was not agreed with the Defence Infrastructure Organisation ("DIO") before the Examination closed. On 12 May 2025, the Secretary of State invited the DIO to comment on the drafting of the requirement as provided in the Applicant's

final draft Development Consent Order. On 23 May 2025, the DIO confirmed that the Applicant submitted a proposal to mitigate the effects of the development upon the Warton Aerodrome PSR on 24th February 2025, which is currently being assessed by BAE Systems Ltd as Warton Aerodrome is a BAE Systems asset. DIO confirm that its objection to the development will remain in place until the technical and operational assessments on the mitigation proposal have been completed and concludes that the proposal is viable. In the meantime, DIO confirmed that it and BAE Systems are currently considering alternative Requirement 23 wording provided by the Applicant.

4.115. In its response dated 23 May 2025 the Applicant confirmed that BAE Systems had stated that the requirement should be based on their proposed requirement for Warton Aerodrome PSR in the final draft DCOs of Morgan Generation Assets and Morecambe Generation Assets (paragraph 1.8.2.4). The Applicant considers that the requirements in the final draft DCO's of the aforementioned projects, in particular Requirement 8 of the Morecambe Generation Asset's final draft DCO (EN010121, REP6-002), are broadly acceptable, save that this drafting could be made more precise, enforceable, necessary and reasonable in all other respects by adopting the Applicant's revised requirement wording set out in Table 1.1 of the Applicant's response (paragraph 1.8.2.5). That is with the exception of sub-paragraph 6 of the proposed requirement, which requires that in the event of any failure of the approved radar mitigation scheme the wind turbine generators will immediately cease to operate pending resolution of such failure. The Applicant does not consider that a requirement for cessation or shutdown of the turbines is justified or necessary and would result in unacceptable risk to the delivery of the Project (paragraph 1.8.3.7). The Applicant considers that the current Requirement 23 in the Mona Offshore Wind Project draft DCO is entirely appropriate in its current form but would offer alternative drafting based on an alternative Morecambe Generation Assets final draft DCO Requirement 8, as set out in Table 1.1, on a without prejudice basis, if the Secretary of State deems it more appropriate (paragraph 1.8.3.7).

4.116. In response to the Secretary of State's letters of 29 and 30 May 2025, BAE Systems provided two responses on 12 June 2025 and 23 June 2025 respectively. BAE Systems reject all of the Applicant's revisions to Requirement 23 with the exception of those revisions which account for the fact that it will be the 'operator' (at the sole cost of the 'undertaker') who will implement the approved radar mitigation scheme. With regard to sub-paragraph 6, BAE systems remain of the view that its inclusion, and the establishment of the principle of cessation of the OWF in the event of a failure of the approved radar mitigation scheme, is both reasonable and justified from a technical perspective. They do, however, state that they have taken account of the Applicant's concerns and understand that the Applicant considers it more appropriate to discuss turbine shutdown and cessation of the OWF as part of negotiations in respect of the post-consent mitigation agreement/commercial arrangements. BAE Systems' has amended the sub-paragraph 6 wording to establish the principle of turbine shutdown in the event of mitigation failure but leaves the detail (in the form of a shutdown protocol) for future negotiation and agreement between the parties as part of the approval process for the radar mitigation scheme. A further amendment has been made to sub-paragraph (6) to make clear that it is the operator who will undertake the necessary repairs and corrective measures required to reinstate and recommence/implement the approved radar mitigation scheme (such works to be at the undertaker's sole cost).

4.117. BAE Systems also confirmed that in recent weeks (on 8 and 21 May 2025), the Applicant has delivered various safeguarding reports to BAE Systems assessing the impact of the Proposed Development on Air Traffic Services ("ATS") at both Walney and Warton

Aerodromes. They state that both of the Aerodromes are considered "critical national infrastructure", providing essential services to support national security and that the Proposed Development cannot impede the Aerodromes in fulfilling this crucial function or compromise their ability to deliver, on an uninterrupted basis, national sovereign defence capabilities, safe airport operational and ATS that are fit for purpose for both civil and military aircraft operations, and the Aerodromes' respective flying requirements and national defence programmes. The safeguarding reports indicate that the Mona OWF project will adversely impact ATS at the Aerodromes. The safeguarding reports still being considered by BAE Systems from an operational perspective, however, BAE Systems consider that the principle of mitigation is required to be secured via the inclusion of Requirements in the Order and they have provided wording accordingly. They state that it will be possible to engage further with the Applicant in respect of the specific mitigation solutions required to address the impacts identified once their operational review has been concluded and understand that the Applicant is agreeable to this and considers it a pragmatic solution which will provide the safeguards necessary to address BAE Systems' concerns.

