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MONA OFFSHORE WIND PROJECT

Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade response to ExQ1

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Image of an offshore wind farm

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Prepared by:

Dalcour Maclaren

Prepared for:

Mona Offshore Wind Ltd.

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Appropriate Assessment	A step-wise procedure undertaken in accordance with Article 6(3) of the Habitats Directive, to determine the implications of a plan or project on a European site in view of the site’s conservation objectives, where the plan or project is not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in-combination with other plans or projects.
Bodelwyddan National Grid Substation	This is the Point of Interconnection (POI) selected by the National Grid for the Mona Offshore Wind Project.
Competent Authority	Regulation 6(1) defines competent authorities as "any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office".
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Mona Offshore Wind Project.
Evidence Plan Process	The Evidence Plan process is a mechanism to agree upfront what information the Applicant needs to supply to the Planning Inspectorate as part of the Development Consent Order (DCO) applications for the Mona Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Inter-array cables	Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
Intertidal access areas	The area from Mean High Water Springs (MHWS) to Mean Low Water Springs (MLWS) which will be used for access to the beach and construction related activities.
Intertidal area	The area between MHWS and MLWS.
Landfall	The area in which the offshore export cables make contact with land and the transitional area where the offshore cabling connects to the onshore cabling.
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a ‘deemed’ marine licence as part of the DCO process. In addition,

Term	Meaning
	licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Mona 400kV Grid Connection Cable Corridor	The corridor from the Mona onshore substation to the National Grid substation at Bodelwyddan.
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
Mona Array Scoping Boundary	The Preferred Bidding Area that the Applicant was awarded by The Crown Estate as part of Offshore Wind Leasing Round 4.
Mona Offshore Cable Corridor	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Cable Corridor and Access Areas	The corridor located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables will be located and in which the intertidal access areas are located.
Mona Offshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area encompassing and located between the Mona Potential Array Area and the landfall up to MHWS, in which the offshore export cables will be located.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
Mona Offshore Wind Project Boundary	The area containing all aspects of the Mona Offshore Wind Project, both offshore and onshore.
Mona Offshore Wind Project PEIR	The Mona Offshore Wind Project Preliminary Environmental Information Report (PEIR) that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Offshore Wind Project Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
Mona Onshore Cable Corridor	The corridor between MHWS at the landfall and the Mona onshore substation, in which the onshore export cables will be located.
Mona Onshore Development Area	The area in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid substation will be located
Mona Onshore Transmission Infrastructure Scoping Search Area	The area that was presented in the Mona Scoping Report as the area located between MHWS at the landfall and the onshore National Grid substation, in which the onshore export cables, onshore substation and other associated onshore transmission infrastructure will be located.
Mona PEIR Offshore Cable Corridor	The corridor presented at PEIR that was consulted on during statutory consultation and has subsequently been refined for the application for Development Consent. It is located between the Mona Array Area and the landfall up to MHWS, in which the offshore export cables and the offshore booster substation will be located.

Term	Meaning
Mona PEIR Offshore Wind Project Boundary	The area presented at PEIR containing all aspects of the Mona Offshore Wind Project, both offshore and onshore. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Potential Array Area	The area that was presented in the Mona Scoping Report and in the PEIR as the area within which the wind turbines, foundations, meteorological mast, inter-array cables, interconnector cables, offshore export cables and OSPs forming part of the Mona Offshore Wind Project were likely to be located. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Proposed Onshore Development Area	The area presented at PEIR in which the landfall, onshore cable corridor, onshore substation, mitigation areas, temporary construction facilities (such as access roads and construction compounds), and the connection to National Grid infrastructure will be located. This area was the boundary consulted on during statutory consultation and subsequently refined for the application for Development Consent.
Mona Scoping Report	The Mona Scoping Report that was submitted to The Planning Inspectorate (on behalf of the Secretary of State) and NRW for the Mona Offshore Wind Project.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Non-statutory consultee	Organisations that an applicant may choose to consult in relation to a project who are not designated in law but are likely to have an interest in the project.
Offshore Substation Platform (OSP)	The offshore substation platforms located within the Mona Array Area will transform the electricity generated by the wind turbines to a higher voltage allowing the power to be efficiently transmitted to shore.
Offshore Wind Leasing Round 4	The Crown Estate auction process which allocated developers preferred bidder status on areas of the seabed within Welsh and English waters and ends when the Agreements for Lease (AfLs) are signed.
Pre-construction site investigation surveys	Pre-construction geophysical and/or geotechnical surveys undertaken offshore and, or onshore to inform, amongst other things, the final design of the Mona Offshore Wind Project.
Point of Interconnection	The point of connection at which a project is connected to the grid. For the Mona Offshore Wind Project, this is the Bodelwyddan National Grid Substation.
Relevant Local Planning Authority	The Relevant Local Planning Authority is the Local Authority in respect of an area within which a project is situated, as set out in Section 173 of the Planning Act 2008. Relevant Local Planning Authorities may have responsibility for discharging requirements and some functions pursuant to the DCO, once made.
the Secretary of State for Business, Energy and Industrial Strategy	The decision maker with regards to the application for development consent for the Mona Offshore Wind Project.
Statutory consultee	Organisations that are required to be consulted by an applicant pursuant to the Planning Act 2008 in relation to an application for development consent. Not all consultees will be statutory consultees (see non-statutory consultee definition).

Term	Meaning
Wind turbines	The wind turbine generators, including the tower, nacelle and rotor.
The Planning Inspectorate	The agency responsible for operating the planning process for NSIPs.

Acronyms

Acronym	Description
AfL	Agreement for Lease
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity net gain
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EnBW	Energie Baden-Württemberg AG
EWG	Expert Working Group
HVAC	High Voltage Alternating Current
IEF	Important Ecological Feature
IEMA	Institute for Environmental Management and Assessment
ISAA	Information to support the Appropriate Assessment
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
NBB	Net Benefits for Biodiversity
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NTS	Non-Technical Summary
OSP	Offshore Substation Platform
PDE	Project Design Envelope
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
POI	Point of Interconnection
SAC	Special Area of Conservation
SoCC	Statement of Community Consultation
SPA	Special Protection Area
TCE	The Crown Estate
WTW	Wildlife Trust Wales
TWT	The Wildlife Trusts

Units

Unit	Description
GW	Gigawatt
km	Kilometres
km^2	Kilometres squared
kV	Kilovolt
MW	Megawatt
nm	Nautical miles

1 Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade response to ExQ1

1.1 Introduction

1.1.1.1 The Applicant has responded to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade’s response to ExQ1.

2 Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade response on ExQ1

Table 2.1: REP3-108 - Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade

Reference	Written Submission Comment	Applicant's response
REP3-108.1	2. Introduction 2.1 These Further Supplementary Written Submissions are submitted in Response to the Appendix to Response to WRs: Griffith Parry, Robert Parry and Kerry James (Document Number S_D2_3.4) and RR and also to the Applicant's Response to Relevant Representations (Document Number S_PD_3) 2.2 This document follows the Planning inspectorate's written submission numbering in the document library and the Promoter's numbering convention for the issues	The Applicant notes the response.
REP3-108.2	**<u>REP1-083.2 – Whether the Promoter has considered Alternatives</u>** The Promoters obligations to consider alternatives arise from Section 8 of the Guidance to the Planning Act 2008, Regulation 14 and Schedule 4 of the Environmental Impact Assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and Department for Energy Security and Net Zero: Overarching National Policy Statement for Energy (EN-1). These are discussed in more detail in section 9.2.1 of the Written Submissions of Griff Parry dated 7 August 2024. **("August 7th Submissions")** The Objectors' contention is that the Promoter has not considered "all reasonable alternatives" and this has also been discussed in Section 10 of the **August 7th** Submissions. Further, the Objectors would also like to point out that the minutes of EWG Steering Group No.2 dated 13/12/2021 state that, at that time "preferred routes" had already been selected for each point landfall available for each point of connection ("POI") (Wylfa, Pentir, Bodelwyddan, Connahs Quay, Kirkby) which, at that time was still to be chosen by National Grid.	The Applicant notes that the Objector refers to Expert Working Group (EWG) Steering Group meeting minutes dated 13th December 2021. The EWG Steering Group is an offshore focussed meeting with the intention of coordinating the appropriate inputs required for the Evidence Plan Process. The meeting on 13th December 2021 was a high-level discussion regarding the options understood at that time regarding the potential offshore export cable route options available for each Point of Interconnection (POI). The project initially considered six POIs; these are summarised in Section 4.8 of Site Selection and Consideration of Alternatives (AS-016). The Applicant notes that National Grid confirmed the POI for the Mona Offshore Wind Project to be Bodelwyddan Substation in Denbighshire in 2022. Any high-level site selection undertaken before the confirmation of the POI was superseded upon confirmation from National Grid. The site selection and consideration of alternatives process was reset at that stage and all potential alternatives were fully appraised. The consideration of landfall alternatives is outlined in Section 4.10.4 of AS-016. The onshore cable route options considered within the Preliminary Environmental Information Report (PEIR), and reconsidered within AS-016,