4.118. The Secretary of State sent a letter to the Applicant on 25 June 2025 requesting their comments on the responses from BAE Systems. In their response dated 30 June the Applicant accepted BAE System's requirements for the Walney and Warton ATS with the addition of the following sub-paragraph in both requirements:

> *(a) Secretary of State, having consulted with the Operator and the Civil Aviation Authority, confirms in writing that no mitigation is required in respect of the authorised development; or*

4.119. With regard to the Warton Aerodrome PSR, the Applicant confirmed that they are willing to accept the revised requirement 23 presented by BAE Systems in their 23 June 2025 submission, except for sub-paragraph 6. Whilst the Applicant considers that it is more appropriate to consider shutdown and cessation of the OWF as part of negotiations in respect of the post-consent mitigation agreement/commercial arrangements, they contend that shutdown provisions on the face of the DCO would represent an unquantified risk to investors and lenders which could significantly impact the ability of the Mona Offshore Wind Project to reach financial close or make a Final Investment Decision (FID). Furthermore, they argue that it could set a precedent for future offshore and onshore wind energy consents, undermining the Government strategy and targets for renewable energy.

The Secretary of State's Conclusion

4.120. Noting the responses received from the Applicant, DIO and BAE Systems, the Secretary of State notes that there is agreement in relation to most elements, but remaining disagreement in relation to the shutdown requirement,

4.121. The Secretary of State notes that the Applicant's letter of 30 June includes agreement to BAE Systems' proposed requirements in relation to the Walney and Warton ATS. This agreement is subject to the addition of a further provision that allows the need for a mitigation scheme to be avoided where the Secretary of State is content that no mitigation is required. In light of the late nature of the objection from BAE Systems in relation to the Walney and Warton ATS and the lack of detailed examination of the need for mitigation, the Secretary of State is content with this addition. These requirements have been added to the DCO as Requirements 27 and 28.

4.122. In relation to the Warton PSR, the Secretary of State notes the Applicant's agreement to BAE Systems' proposed draft requirement, subject to the removal of subparagraph 6, the "shutdown provision". Having considered the submissions of BAE Systems and the Applicant in relation to this provision, the Secretary of State agrees with the Applicant that the shutdown provision as proposed is unnecessary and is too blunt a tool to deal with the issue of radar mitigation failure. The Secretary of State is content that the draft requirement, without the shutdown provision, is wide enough to allow the approved radar mitigation scheme to cover issues in relation to mitigation failure and the circumstances in which any shutdown make be required. The radar mitigation scheme is subject to post consent approval by the Secretary of State, in consultation with BAE Systems and the Ministry of Defence. The Secretary of State is content that the requirement is therefore sufficient to ensure the mitigation of impacts on the Warton PSR. This requirement has been added to the DCO as Requirement 23.

4.123. With all of the relevant civil and military ATS and PSR requirements in place, the Secretary of State agrees with the ExA's conclusions and ascribes the matter of civil and military aviation and defence interests little negative weight in the overall planning balance.

5 Habitats Regulations Assessment

5.1. The Secretary of State's HRA is published alongside this letter. The paragraphs below should be read alongside the HRA which sets out in full the Secretary of State's consideration of these matters.

5.2. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and has carefully considered the information presented during the Examination, including the HRA Report ([REP7-016], [REP7-017], [REP7-018] and [[REP2-014]) as submitted by the Applicant, the Report on the Implications for European Sites ("RIES") [PD-019] (English)/ [PD-019a] (Welsh) as produced by the ExA, the ES, representations made by IPs, and the ExA's Report.

5.3. The Secretary of State considers that the Proposed Development has the potential to have a Likely Significant Effect ("LSE") on fifty one protected sites when considered alone and in-combination with other plans or projects.

5.4. The Secretary of State has undertaken an Appropriate Assessment ("AA") in respect of the Conservation Objectives of the protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on Integrity ("AEoI") of the identified protected sites. Based on the information available to him and subject to the mitigation measures as secured in the final Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the qualifying features of any protected sites. The full reasoning for the conclusions is set out in the HRA which has been published alongside this decision letter.

6. Compulsory Acquisition

6.1. The ExA concludes that [ER.9.10.1]:

- the Application site has been appropriately selected;
- all reasonable alternatives to CA have been explored;

- the land to be taken is no more than is reasonably required and is proportionate;
- the Applicant would have access to the necessary funds and the Order provides a clear mechanism whereby the funding can be guaranteed;
- there is a need to secure the land and rights required to construct, operate, and maintain the Proposed Development within a reasonable timeframe, and the Proposed Development represents a significant public benefit to weigh in the balance;
- that in all cases relating to individual objections and issues, CA and TP are justified in order to enable implementation of the Proposed Development;
- the powers sought satisfy the conditions set out in Sections 122, 123, 127 and 138 of PA2008 and the CA Guidance;
- in respect of open space, the relevant Order land, when burdened with the Order right, would be no less advantageous than it was for the persons subject of s132(3)(a), (b) and (c) of PA2008. Accordingly, on the basis of s132(2)(a) thereof, an exemption to special parliamentary procedure is merited in respect of the proposed CA of rights over this land as set out in the preamble to the Applicant's final draft Order [AS-036];
- the consent required by s135(2) to include provision authorising the compulsory acquisition of interests in Crown land, held otherwise than by or on behalf of the Crown, has not been forthcoming. If consent is not obtained, the Crown Land plots will need to be removed from the scope of the compulsory acquisition provisions in the Order; and,
- CA and TP for the Proposed Development can be delivered in a manner in full accordance with all relevant human rights and public sector general equality duty considerations.

The Crown Estate Commissioners ("TCEC")

6.2. On 11 April 2025, TCEC confirmed that they have reached a separate agreement with the Applicant and that they have sufficient assurance as to the way in which compulsory acquisition powers (as contained in Article 22 and 26 of the Order) may be exercised in respect of third-party interests in Crown land forming part of the Crown Estate. TCEC confirmed consent to the CA of the third-party interests in the Crown Land Plots, subject to the inclusion of an article covering "Crown rights" in the Order (to be worded as in the letter) and its continuing application, and TCEC being consulted further if any variation to the Order is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act. This has been included as Article 38 in the DCO.

The Welsh Ministers

6.3. On 14 January 2025, the Applicant stated that separate s135 consent was needed for plot numbers 02-034 and 02-036, which cover woodland at Gwrych Castle. On 12 May 2025, the Secretary of State requested updates from the Applicant, the Welsh Ministers and NRW on whether or not section 135 consent has been obtained for these plots, and whether or not NRW has given occupier's consent in respect of its legal interests in these plots.

6.4. On 22 May 2025 the Welsh Ministers and NRW confirmed that final agreement is anticipated to be imminent, and that the Welsh Ministers will then be in a position to provide the s.135 consent promptly. Both parties confirmed that they do not currently see there is any

impediment to reaching an agreed position and that section 135 consent will be forthcoming in relation to these plots as soon as possible.

6.5. On 30 May the Secretary of State issued a letter stating that the Applicant should provide confirmation that NRW has given occupier's section 135 consent in respect of its legal interests in plots 02-034 and 02-036. In letters dated 23 June 2025, both the Applicant and NRW confirmed NRW's position that it manages the Plots via Section 3 and they do not occupy the Plots. NRW is granted statutory powers under Section 3 to manage the Plot and represent the Welsh Ministers in doing so. NRW does not have a separate legal interest in the Plots and there is no requirement for the Applicant to obtain section 135 consent from NRW above what was contained in the letter dated 22 May 2025 referred to above.