Reference	Written Submission Comment	Applicant's response
	Further the minutes note that all POIs "had several landfall options, **except Bodelwyddan, which has only one landfall option.**" The PEIR report (Table 4.17 and surrounding narrative) describes how that landfall point (Llanddulas East) only had onshore corridors Llanddulas East A and almost 65% identical Llanddulas East B (identical as far as the Plots are concerned). Llanddulas East C (the latter already dismissed in favour of its "preferred route" according to EWG meeting 13/12/2021). This is described in more detail in Appendix 01. The conclusion is that the Promoter has not considered any alternatives that it ever had any option to choose from of its own volition. This is because the POI was selected by National Grid who in March 2024 selected Bodelwyddan POI which meant that Llanddulas East was the only point of landfall which in turn meant (as Llanddulas East C had already been discounted due to ecology and ancient woodland and planning issues) that Llanddulas East A and near identical (65%) Llanddulas East B were the only routes ever considered. As long with all entire route from point of landfall, the Plots are identically affected in either route and the Promoter has never considered any alternatives to utilising the Plots.	were identified following the site selection principles identified in Section 4.4 of AS-016. These are identified as: • Shortest route preference to reduce impacts by minimising footprint for the Mona Offshore Cable Corridor and Access Areas and Mona Onshore Cable Corridor as well as considering cost (hence ultimately reducing the cost of energy to the consumer) and minimising transmission losses • Avoidance of key sensitive features where possible, and where not, ensure mitigation of impacts • Minimise the disruption to populated areas The onshore cable routes were cognisant of constraints and shortening the route as much as possible. Those areas not considered are primarily driven by infeasible topography. Section 4.10.5 includes an appraisal of all alternatives and why particular routes were considered infeasible. It is the Applicant's assertion that the landfall and onshore cable route consideration of alternatives is robust and appropriate.
REP3-108.3	Further, the Objectors have proposed routes A, B, C and D or E in the August 7th Submissions but, in a meeting held with the Promoter on 17/9/2024, the Objectors were informed that no consideration has or will be given to these alternatives, despite the affected landowners' being prepared to support it. The reasons given are that further diligence would need to be carried out and that it is simply "too late in the process" rather than due to other constraints with those corridors. They also advised that they continue to prefer the Plots presumably for general convenience and to meet their timetable for seeking the DCO powers.	The Applicant notes the alternative routes put forward by the Objector. The consultation responses received from the Objector did not identify these alternatives, and they were only submitted to the Applicant through the examination process at Deadline 1. The Applicant notes that alternative routes proposed C, D and E require the onshore cable route to reduce its required permanent easement from 30m to 12m. This requirement to reduce the necessary width means that these three alternatives are not reasonable alternatives for consideration. Alternative routes A and B would also require the use of compulsory acquisition powers (as outlined in Issue Specific Hearing 5). These alternatives routes do not constitute routes that fulfil the requirements of the onshore cable route site selection principles as identified in Section 4.4 of AS-016. These are identified as: • Shortest route preference to reduce impacts by minimising footprint for the Mona Offshore Cable Corridor and Access Areas and Mona Onshore Cable

Reference	Written Submission Comment	Applicant's response
		Corridor as well as considering cost (hence ultimately reducing the cost of energy to the consumer) and minimising transmission losses • Avoidance of key sensitive features where possible, and where not, ensure mitigation of impacts Alternative routes A and B require additional length of onshore cable route for no discernible benefit other than avoiding the Objector's land. Alternative routes A and B also require an additional trenchless technique to pass beneath Ancient Woodland. The alternatives routes A and B also do not consider the need for an onshore cable route haul road that would need to be routed around the Ancient Woodland in order to avoid potential impacts, thus increasing the land take and compulsory acquisition requirements. The Objector has also not identified the location for a temporary construction compound that is also a requirement in this location to facilitate the construction of the onshore cable route eastward of the A548. It is therefore the Applicant's position that the proposed routes identified by the Objector are not reasonable alternatives that needed to be considered within the site selection and consideration of alternatives process of the onshore cable route.
	The Objectors have been dismayed at the response and consider that: 1. The Promoter has not complied with its legal obligation to consider ("all reasonable") "alternatives". It has in fact, only considered some 35% of the same longstanding corridor that it had identified as the preferred route for Bodelwyddan before the EWG meeting of 13/12/2021; 2. The Promoter continues to fail to comply with this obligation despite a number of reasonable alternative routes which would not require the Plots being available; 3. Until the Promoter has properly reviewed alternatives A,B,C, D and E (as the very minimum) then it will continue to be in breach of this legal obligation; 4. The reasons given for not considering them ("too late in the process") hardly give rise to a compelling case, in the public interest for affecting the Plots. This is especially the case when the Objectors have been clear from the very outset /	The Applicant notes that the onshore cable route between a potential landfall and the Bodelwyddan substation POI was not identified within the EWG Steering Group meeting on 13th December 2021. The focus of that meeting was regarding the offshore environment in relation to the Evidence Plan Process and no onshore cable route had been identified at that stage. As outlined in response to REP3-108.2, the Applicant restarted the site selection and consideration of alternatives process upon identification of the Bodelwyddan POI by National Grid. No decisions were made prior to that, and the Applicant asserts that the landfall and onshore cable route consideration of alternatives is robust and appropriate. The Applicant notes in response to REP3-108.3 that the alternatives proposed by the Objector are not reasonable alternatives and that therefore it is appropriate that the project has not considered them previously. Alternative routes A and B would also require the use of compulsory acquisition powers (as outlined in Issue Specific Hearing 5). Alternatives routes C, D and E have been demonstrated in response to REP3-108.2 that they are not reasonable alternatives for consideration due to the requirement to constrain the project parameters.

Reference	Written Submission Comment	Applicant's response
	first contact that proposals were being developed for the Plots but the Promoter chose to ignore this fact; 5. The Promoter advises that it "prefers" a route wholly through the Plots. It says it "believes it has selected the right route" but without having properly reviewed and discounted options A to E then the Promoter cannot claim that the Plots are "required" and "necessary for the accomplishment" of Mona. It can merely claim that it is possibly more "convenient" and this does not meet the criteria for section 122(2) of the Act or the criteria specified in section 6 and again in section 7 to 13 of the Guidance to the Act or to the associated tests set down in the Leicester City Council case and the Sharkey Case. 6. 100% of the public benefits of the scheme can be achieved using alternatives A to E with far less harm to the affected parties than that which Robert Parry and the Objectors will suffer by impacting on the Plots. Submission of the DCO for examination without any consideration of any alternatives especially Alternatives A to E is clearly premature.	The Applicant wishes to underline that the land chosen is 'required' and 'necessary 'for the project, in compliance with the requirements of Section 122 of the Planning Act 2008, which also mirrors the wording of Section 226(1)(a) of the Town and Country Planning Act 1990 (as that Section was originally enacted). As the Applicant made clear at the CA hearing on 17 October, the meaning of that word was considered by the Court of Appeal in Sharkey v Secretary of State for the Environment (1992) 63 P. & C.R. 332 where McGowan LJ stated (emphasis added): "*…the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity or the achieving of the purpose; or, to use another similar expression, that it is essential. On the other hand, I do not find the word 'desirable' satisfactory, because it could be mistaken for 'convenient', which clearly, in my judgment, is not sufficient. I believe the word 'required' here means 'necessary in the circumstances of the case'.* The Applicant was not shown any indicative plans for development until the relevant representations were submitted and plans provided at Deadline 1 in the representation from Kerry James (REP1-084). During a meeting on the 30th May 2023, following the close of the statutory consultation, the landowner made Dalcour Maclaren, the Applicant's land agents, aware of plans to develop the land with reference made to either a cycling hub or a solar farm. This was the first time the Applicant was made aware of such plans, and at this stage there were no formal plans that could be shared with the Applicant. During August and September 2023, there was correspondence with the landowner regarding various engineering and site selection information which was included in the landowners written representation (REP2-102). As explained in detail at the CA hearing and summarised in its Hearing summary (Document reference S_D4_3) the Applicant can confirm that the Mona Offshore Wind Project fully understands the requirements for which compulsory acquisition (CA) may be authorised, including in respect of the applicable statute, case law and the DCLG 'Planning Act 2008. Guidance related to the procedures for the compulsory acquisition of land' (Sept 2013 Guidance). The Applicant notes that this is the guidance relevant to the securing of CA powers for the Mona Offshore Wind Project under the Planning Act 2008. The powers sought are necessary in the circumstances of the case and, as explained at the CA hearing by seeking temporary possession powers over the whole Order Land with permanent rights or acquisition only over the as-built project, the Applicant's approach is to ensure that the land and rights in land to