Gwynt y Môr OFTO Plc

6.6. On 15 April 2025, the Applicant stated that at Deadline 7, Gwynt y Môr OFTO Plc wrote to the examination (REP7-151) noting its interactions with the Proposed Development and the need for protection to be provided. The Applicant confirmed that both parties had been in active discussion following the close of examination with only one matter outstanding and that a final agreed position was expected to be reached shortly, with a further update made to the Secretary of State thereafter. On 5 June 2025 the Applicant and Gwynt y Môr OFTO Plc were asked to provide an update on the status of their negotiations.

6.7. On 12 June the Applicant confirmed that it had agreed the terms of a commercial agreement with Gwynt y Môr OFTO Plc and that the agreement was currently being signed by the parties. Once signed, the Applicant expected Gwynt y Môr OFTO plc to withdraw its representations to the application.

6.8. On 23 June Gwynt y Môr OFTO Plc confirmed that agreements were completed and entered into on 20 June 2025 and consequently, they withdrew their objection.

The Secretary of State's Conclusion

6.9. The Secretary of State has noted the responses received and objections raised by Affected Parties [ER 9.4.36 to ER 9.4.67 and Appendix D] and agrees with the ExA that in all cases relating to individual objections and issues, CA and TP are justified in order to enable implementation of the Proposed Development. The Secretary of State notes that the Applicant has secured the mandatory consent from the relevant Crown authorities, including the Welsh Ministers.

6.10. In respect of open space, the Secretary of State agrees with the ExA's conclusions that an exemption to special parliamentary procedure is merited in respect of the proposed CA of rights over this land.

6.11. The Secretary of State agrees with the ExA's conclusions that that the powers sought are necessary to construct, operate, and maintain the Proposed Development within a reasonable timeframe and that the powers sought satisfy the conditions set out in Sections 122, 123, 127 and 138 of PA2008 and the CA Guidance.

6.12. The Secretary of State agrees with the ExA's conclusions that CA powers, PPs, TP powers, powers authorising the CA of Statutory Undertakers' ("SU's") land and rights over land, and the powers authorising the extinguishment of rights and removal of apparatus SU's, be granted.

6.13. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

7.1. The Secretary of State acknowledges the ExA's recommendation that there is a convincing case for development consent to be granted [ER.8.4.1] and that the Secretary of State should make the Order.

7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:

- Traffic and transport (little negative weight);
- Onshore ecology and biodiversity (little negative weight);
- Flood risk and water quality (neutral weight);
- Marine mammals (moderate negative weight);
- Commercial fisheries (moderate negative weight);
- Fish and shellfish (little negative weight);
- Benthic and subtidal and intertidal ecology (little negative weight);
- Physical processes (neutral weight);
- Historic environment (little negative weight);
- Socio-economics (moderate positive weight);
- Climate change and GHG (neutral weight);
- Other matters (neutral weight);
- Cumulative and inter-related effects (neutral weight); and,
- Good design (neutral weight).

7.3. The paragraphs below summarise the planning balance weightings ascribed to those matters where the Secretary of State had further commentary and analysis to add (see paragraphs 4.1 – 4.105 above).

7.4. The Secretary of State has ascribed substantial positive weight to the need case. The ExA ascribed the need case very great positive weight. The difference in the terminology used by the Secretary of State is to ensure consistency to the policy set out in NPS EN-1 regarding substantial weight being ascribed to the need case, however the conclusions are different in terminology only and the weighting ascribed is the same in every other sense.

7.5. The Secretary of State has ascribed the matter of seascape and visual resources great negative weight.

7.6. With regard to the matters of; landscape and visual; land use and ground conditions; shipping and navigation; other offshore infrastructure and activities; and offshore ornithology the Secretary of State has ascribed moderate negative weight.

7.7. The Secretary of State has also ascribed the matters of; noise and vibration; and civil and military aviation and defence interests little negative weight.

7.8. All NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPS EN-1, NPS EN-3 and NPS EN-5 subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy.

The Secretary of State considers that these mitigation measures have been appropriately secured.

7.9. For the reasons given in this letter, the Secretary of State concludes that development consent should be granted for the Proposed Development. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.

7.10. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the joint LIR submitted by Conwy County Borough Council and Denbighshire County Council, the NPSs, draft NPSs, the UK Marine Policy Statement (2011), other relevant national policies and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.