Reference	Written Submission Comment	Applicant's response
		be acquired are no more than is reasonably required for the purposes of the project. As confirmed in the Applicant's Response to Relevant Representations (PDA-008), the design of the Mona Offshore Wind Project has been refined following the statutory consultation to reduce the extent of land take required (see ES Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (AS-016). Therefore, demonstrating necessity and proportionality in terms of site selection and the interference with the rights of those with an interest in the land. Considering the above, the Applicant considers there is a compelling case in the public interest for the authorisation of the compulsory acquisition of land and that the interference with private interests in land is justified.
REP3-108.4	**REP1-083.3 – Consultation** The Promoters legal obligations to consult arise from Section 42 – 48 of the Act and Section 49 obliges them to take account of responses and is also dealt with in Sections 24 to 26 of the Guidance to the Act. The Promoter's lack of compliance with it is discussed more fully in section 9.2.2 of the August 7th Submissions. Further, the Objectors wish to draw the Inspector's attention to the Lord Justice Sedley's comments in the judgement in R v Brent Borough Council, Ex p Gunning (1985) which are known as the Sedley Gunning Principles: "consultation must be undertaken at a time when proposals are still at a **formative stage**; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and **the product of consultation must be conscientiously taken into account when the ultimate decision is taken**".(emphasis added) In contrast however, the minutes of EWG Steering Group No.2 dated 13/12/2021 state that, at that time "preferred routes" had already been selected for each point landfall available for each POI which, at that time, was still to be chosen by National Grid. Although ultimately selected in March 2022 and confirmed in May 2022 according to the minutes of EWG Morgan and Mona Evidence Plan Steering Group Meeting No. 3 dated 20/07/2022.	The Applicant has acted lawfully in undertaking consultation for the DCO, in compliance with the Sedley Gunning principles. Furthermore, it has adhered with the legal obligations arising from sections 42, 47 and 48 of the Planning Act 2008 and has had due regard to responses raised, in compliance with section 49 of the Planning Act 2008, taking account and applying refinements where able to, so as to incorporate feedback received. The Consultation Report (APP-037) details the robust measures undertaken by the Applicant and furthermore, the Applicant's Response to Relevant Representations (PDA-008) sets out further detail as regards the process followed and compliance with the legal requirements. The Applicant notes that the Objector repeats the reference to Expert Working Group (EWG) Steering Group meeting minutes dated 13th December 2021. The EWG Steering Group is an offshore focussed meeting with the intention of coordinating the appropriate inputs required for the Evidence Plan Process. The meeting on 13th December 2021 was a high-level discussion regarding the options understood at that time regarding the potential offshore export cable route options available for each Point of Interconnection (POI). The project initially considered six POIs; these are summarised in Section 4.8 of Site Selection and Consideration of Alternatives (AS-016). The Applicant notes that National Grid confirmed the POI for the Mona Offshore Wind Project to be Bodelwyddan Substation in Denbighshire in 2022. Any high level site selection undertaken before the confirmation of the POI was superseded upon confirmation from National Grid. The site selection and consideration of alternatives process was reset at that stage and all potential alternatives were fully appraised. The consideration of landfall alternatives is outlined in Section 4.10.4 of AS-016.

Reference	Written Submission Comment	Applicant's response
	Further the minutes note that all POIs "had several landfall options, e**xcept Bodelwyddan, which has only one landfall option**." The PEIR report (Table 4.17 and surrounding narrative) describes how that landfall point (Llanddulas East) only had onshore corridors Llanddulas East A and nearly identical Llanddulas East B (certainly as far as all landowners from landfall up to Plot 06-105 including the Objectors are concerned). Llanddulas East C (the latter already dismissed in favour of its "preferred route" according to EWG meeting 13/12/2021). This is described in more detail in Appendix 02 and the timeline of events can be seen at Appendices 03 and 04. The only conclusion that can be made is that the Promoter had already selected Llanddulas East A and (65% identical) B as the preferred onshore route in advance of the EWG meeting on 13/12/2021 and this was ultimately confirmed when National Grid confirmed the POI at Bodelwyddan shortly after as evidenced in EWG Morgan and Mona Evidence Plan Steering Group Meeting 3 dated 20/07/2022	
REP3-108.5	Notwithstanding the above, and as demonstrated in Appendices 01 – 03, from the moment Bodelwyddan became the preferred POI in March 2022 and confirmed in May 2022, then the landfall point was set and Llanddulas East A and near identical Llanddulas East B became the onshore route corridor(s) by default. Notwithstanding this important development, the Promoter continued to submit the 05/05/2022 scoping report to the Planning Inspectorate based on vague "Rochdale Envelopes" for which it was criticised in the Scoping Opinion dated 01/06/2022.	The adoption of the Rochdale Envelope approach is common practice and allows meaningful EIA to take place by defining a 'realistic worst case' scenario in determining the acceptability, or otherwise, of the environmental impacts of a project. This is consistent with the general approach of flexibility in design acknowledged in the Energy National Policy Statements. As the Mona Offshore Wind Project is still within the development process, with the detailed design stage still be to be completed, post consent, this approach has been adopted, in accordance with industry good practice and in line with Planning Inspectorate's Advice Note Nine: Rochdale Envelope (July 2018). The Applicant notes that the Rochdale Envelope approach is not a factor in relation to site selection and consideration of alternatives as the Rochdale Envelope approach is in relation to environmental impact assessment. The size of the area for scoping was large at the time of the publication of the Scoping Opinion in order to fully appraise and assess as many suitable and feasible alternatives as possible.
REP3-108.6	Further, the Promoter went on to conduct its "First Non-Statutory consultation period" from 07/06/2022 to 3/08/2022 based on 3 points of landfall and 6 onshore cable corridors and then again to	The Applicant has clarified in response to REP3-108.1 that the site selection and consideration of alternatives process was reset and began in earnest following the identification of the Bodelwyddan substation POI. No decision on

Reference	Written Submission Comment	Applicant's response
	its "second "targeted" non-statutory consultation period" from 28/09/2022 to 07/11/2022 still consulting on 3 landfall locations and 6 onshore routes and 7 substation sites. It was only finally in the "Statutory Consultation Period" from 19/04/2023 to 04/06/2023 that the Promoter more earnestly consulted on the Llanddulas East A and (65% near identical) Llanddulas East B routes "selected "some 12 months earlier. From the Objectors perspective however, contact was only made after the POI decision (and thereby the route decision) and so all the Promoter's requests for comment under the guise of "consultation" were wholly insincere and disingenuous as matters had already been predetermined. It also explains the Promoter's belligerent approach to consultation whereby it treated these exchanges merely as opportunities to present its Scheme and its requirements, disregarding any affected parties' concerns and requests whilst referring to CPO powers in a thinly veiled attempt to portray the impression that matters are already finalised and inevitable and that it was pointless to resist so that those affected were best advised to "protect themselves" by entering into binding agreements to grant powerful overriding options in favour of the Promoter.	the landfall or onshore cable route (or onshore substation) had been taken until the rounds of non-statutory and statutory consultations had been completed. Details of the non-statutory and statutory consultations are within the Consultation Report (APP-037), which includes a summary of responses received. Dalcour Maclaren on behalf of the Applicant looked to meet with all landowners potentially impacted by the cable corridor ahead of both the non-statutory and statutory consultations to ensure feedback was captured and landowners were aware they had the chance to feed into these consultations. First contact with the Objector was on the 15 March 2022 (ahead of the non-statutory consultation process) where a letter was sent to introduce the scheme, and contained a request for completion of a Land Interest Questionnaire and a non-intrusive access licence. Phone calls and emails were exchanged in May, June and July in 2022, and a plan showing an overview of the proposed route was provided to the Objector in August 2022 requesting feedback on how this would impact their land. Follow up emails were sent in August and September 2022, which led to a meeting on the 13 September 2022. Emails were sent in March and April 2023 to arrange a meeting to discuss the proposals for the statutory consultation, which led to a virtual meeting with the Objector on the 30 May 2023. It was at this meeting that the Objector raised that they had hopes of developing the land for the purpose of a cycling hub or solar farm. The Applicant's land agents Dalcour Maclaren issued draft Heads of Terms to the Objector's appointed agent on 27 September 2023. Populated Heads of terms were then sent on January 2024 to the appointed agent, and on 2 February 2024 to the Objector directly.
REP3-108.7	The Objectors consider that: 1. The time between National Grid confirming the POI and the submission of the DCO has been far too tight and has now caused the situation whereby the plans were at a finalised stage any before consultation commenced rendering purported consultation to be "meaningless". There is a strong presumption against this in all the legislation; 2. Consequently, the Promoter has not complied with its legal obligation to consult. The predetermination of the route has meant that a proper degree of constructive engagement or a willingness to explore options for impact mitigation has led to	The Applicant has clarified in response to REP3-108.1 that the site selection and consideration of alternatives process was reset and began in earnest following the identification of the Bodelwyddan substation POI. No decision on the landfall or onshore cable route (or onshore substation) had been taken until the rounds of non-statutory and statutory consultations had been completed. Details of the non-statutory and statutory consultations are within the Consultation Report (APP-037), which includes a summary of responses received. The onshore cable route options considered within the Preliminary Environmental Information Report (PEIR), and reconsidered within the Site Selection and Consideration of Alternatives (AS-016), were identified following