7.11. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

8. Other Matters

Equality Act 2010

8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender; gender reassignment; disability; marriage and civil partnerships[2]; pregnancy and maternity; religion and belief; and race.

8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the proposed Development.

8.4. The Secretary of State is confident that, in taking the recommended decision, he has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State

[2] In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

The Environment (Wales) Act 2016

8.5. The Secretary of State, in accordance with the duty in section 6(1) of the Environment (Wales) Act 2016, must seek to maintain and enhance biodiversity in, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. In particular, in accordance with section 6(4)(a), regard should be had to the United Nations Environmental Programme Convention on Biological Diversity of 1992. The Secretary of State is of the view that the ExA's Report considers biodiversity in accordance with this duty.

8.6. The Secretary of State is of the view that the ExA's Report, together with the ES, considers biodiversity sufficiently to inform him in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

Countryside and Rights of Way Act 2000 and National Parks and Access to the Countryside Act 1949

8.7. The Secretary of State notes the general duty of public bodies to have regard to the purpose of conserving and enhancing the natural beauty of any area of outstanding natural beauty, in accordance with section 85(1) of the Countryside and Rights of Way Act 2000. The Secretary of State also notes the general duty of public bodies to regard to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public in accordance with section 11A(2) of the National Parks and Access to the Countryside Act 1949 The Secretary of State considers that the application has properly had regard to those purposes. The Secretary of State is of the view that the ExA's report, together with the ES and the landscape enhancement scheme, is sufficient to inform the Secretary of State in this respect. The Secretary of State agrees with the ExA that the landscape enhancement scheme would compensate for some of the seascape, landscape and visual harms identified and would provide benefits to the IoANL and ENP designated landscapes over the longer term.

Environmental Principles Policy Statement

8.8. From 1 November 2023, Ministers are under a legal duty to give due regard to the Environmental Principles Policy Statement when making policy decisions. This requirement does not apply to planning case decisions, and consequently the Secretary of State has not taken it into consideration in reaching his decision on this application.

9. Modifications to the draft Order

9.1. Following consideration of the draft Order provided by the ExA, the Secretary of State has made the following modifications to the draft Order:

- The Secretary of State has removed Article 19 from the draft Order, which would have allowed the Applicant to remove and rebury modern (<100-year-old) human remains within the Order limits, so long as the removal was publicised. There are no known burial grounds

within the Order limits, so the Secretary of State considers this Article to be unnecessary. The Secretary of State has removed similar articles from several orders where there is no clear justification for its use. The Secretary of State has considered the Applicant's justification nonetheless for including this provision, which seems to amount to an argument based on a potential prehistoric cremation burial, which would not be caught by Article 19 in any event, delays that may be caused in dealing with the proper authorities and an assertion that "*the applicant's position may be that we leave it in and then if the, if the examining authority or secretary of state feel it isn't justified, will will (sic) remove it*"(ISH5). The Examining Authority accepted that justification, the Secretary of State does not. It should be obvious that this provision is only intended to deal with known and identifiable human remains, such as those within a burial ground, that can be publicised under the terms of the Article. Provision for any archaeological human remains should be dealt with within the written scheme of investigation. The Applicant has acknowledged this and redrafted the provision to deal with only modern remains. The Secretary of State will, for obvious reasons, want modern human remains that are not contained in public records or otherwise readily identifiable to be dealt with by the proper authorities, rather than being simply removed and reburied.

- The Secretary of State has added a new subparagraph (2) to requirement 2. Table 2 within the requirement sets out the design parameters for the development. So far as these relate to wind turbines these parameters are set to capture both scenario 1 and 2 in table 3.5 of the ES. However, by combining the two scenarios they could suggest a combination of parameters that exceed the impacts of either scenario. Subparagraph (2) ensures that these parameters cannot be relied upon to construct a development whose environmental impacts are greater than those assessed in the ES based on the two assessed scenarios.

- The Secretary of State has added Requirements 27 & 28 to Schedule 2, to account for the Air Traffic Services mitigation for the Walney Aerodrome and Warton Aerodrome respectively (see paragraph 4.122 above).