Reference	Written Submission Comment	Applicant's response
	a failure to pursue meaningful negotiation and it has been wholly unable to "take account" of those responses received; 3. Given that only Llanddulas East A and (65% near identical, certainly as far as the Objectors are concerned) Llanddulas East B were only ever possibilities for the Bodelwyddan Option then the Promoter should develop, consider and review other route corridors to these including alternatives 4. A,B,C, D and E as per the August 7th Submissions and whilst these are still at a formative stage, consult meaningfully and properly on them as required under the enabling legislation; In the circumstances the submission of this DCO for examination is clearly premature.	the site selection principles identified in Section 4.4 of AS-016. These are identified as: • Shortest route preference to reduce impacts by minimising footprint for the Mona Offshore Cable Corridor and Access Areas and Mona Onshore Cable Corridor as well as considering cost (hence ultimately reducing the cost of energy to the consumer) and minimising transmission losses • Avoidance of key sensitive features where possible, and where not, ensure mitigation of impacts • Minimise the disruption to populated areas The onshore cable routes were cognisant of constraints and shortening the route as much as possible. Those areas not considered are primarily driven by infeasible topography. Section 4.10.5 of AS-016 includes an appraisal of all alternatives and why particular routes were considered infeasible. It is the Applicant's assertion that the landfall and onshore cable route consideration of alternatives is robust and appropriate. The Applicant notes in response to REP3-108.3 that the alternatives proposed by the Objector are not reasonable alternatives and that it is appropriate that the project has not considered them previously. Alternative routes A and B would also require the use of compulsory acquisition powers (as confirmed in the CA hearing). Alternative routes C, D and E have been demonstrated in response to REP3-108.2 that they are not reasonable alternatives for consideration due to the requirement to constrain the project parameters.
REP3-108.8	**REP1-083.4 – Whether land required / compelling case** The Objectors note that the Promoter intends to address each specific point in more detail.	The Applicant has no further comments.
REP3-108.9	**REP1-083.5 – Impact of Mona on the Objectors** The Objectors note that the Promoter intends to address this with its responses to REP1083.21 through to REP1-083.26 and also REP1-083.38.	The Applicant has no further comments.
REP3-108.10	**REP1-083.6 – Instructions of Griff Parry** The Objectors note that the Promoter intends to address this with its response to REP1-083.21 through to REP1-083.26.	The Applicant has no further comments.
REP3-108.11	**REP1-083.7 – Background of Griff Parry**	The Applicant has no further comments.

Reference	Written Submission Comment	Applicant's response
	The Objectors note the Promoters response.	
REP3-108.12	**REP1-083.8 – Robert Parry's Proposals** The Objectors note that the Promoter has responded on these separately at REP1 – 089.	The Applicant has no further comments.
REP3-108.13	**REP1-083.9 – Whether the land is "required" under S122 of the Act** The Objectors note the Promoters response but the Objectors contention remains that the land take generally is extremely excessive merely for reasons of custom and practice and that there are better alternatives for all parties than the Plots which should be removed preferably in full, from the Limits of Deviation before the Order is confirmed.	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3. Land is required at this location to facilitate a temporary construction compound (TCC3), and further details on activities at these compounds can be found at paragraphs 3.7.2.33 to 3.7.2.39 of the Environmental Statement – Volume 1, Chapter 3: Project Description (APP-050). The Applicant has nothing further to add to its response on the land requirements for the onshore export cable and would refer to the explanations provided in REP1-083.31 and REP1-083.33 of the Appendix to Response to Deadline 2 Submission - S_D2_3.4 Appendix to Response to WRs: Griffith Parry, Robert Parry, Kerry James F01 (REP2-082).
REP3-108.14	**REP1-083.10 – Robert Parry's Proposals and KJP Planning advice.** The Objectors note that the Promoter has responded on these separately at REP1 – 084 and REP1 – 089.	The Applicant has no further comments.
REP3-108.15	**REP1-083.11 – Clarification of depth to invert of cable ducts and cover over** The Objectors note the Promoters response.	The Applicant has no further comments.
REP3-108.16	**REP1-083.12 – Objectors Access from A548 and Land Use Proposals** The Promoter erroneously claims that there is no vehicular access from the A548 into plot 06103. This is simply untrue. A longstanding access from the A548 into Plot 06-103 does exist and has been and will be, very well used. A photograph of the access can be seen below [see page 7 of full response]:	The Applicant was not previously aware of the existence of the field gate (as shown in the photograph) and that it is very well used. This gate was visited as part of the Accompanied Site Inspection. The exact location of the proposed access into TCC3 from the A548 will be determined following detailed design. Appendix D of the Outline Highways Access Management Plan (APP-228) provides some preliminary access designs for access into TCC3, and the Applicant refers to Drawing Number JNY11256-15 on page 47 and Drawing Number JNY11256-16 on page 48. The Applicant has responded to the point regarding early selection of the landfall and onshore cable route and appropriate consideration of alternatives within the response to REP3-108.2.

Reference	Written Submission Comment	Applicant's response
	  The Objectors contend that, from the very first contact with the Promoter's agents in May 2022 (coinciding with when National Grid confirmed the Bodelwyddan POI and thereby the Llanddulas point of landfall and the preferred Llanddulas East A route was selected) they have very clearly and unequivocally advised the Promoter that proposals were being developed for their Property including the Plots and that the Objectors had also received purchase enquiries from both campsites to the northern boundary (to extend their campsites onto the Plots) as well as interest for solar generation and cycling pod / hub uses. The main proposals have naturally evolved further in the interim period however the Objectors have been open and transparent about their intentions throughout. The Promoter has "taken no account" of accommodating any of the uses described in consultation in the preparation of its DCO and this is now known to be because the route was predetermined before 13/12/2021 and confirmed in the Spring of 2022 at the very latest.	The Objector made the Applicant aware they had hopes of developing the land for the purpose of a cycling hub or a solar farm at a meeting on the 30 May 2023. No plans were shared with the Applicant until they were included in the written submission from Kerry James at Deadline 1 (REP1-084).
REP3-108.17	**REP1-083.13 – Project timetable**	Article 21 of the DCO gives the Applicant seven years to issue notices to treat or to execute a general vesting declaration to acquire the land that may be

Reference	Written Submission Comment	Applicant's response
	The Objectors note the Promoters response regarding the Examination timetable and the Rule 8 letter however are more concerned with the Scheme's actual timetable for commencement, construction, commissioning, reinstatement and land handback. The Promoter advises that it justifies its requirement for 7 year window or period in which to serve notices within its Explanatory Memorandum - Document Reference: C3/F02 specifically 1.4.1.63 to 1.4.1.65 however these carry no justification for that period at all. Instead these sections merely iterate its perceived requirement again and advise that 7 years was the period permitted on other schemes such as Hornsea Three, Norfolk Boreas, Norfolk Vanguard East Anglia One North and East Anglia Two and article 2 of Hornsea Four. Again the Promoter is seeking to procure for itself, very draconian and unreasonable powers and terms which are highly detrimental to landowners and affected parties on the basis of "precedents" and "custom or industry practice". This is wholly unfair and unreasonable and unless the Promoter can provide proper engineering and procurement or other substantial reasons for this in this particular case then it needs to be severely reduced before confirmation of the Order. Three years is more than adequate for a Notice serving period – even then the Promoter can extend that to 6 years by tactical notice serving of Notice to Treat.	compulsorily acquired under the DCO. The time period is justified in the Explanatory Memorandum (REP2-006), which confirms that a seven-year time limit is considered appropriate and necessary for the Mona Offshore Wind Project, given the complexity, scale and needs of the project. The seven-year time limit reflects the scale of the development and is precedented for other offshore wind DCOs. The proposal for three years for compulsory acquisition is insufficient and would in any event be at odds with Regulation 6 (2) of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, which prescribes a period of five years, beginning on the date on which the order granting development consent is made. Furthermore, the Secretary of State has discretion to make different provision and to grant a longer time period. As set out in the Explanatory Memorandum (REP2-006) and the Statement of Reasons (REP2-004), the Mona Offshore Wind Project necessitates a seven-year duration for compulsory acquisition powers and this is considered proportionate, necessary and justifiable based on the needs of the project.
REP3-108.18	**REP1-083.14 – Consultation –Notice Serving Period** At Article 21 of the DCO, the Promoter is seeking a "time limit of 7 year for the authorised project to commence" Contrary to the Promoter's claim however, this would merely be the time limit for which it could serve a Notice to Treat under Section 5 of the Compulsory Purchase Act 1965 ("**CPA1965**") ([10]). Part 2A of Section 5 of the CPA1965 states: " A notice to treat shall cease to have effect at the end of the period of three years beginning with the date on which it is served unless"	In addition to the Applicant's response at REP1-083.42 of its Deadline 2 Submission - S_D2_3.4 Appendix to Response to WRs: Griffith Parry, Robert Parry, Kerry James F01 (REP2-082), the Applicant can confirm that as per Article 21 (2) of the draft Development Consent Order (PDA-003), the exercise of any temporary possession powers pursuant to Article 29, and therefore the start of construction, must occur within the end of the period of seven years beginning on the day on which the Order is made. This is also the period within which any General Vesting Declaration or Notice to Treat need to have been served (the exercise of powers to acquire land or rights in land) so in reality the Applicant would need to have commenced construction well before the end of this 7 year period.

Reference	Written Submission Comment	Applicant's response
	The Promoter will therefore have a period of the 7 years together with the 3 year life of the Notice to Treat before it has to actually serve a Notice to Enter under Section 11 of the CPA1965. Section 1B of Section 11 of the CPA1965 requires that a Notice to Enter has to give a period of notice of at least 3 months before entry can be taken although it can be longer. In this way the Promoter is therefore reserving a "time limit of" 10 years and 3 months (or possibly longer) "for the authorised project to commence" not 7 years claimed by the Promoter. In addition, with say a 4 year construction period then it could be approaching 14.5 years before land is handed back to landowners. This wholly unfair and unreasonable. For one thing Section 19 of the Guidance on Compulsory Purchase Process and The Crichel Down Rules: February 2018 Update(11) and/ or Section 67 of the Welsh Government Circular Ref: 003/2019 Compulsory Purchase in Wales and the Crichel Down Rules (12) state: "Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider: ……. keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power ……" Service of Notices is part of the statutory process and the Promoter has given no consideration as to trying to expedite this as it seemingly uninterested in its impact on those affected.. If this Order is confirmed without modification on this point then the Promoter will be free to leave those affected living in limbo for an extremely long period of time which both English and Welsh guidance is strongly against. As a final word on this matter and to counter any argument that the Promoter may advance that the above is merely a matter of compensation and insofar as it goes to show the further hardship that the Promoter is likely to cause to affected parties. It is only upon service of Notice to Enter (which could be over 10 years after an unmodified Order is confirmed) that compensation under	In addition, as set out in Article 29(4) of the draft DCO, any land only needed for construction must be handed back and restored to the reasonable satisfaction of the landowner, and pursuant to Article 29(3), this must be within 12 months of completion of the relevant work, unless otherwise agreed with the owners of the land. Permanent rights will only be sought over the areas where infrastructure is located, and as stated in Deadline 3 Submission - S_D3_8 Response to Griff Parry on behalf of Harriet Mary Parry, Robert Wynne Parry, Griffith Wynne Parry and Elizabeth Wynne Wade Deadline 2 Submission (F01 (REP3-040), the Applicant expects the permanent easement width to be 30m. The landowners in this case have a total of five affected plots, comprising two over which temporary possession rights only are sought (namely plots 06-102 and 06-104) and three over which the project seeks compulsory acquisition of rights and the imposition of restrictive covenants (namely plots 06-101, 06-103 and 06-105). The powers sought are proportionate, as they are limited to rights, as opposed to full land ownership. The DCO includes the compulsory acquisition powers as a fall-back measure and on a precautionary basis, to secure all of the interests in land necessary to develop the Mona Offshore Wind Project within a reasonable timeframe. It remains the Applicant's preference to reach voluntary agreement with affected parties, including agreeing on compensation payable and to mitigate the extent of land to be permanently acquired outright. The project team have communicated and will continue to engage on requirements and timings. Affected parties have the right to claim compensation in accordance with the statutory compensation code as regards interference with their property and interests and this applies to a number of the DCO Articles for any loss or damage caused, including the plots where temporary use will apply. Furthermore, pursuant to Schedule 9 of the DCO, existing compensation legislation is modified, so as to provide for compensation for the acquisition of rights and imposition of restrictive covenants (as well as acquisition of ownership of the land). Section 52(1) of the Land Compensation Act 1973 provides the right to claim advance payment as soon as the DCO is authorised. In line with recommended practice, acquiring authorities are encouraged to issue a claim form to potential claimants at the earliest opportunity and this is the approach that the Applicant proposes to follow.

Reference	Written Submission Comment	Applicant's response
	the 6 rules Section 5 of the Land Compensation Act 1961 becomes payable based on the principle of equivalence from the Promoter to the affected parties. If a Notice to Enter is never served then the Promoter will never be liable to pay compensation. Even if a Notice to Treat is served then compensation in that eventuality is only set under part 2C(b) of section 5 of the CPA1965 which states: "(2C)Where a notice to treat ceases to have effect ……, the acquiring authority— (a) shall immediately give notice of that fact to the person on whom the notice was served…….., and (b) shall be liable to pay compensation to **any person entitled to such a notice for any loss or expenses occasioned to him by the giving of the notice and its ceasing to have effect**."(emphasis added) So notwithstanding the long term harm and limbo that may have been occasioned to the beleaguered landowners then all that they can potentially claim for after potentially 10 years of impact is any losses or expenses from actually dealing with the Notice to Treat. This is entirely unreasonable and shows the hidden harm that the confirming this DCO without modification could cause to landowners and needs to be considered against the "compelling case" to be referred to in section 122(3) of the Act.	Compensation is based on the principle of equivalence and the owners will be adequately compensated for the interference caused and any losses, in line with the Land Compensation Act 1961, Land Compensation Act 1973 and Compulsory Purchase Act 1965.
REP3-108.19	**REP1-083.15 – Considered Alternatives** The Objectors refer the Inspector to their response in REP1-083.2 and Appendix 01 as well as Section 9.2.1 and Section 10 of the August 7th Submissions. For the reasons therein, the Objector's contention remains that the Promoter has not considered all reasonable alternatives either adequately or indeed at all as required by its enabling legislation	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.
REP3-108.20	**REP1-083.16 – Consultation** The Objectors refute the Promoters claims that it "is a responsible developer committed to listening to the view of stakeholders including landowners". The Objectors' experience is very different to that.	The Applicant has responded to the point regarding early selection of the landfall and onshore cable route and appropriate consideration of alternatives within response to REP3-108.2.

Reference	Written Submission Comment	Applicant's response
	Objectors refer the Inspector to their response in REP1-083.3 and Appendix 02 as well as Section 9.2.2 and Section 11 of the August 7th Submissions. These submissions clearly and unambiguously demonstrate that the onshore corridor was, subject to National Grid confirmation of Bodelwyddan POI, predetermined in advance of the Scoping Report, landowner contact and consultation and all the subsequent statutory and non- statutory consultation periods. Accordingly the Promoters hands were tied and a proper degree of constructive engagement or a willingness to explore options for impact mitigation could not take place and the Promoter's agents were simply unable to "take account of responses" received. For the reasons therein, the Objector's contention remains that the Promoter has not fulfilled its statutory obligations under Section 42 to 48 and especially 49 of the Act.	
REP3-108.21	**REP1-083.17 – Land "required" – App confirms understood** The Objectors note that the Promoter "understands the basis on which the compulsory acquisition may be authorised". However the Objectors regret that the Promoter continues to decline to change the Limits of Deviation to include only such land that is "required" and necessary for the "accomplishment of" the Scheme. Griff Parry submitted supplementary written submissions dated 27/08/2024 ("**August 27th Supplementary Submissions**") in response to the Hearing Action Point Submission dated 07/08/2024. This supplementary submission clearly demonstrates how unnecessary and wasteful of land the proposed working and permanent cross section arrangements are. Further, in a meeting dated 17/09/2024 representatives of the Scheme advised that they could not agree to reducing the proposed permanent easement width purely because this would form a constraint or bottleneck to their scheme. The Promoter's representatives noted that it was quite possible that the ultimate easement width could be less by, for instance, locating the haul roads, to the outside of the cable corridor where they would not require permanent sterilisation rights. They advised that thermal	As previously stated in its Deadline 3 written response (REP3-040), the Onshore Cable Corridor width is presented as a maximum design scenario in line with the Project Design Envelope approach. The Applicant maintains that a 74 m cable corridor is required to accommodate all elements of the onshore cable construction (excluding trenchless technique crossings). However, during detailed design, if conditions allow, this will be reduced where possible in line with the Applicant's ongoing obligations to only compulsorily acquire land or rights in land that are reasonably required for the development of the Mona Offshore Wind Project. The haul road has been indicatively shown centrally within the Onshore Cable Corridor, as shown on the Deadline 1 Submission - S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018), as this approach minimises the amount of construction traffic movements on the subsoils and is typically used on other cross-country cable route projects. The haul road width and location within the Onshore Cable Corridor will be confirmed during the detailed design stage and will be influenced by topography and existing ground conditions. In the meeting held between the Applicant and Messrs. Parry on the 17 September 2024, it was agreed that the potential use of higher capacity cables, in order to reduce cable separation, could have been adopted but that this would significantly increase the cost of the cables in conflict with one the key