- The Secretary of State has added Requirement 29 to Schedule 2, to account for Wake Effects mitigation solution between the Applicant and Orsted IPs and their respective offshore wind farms (see paragraph 4.87 above).

- The Secretary of State has added additional subparagraphs (3) (4) and (5) in to Requirement 23 in relation to the Warton Aerodrome PSR (see paragraph 4.123 above).

- The Secretary of State has added a sentence to Condition 17 of the DML in Schedule 14 for consistency with the Wake Effects Requirement (29) (see paragraph 4.87 above).

- Amendment of Article 29(11) to reduce the maintenance period to the usual 5 years from the date of commercial operation. Temporary use powers should not be used to secure an easement for the lifetime of the project.

- Deletion of paragraphs (2) and (3) of (previously) Article 45 (requirements, appeals, etc.) because it is not considered necessary and creates ambiguity. Schedule 12 provides an appeals mechanism in relation to decisions on the discharge of requirements. Seeking to also apply the Town and Country Planning Act 1990 section 78 appeals process to these decisions adds nothing, but will cause legal uncertainty in relation to the process to be followed.

- Deletion of (previously) Article 47 (Inconsistent planning permissions) because it is not considered necessary and creates potential ambiguity.

- The Secretary of State has added Condition 20(1)(a)(iii) and Condition 20(7) of the DML In Schedule 14 in respect of low unexploded ordnances (see paragraph 4.105 above).

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments, changes in the interests of clarity and consistency and changes to achieve consistency with other DCOs.

10. Challenge to decision

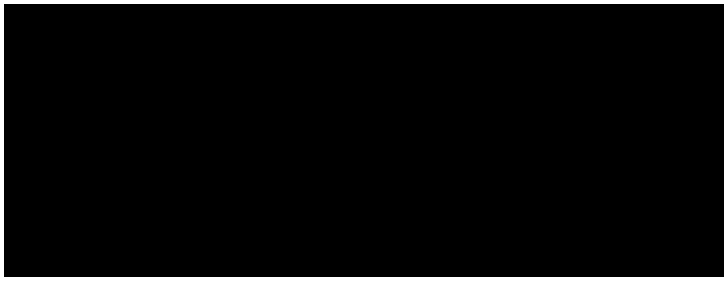
10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

11. Publicity for decision

11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



David Wagstaff OBE

Head of Energy Infrastructure Development

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

https://infrastructure.planninginspectorate.gov.uk/projects/wales/mona-offshore-wind-farm/

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
ALARP	As Low as Reasonably Possible
ATS	Air Traffic Services
BESS	British Energy Security Strategy
CA	Compulsory Acquisition
CoCP	Code of Construction Practice
CP2030	Clean Power 2030 Action Plan
CRDVNL	Clwydian Range and Dee Valley
CROW Act	Countryside and Rights of Way Act
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ENP	Eryri National Park
ExA	The Examining Authority
FMA	Ferry Mitigation Agreement
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
IoANL	Isle of Anglesey National Landscape
IoM	Isle of Man
IoMSPC	Isle of Man Steam Packet Company
IP	Interested Party
IROPI	Imperative Reasons of Overriding Public Interest
JNCC	Joint Nature Conservation Commitee
LIR	Local Impact Report
LSE	Likely Significant Effect
MCA	Maritime and Coastguard Agency
MVOWF	Mooir Vannin Offshore Wind Farm
MW	Megawatt
NE	Natural England
NP	National Park
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NRW	Natural Resources Wales
NRW(A)	Natural Resources Wales (Advisory)
NSIP	Nationally Significant Infrastructure Project

NSN	National Site Network
NWINWOMP	North West Inshore and North West Offshore Marine Plan
OSP	Offshore Substation Platforms
PA2008	The Planning Act 2008
PSED	Public Sector Equality Duty
PSR	Primary Surveillance Radar
REWS	Radar Early Warning Systems
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSA	Strategic Sea Services Agreement
TCE	The Crown Estate
TCEC	The Crown Estate Commissioners
TCPA	Town and Country Planning Act
TP	Temporary Possession
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance
VP	Viewpoint
WNMP	Welsh National Marine Plan