Reference	Written Submission Comment	Applicant's response
	dissipation may require a certain width between cables however it was agreed that using higher capacity and better quality cables would give rise to less resistance and thereby less heat although other Scheme attendees argued this could not be considered due purely to cost.	project objectives of designing an efficient and economic transmission system. As is usual for this type of AC project, the scheme has been designed on the basis of the onshore export cables having a maximum voltage of 275kV (see Table 3.29, Maximum design parameters for onshore export cables in F1.3 Environmental Statement - Volume 1, Chapter 3: Project Description (APP-050)). This ensures the project is deliverable and is an efficient and economic system.
REP3-108.22	**REP1-083.18 – Compelling case for taking the land that outweighs harm done** The Promoter's legal obligations to demonstrate and justify a compelling case arise from Section 122(3) of the Act and sections 12 to 14 of the Guidance to the Act. These are discussed in more detail in section 9.2.4 of August 7th Submissions and the Promoter's compliance with its duties under Section 13. The Objectors' contention is that the harm and private loss that they will suffer from compulsory acquisition of the rights sterilising the excessive amount of land does not outweigh the public benefits derived when these benefits can be equally derived if alternatives A, B, or C or even D or E as described in sections 10.3.1 and 10.3.2 of the August 7th Submissions were to be used instead. It is necessary to draw the Inspectors attention to the fact that this is a Compulsory Purchase in Wales and as such, Welsh Government Circular 003/2019: Compulsory Purchase in Wales and 'The Crichel Down Rules (Wales Version 2020)(12) applies. This document takes the compelling case test very seriously indeed dealing with it at sections 10, 16, 30, 31, and 53 as well as other specific references for housing and highways Acts. Section 31 in particular requires "What other options have been considered, and why are these not suitable?" The Promoter is unable to comply with this requirement because, of course, it has not considered any options that could be implemented of its own volition in place because only the Llanddulas East A route corridor was considered in the event that National Grid selected the POI at Bodelwyddan.	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3. As set out at the CA hearing, the Applicant can confirm that the Mona Offshore Wind Project understands the requirements for which compulsory acquisition may be authorised. Section 122(3) of the Planning Act 2008 requires that a 'compelling case in the public interest' is demonstrated for the land to be acquired compulsorily. Furthermore, this is reinforced in sections 12 to 14 of the Guidance to the Act. The Applicant's CA hearing summary (S_D4_3) and Statement of Reasons (REP2-004) sets out the Applicant's justification for seeking powers of compulsory acquisition and confirms that a compelling case exists in the public interest which justifies the making of the DCO with those powers.

REP3-108.23	**REP1-083.19 – Whether Funding in place** The Promoter refers to its Funding Statement and appendices which were commented on in Section 14 of the August 7th Submissions. It claims again here that its joint venture partners or parent companies are well funded and can comfortably fund the Scheme. The Objectors' contention here is that they themselves could submit their parent company' bank account statements as evidence of their own creditworthiness however it is unlikely that a prudent and reputable lender would be inclined to, in any way, rely on those documents without some legal commitment from the parent company which is absent here. This is further complicated by the fact that the Final Investment Decision (FID) committing to the Scheme will not even be made until 2026/27 and this itself is in serious jeopardy now due to the new Chief Executive of one of its parent companies, Murry Auchincloss of BP, who recently pledged "more pragmatic' approach to BP's green targets" whilst "reversing the move away from fossil fuels" and "imposing a hiring freeze" and "halting new offshore wind projects." The Guardian, 27 June 2024) (13). Given this backdrop it seems increasingly unlikely that the FID may ever even be signed, due to the fact that the entire corporation, will not favour proceeding with the Scheme. Further, the Promoter has made no attempt to demonstrate that the Scheme actually is "viable" and in fact profitable so that there would be no question of the FID being positive when eventually determined i.e. because the investment would be a "no-brainer" with highly attractive return on investment. The Objectors do not consider that the Promoter's platitude at 1.6.1.1 of its Funding Statement that it "is confident that Mona Offshore Wind Project will be commercially viable based on the assessments it has undertaken." If this is indeed the case then why has it chosen not to share its assessments to buttress it's case? The risk and delays due to this issue alone are immense and could lead to a further extended period of life in limbo for landowners which is contrary to Section 19 of the Guidance on Compulsory Purchase Process and The Crichel Down Rules:	The Applicant refers to its responses at REP1-083.19 and REP1-83.40 in Deadline 2 Submission - S_D2_3.4 Appendix to Response to WRs: Griffith Parry, Robert Parry, Kerry James F01 (REP2-082). The details of any Final Investment Decision and commercial viability are a matter solely for the Applicant. Paragraph 18 of the DCLG 'Planning Act 2008. Guidance related to the procedures for the compulsory acquisition of land' (Sept 2013 Guidance) deals with funding. In this regard, the Applicant confirms that adequate funding is available to enable the compulsory acquisition within the statutory period following the DCO being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of. Further, the Applicant can confirm that the Mona Offshore Wind Project understands the requirements set out in paragraphs 17 and 18 of the Planning Act CA guidance. As explained in the Explanatory Memorandum (REP2-006), Article 33 of the DCO provides that the Applicant may not exercise a number of powers prior to it putting into place a guarantee or security equal to its potential liability to compensation payable under the DCO, to be approved by the Secretary of State. This article is precedented in a number of DCOs and Article 33(5) allows the Applicant to demonstrate to the Secretary of State that neither a parent company guarantee, nor alternative form of security is required because the undertaker is sufficiently funded to meet any liability to pay compensation pursuant to the DCO.

	February 2018 Update (11) and/ or Section 67 of the Welsh Government Circular Ref: 003/2019 Compulsory Purchase in Wales and the Crichel Down Rules ([12]). **REP1-083.20 – No impediment to scheme** The Objectors note the Promoter’s response but their contention remains that the Promoter has not adequately identified and addressed all potential impediments. In addition to the Act and its guidance Welsh Government Circular 003/2019 (12) deals with this at sections 31, 59 and 63.	

Reference	Written Submission Comment	Applicant's response
REP3-108.24	**<u>REP1-083.21 – Whether App properly considered all alternatives</u>** The Objectors refute the Promoter's claims that it *"it has carried out robust site selection process"*. The Objectors have dealt with this issue at REP1-083.2 above and in Appendices 01 and 02 of this document as well as in 9.2.1 and section 10 of the August 7th Submissions. The Objectors' contention remains that only one route corridor, Llanddulas East A and (65% near identical) B were ever developed for a Llanddulas point of landfall and that Llanddulas was the only landfall in the event that the Bodelwyddan was selected as the POI. This is evidenced in the EWG Steering Group minutes of 13/12/2021 (4) which was selected by National Grid in the Spring of 2022 as evidenced in the EWG Steering Group minutes of 20/07/2022 (5). No alternatives, over which the Promoter had any genuine choice, have therefore ever been considered and the Promoter has therefore not complied with its duties under the legislation. Alternatives A, B, C, D, and E have been proposed to the Promoter but it has confirmed (in a meeting of 17/09/2024) that it has not and will not consider them due solely to it being "too late in the process". The Promoter discusses an online consultation meeting of 13/09/2022 and the Objector refers to its response to REP1-083.8 earlier on the same issue.	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.
REP3-108.25	**<u>REP1-083.22 –pylons - visual aesthetics - H&S – reliable efficiency weather conditions</u>** **<u>– explosion – fire</u>** The Objectors do not necessarily concur with the Promoter's view and comments that new pylons were discounted due mainly to long term visual impact and other seemingly unsubstantial considerations.	The Applicant has nothing further to add to its Deadline 2 response at REP1-083.22.
REP3-108.26	**<u>REP1-083.23 –sharing transmittal ac line – cannot control 2 asset owners control</u>**	The Applicant has nothing further to add to its Deadline 2 response at REP1-083.23.

Reference	Written Submission Comment	Applicant's response
	equipment H & Safety These visual impacts would not however be an issue if using existing pylons was to be the solution. However there seems to be some reluctance to share infrastructure as the Promoter would be unable to control the other parties equipment. The Objectors can envisage times when outages are required for maintenance and repair which may need careful planning however given the savings in disruption to 84.85ha/ (209.6 acres) of land that that could bring and consequent saving of disruption to landowners and the general public then surely major power businesses such as Mona's parent companies and Scottish Power could develop some mutual understanding and accommodation to synchronise outages or for one to lead on the transmittal and provide a "turnkey" style solution to the other.	
REP3-108.27	**REP1-083.24 –Alternative routes A to C** The Promoter claims to have addressed this issue within RR-021.24 in document PDA-008. In that response the Promoter attributes great weight to the BRAG report however the BRAG report merely dealt with the corridor differences amounting to only 35% of the route of Llanddulas East A and B corridor which was otherwise 65% identical. The Plots that the Objectors are seeking to protect and wish to have removed from the DCO (06-102 to 06-105) are within the 65% of that corridor for which alternatives have never been identified or considered. The moment that National Grid selected Bodelwyddan for the POI also crystallised the Llanddulas East landfall and Llanddulas East A corridor with 35% tweaks to give Llanddulas East B. There hasn't been any Promoter consideration of alternatives but there has been considerable subsequent consultation on multiple other landfalls and routes that were already eliminated from the process. The formative stage of the process does seem to have ended before December 2021. Other minor surmountable engineering and traffic management reasons are given at RR021.24 which the Promoter should be embarrassed to cite.	The Applicant has responded to the point regarding early selection of the landfall and onshore cable route and appropriate consideration of alternatives within response to REP3-108.2. The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.

Reference	Written Submission Comment	Applicant's response
	The Promoter goes on to advise that running cables between the pylons is not satisfactory yet the AC line and the 4ZW lines are 203 metres apart at their widest adjacent to plot 06-102 and 156 Metres apart at their narrowest as they leave the Property. At the meeting of 17/09/2024 the Promoter's representatives advised that cables could be laid at a distance of 25 metres from the above ground power lines – this leaves a corridor of between 150 metres and 106 metres in which to lay and retain their cables. The Promoter goes on to further advise that it is the "**design philosophy and industry practice** to cross existing utilities at a perpendicular angle". Alternatives A to C do allow for crossing the 4ZW at right angles and there may be a slightly smaller angle of say 85 degrees if crossing the AC line from plot 06-100. Alternatives D and E both permit excellent opportunities to cross the pylons perpendicularly between AC128 and AC127 and also between 4ZB144 and 4ZB145 so there are no issues there.	
REP3-108.28	**REP1-083.25** The Promoter advised at the meeting on 17/09/2024 that no consideration has or will be given to removing the Plots from the limits by, for example, going with alternative options A,B,C, or even D or E in the August 7th Submissions. They advised that the reason for not considering these alternatives was solely and simply because it is "too late in the process" rather than due to other constraints although they do prefer the Plots presumably due to convenience.	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.
REP3-108.29	**REP1-083.26 – Possibility of considering Alternative D or E** The Promoter advises that these options cannot be pursued as they only allow for 12m permanent width and refers to its already debunked Hearing Action Point Submission as evidence that 30m is necessary. The Objectors did try and engage with the Promoter towards seeing if a width wider than 12m might work at the meeting on 17/09/2024 however the Promoter was very belligerent that it had preserve 30m to avoid giving rise to a bottleneck to the scheme.	The Applicant can confirm that the proposed 12m permanent cable easement width would be insufficient. The Applicant reiterates its responses at REP1-083.35 and REP1-083.36 of its Deadline 2 Submission - S_D2_3.4 Appendix to Response to WRs: Griffith Parry, Robert Parry, Kerry James F01 (REP2-082) in that the dictating factor for trench separation and therefore the permanent cable easement width, is not the width of the open-cut trench, but rather the distance (centre-to-centre) between cable circuits. This separation is necessary due to the heat dissipation requirements of the export cable at depth. The 2.5m maximum trench width at surface and 7.5m separation between cable centres are indicative and the final dimensions are subject to existing ground conditions and will be developed during the detailed design stage. If the ground conditions are suitable, the overall trench width and separation may be reduced,

Reference	Written Submission Comment	Applicant's response
		this is in line with the Applicant's ongoing obligations to only compulsorily acquire land or rights in land that are reasonably required for the development of the Mona Offshore Wind Project.
REP3-108.30	**REP1-083.27 – PDA 008 as above rep1-083-21 to 26** Both Promoter and Objectors refer the Inspector to their responses in REP1-083.21 to REP1083.26 inclusive.	The Applicant notes this response.
REP3-108.31	**REP1-083.28 – Consultation - PDA 008 as above rep1-083-21 to 26** The Objectors refer the Inspector to their response in REP1-083.3. REP1-83.16 and Appendix 02 as well as Section 9.2.2 and Section 11 of the August 7th Submissions. These submissions clearly and unambiguously demonstrate that the onshore corridor was, subject to National Grid confirmation of Bodelwyddan POI, predetermined in advance of the Scoping Report, landowner contact and consultation and all the subsequent statutory and non- statutory consultation periods. Accordingly the Promoters hands were tied and a proper degree of constructive engagement or a willingness to explore options for impact mitigation could not take place and the Promoter's agents were simply unable to "take account of responses" received as the enabling legislation requires. As far as the North and South (Section 3N and Section 3S options after the Plots) and Bodelwyddan which are broadly the Llanddulas East B route then these had no relevance to the Objectors concerns about its Plots as the Llanddulas East A and B routes were identical from the Objectors' land right back to the point of landfall. Accordingly the Promoter has not meaningfully consulted or been in a position to "take account of feedback" on this section at all or indeed "considered" any "alternatives" even though alternatives are available including but not limited to Alternatives A to E in the August 7th Submissions. For the reasons therein, the Objector's contention remains that the Promoter has failed to fulfil its statutory obligations under Section 42 to 48 and especially 49 of the Act.	The Applicant has responded to the point regarding early selection of the landfall and onshore cable route and appropriate consideration of alternatives within response to REP3-108.2.

Reference	Written Submission Comment	Applicant's response
REP3-108.32	**REP1-083.29 – Consultation - Hard Copy of documentation in library** The Objectors refer the Inspector to their response in REP1-083.3, REP1-83.16, and REP1083-28 and Appendix 02 as well as Section 9.2.2 and Section 11 of the August 7th Submissions. In addition to the difficulties with only having electronic copies of the documents available, Section 5.1.9 of the Promoter's Consultation report advises that in readiness for the Statutory Consultation between 19/04/2023 and 04/06/2023 the following was done: "***Deposit locations*** *5.1.9.1The Applicant* ***organised deposits of consultation materials, including the brochure, SoCC, PEIR NTS and feedback forms in hard copy at locations listed in Table 5.3 below, which were available for the duration of the consultation****. The hard copy materials were available in both Welsh and English…… "* Table 5.3 includes Llandudno and Rhyl Libraries however Jeff Harrison at Rhyl Library and Marion Thorne at Llandudno library have also confirmed that no memory or record of any documentation (hard or electronic copies) having ever been deposited or contact made. In fact the first either party had was a call from Sam Stephens from the Planning Inspectorate on or around 13th May 2024 making contact to ask if they would mind making their computers available for electronic consultation purposes as documented in the August 7th Submissions. This further evidences, if any were necessary, along with choosing not to share the onshore confirmed route Implications of the National Grid POI Bodelwyddan decision before the scoping report submission and it continuing to "consult" and on multiple landfall and route corridors when this was already a settled matter along with its belligerent approach to landowners, and demonstrates what low regard the Promoter has to and unimportant it considers the consultation process to be.	The Applicant confirms it arranged for printed materials to be deposited at publicly accessible locations in the vicinity of the project for the duration of the statutory consultation at the following locations: • Llandudno Library Mostyn Street, Llandudno LL30 2RP • Rhyl Library, Museum & Arts Centre, Church Street, Rhyl, LL18 3AA Plastic boxes containing the following materials in both Welsh and English were delivered to each location: • Consultation brochure • Statement of Community Consultation (SoCC) • PEIR Non-technical summary • Feedback forms In both cases, the materials were delivered in person to the venues on Wednesday 19 April 2023. Photographs were taken of the materials in situ and a member of staff was asked for a signature to acknowledge receipt. These photographs are available for reference. A note was included within the deposit material boxes inviting staff / members of the public to contact the consultation hotline or email address if they required further information about the consultation or wanted to request additional copies of materials. All materials were also available for viewing and download from the Applicant's consultation website.
REP3-108.33	**REP1-083.30 – whether the land is "required"**	The Applicant would emphasise that the onshore cable corridor cross sections provided at its Deadline 1 Submission - S_D1_5.6 Appendix to Response to

Reference	Written Submission Comment	Applicant's response
	The Promoter has referred to its response to REP1-083.21 in reply to this however this addresses unrelated issues. The Objectors refer the Inspector to their response in REP1-083.9 and would further add that the August 27th Supplementary Submissions in Response to the Promoters' Refuted Hearing Action Point Submission address this matter conclusively demonstrating the wasteful and inefficient use of land merely because this same wasteful methodology has been used before. For example a soil bund only some 60cm tall and many many (unnecessary) metres wide, selecting to use wider trench excavation area rather than use trench boards as recommended by HSE, installing a wide two lane "heavy haul road" straight down the middle of the cable corridor an including its footprint within the sterilised area, using cables of lower capacity than could be used and thereby causing more resistance in the circuit leading to more heat generation and thereby claiming that a wider distance between cables is required. In a meeting between the parties on 17/09/2024 then engineering representatives of the Promoter confirmed that it was quite common to reduce the width in constrained areas and that in fact, the central haul roads can indeed be located to the outside of the cable corridor. It was also noted that using higher capacity cables (curtailing resistance) could greatly assist with heat produced allowing trenches to be closer however other representatives of the Promoter advised this could not be considered due solely to "cost". The Promoter constructs in this fashion due solely to "custom and practice" and "convenience" because they have "got away with it" before but none of this excessive land take both permanently or temporarily is "required for the accomplishment" of Mona and does not pass the test that their lordships set down in Sharkey and related caselaw and will need to be removed if the Order is to be lawfully confirmed. The above is without prejudice to the Objectors contention that their Plots are not required at all. Landowners to the south are supportive of hosting the cable and this land is at the far end of their holdings and not key to a scheme such as the one Robert	Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018) are indicative and state that they should not be used for scaling. They have been provided to give an example of how the proposed trenches could be accommodated within the Onshore Cable Corridor. The proposed installation technique depicted on the cross sections provided is the industry standard for excavation of trenches and installation of a ducted system, for cross-country cable routes. The volume of soil to be excavated and stored at any specific location will depend on a number of factors including ground conditions and final location of joint bays and link boxes, all of which will be determined during detailed design. In addition, the calculations provided by the Objector do not fully assess all options presented within the Environmental Statement – Volume 1, Chapter 3: Project Description (APP-050), for example, a flat formation will be up to three times the width at the base of the trench compared to the trefoil formation used in the calculations and will therefore require additional soil to be excavated. The haul road has been indicatively shown centrally within the Onshore Cable Corridor, as shown on the Deadline 1 Submission - S_D1_5.6 Appendix to Response to Hearing Action Point: Indicative onshore cable corridor crossing section and trenchless technique crossing long-section F01 (REP1-018), as this approach minimises the amount of construction traffic movements on the subsoils and is typically used on other cross-country cable route projects. The haul road width and location within the cable corridor will be confirmed during the detailed design stage and will be influenced by topography and existing ground conditions.

Reference	Written Submission Comment	Applicant's response
	Parry proposes. The harm suffered will be negligible in comparison to what it will be for the Objectors.	
REP3-108.34	**REP1-083.31 – Extent of Land in the Order area.** The Promoter discusses its intended land take in its response but the Objectors contention remains that this is far too excessive and not "required" or "necessary or the accomplishment" of the Scheme. Constant iteration of what it believes is "required" will not change the fact that this excessive land does not pass the test that their lordships set down in Sharkey and related caselaw and will need to be removed if the Order is to be lawfully confirmed.	The Applicant refers to REP3-108.33.
REP3-108.35	**REP1-083.32 – Extent of Land in the Order area.** The Promoter cites its Refuted Hearing Action Point Submission. This document has already been addressed by the August 27th Supplementary Submissions. The Objectors responses to REP1-083.30 and 31 also apply.	The Applicant refers to REP3-108.33.
REP3-108.36	**REP1-083.33 – Width Required for Construction** Regardless of the similarities or otherwise between the Scheme and these other undergrounding schemes, the matter has been superceded by the August 27th Supplementary Submissions, in response to and which also supercedes the Promoter's Hearing Action Point Submission. The Objectors responses to REP1-083.30, 31 and 32 also apply and seeking to include land for convenience and for reasons of "custom and practice" is still not a matter that is permitted under the Act or the Guidance to the Act or under the tests set down in Sharkey.	The Applicant refers to REP3-108.33.
REP3-108.37	**REP1-083.34 – Permanent Easement Width** The Promoter again cites its Refuted Hearing Action Point Submission. This document has already been addressed by the August 27th Supplementary Submissions.. The Objectors responses to REP1-083.30,31,32 and 33 also apply.	The Applicant refers to its previous responses at REP1-083.12 and REP1-083.34 of its Deadline 2 Submission - S_D2_3.4 Appendix to Response to WRs: Griffith Parry, Robert Parry, Kerry James F01 (REP2-082) and its response below at REP3-108.38 which relate to the requirement for a permanent easement width of 30 metres.

Reference	Written Submission Comment	Applicant's response
REP3-108.38	**REP1-083.35 – Width Required for Electrical Separation.** The Promoter makes no observation or comment as to electrical separation in line with the Objectors' understanding that there are no electrical or magnetic issues with underground cable. The Promoters seeks to discuss heat dissipation and the merits of parallel cabling over trefoil for that purpose. Again the Promoter again cites its refuted Hearing Action Point Submission. This document however does not make any reference to the thermal dissipation for the cables. Neither has the Promoter submitted any calculations to demonstrate what the thermal issues might be requiring a distance of 7.5M between cable trench centres. REP1-083.30 also refers on this issue.	The dictating factor for trench separation and therefore the permanent cable easement width, is not the width of the open-cut trench, but rather the distance (centre-to-centre) between cable circuits. This separation is necessary due to the heat dissipation requirements of the export cable at depth. These requirements, in conjunction with the given calculations, will confirm the onshore export cable specification during the detailed design stage. The 2.5m maximum trench width at surface and 7.5m separation between cable centres are indicative and the final dimensions are subject to existing ground conditions and will be developed during the detailed design stage. If the ground conditions are suitable, the overall trench width and separation may be reduced, this is in line with the Applicant's ongoing obligations to only compulsorily acquire land or rights in land that are reasonably required for the development of the Mona Offshore Wind Project.
REP3-108.39	**REP1-083.36 – Underground Heat Dissipation / Thermal Independence** The Objectors would direct the Inspector to REP1083.30 and 35 in response.	The Applicant notes this response.
REP3-108.40	**REP1-083.37 – Amount of Land that could lawfully be included in the Limits** Griff Parry revised section 12.2.5 of his August 7th Submissions upon receipt of the Promoter's Hearing Action Point Submission. This was explained in the August 27th Supplementary Submissions. The Promoter cites this document in response as well. However this document has already been addressed by the August 27th Supplementary Submissions. The Objectors responses to REP1-083.30, 31, 32 and 33 also apply.	The Applicant refers to REP3-108.33.
REP3-108.41	**REP1-083.38 – Compelling Case in the Public Interest that outweighs harm to landowner.** The Objector refers the Inspector to its response in REP1-083.18 earlier. Further, part 1 of Section 122 of the Act states that: "*An order granting development consent may include provision authorising the compulsory acquisition of land **only if the***	The Applicant has undertaken a robust process, in compliance with the statutory requirements and the relevant guidance. The Statement of Reasons (REP2-004) sets out the Applicant's justification for seeking powers of compulsory acquisition and that a compelling case exists in the public interest which justifies the making of the DCO with those powers. Furthermore, the Applicant's Response to Relevant Representations (PDA-008), sets out further detail as regards the process followed and compliance with the legal requirements. The Applicant is satisfied that it has demonstrated a compelling

Reference	Written Submission Comment	Applicant's response
	decision-maker is satisfied that the conditions in subsections *(2) and (****3) are met.***"(emphasis added) It is part 3 of Section 122 that makes it a condition that : "*there is a compelling case in the public interest for the land to be acquired compulsorily"* The guidance deals with it in paragraphs 6 to 19 inclusive in particular: Paragraph 7 advises that Promoters need to be prepared to "justify their proposals" and also "defend them" at examination. The Promoter has cited 2 documents as its "compelling case". However, as far as the Objectors can see, Section 1.4 of the Statement of Reasons (App-029) merely lists relevant legislation and where appropriate the legislation's aims with no attempt to explain how the Scheme meets or exceeds these. Likewise Chapter 2 of Volume 4 of the Environmental Statement is merely an essay on climate change with no conclusion or understandable means of what the impact of the Scheme would be on that climate change. Paragraph 8 advises that Promoters need demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) the Promoter is unable to do this because, of course, National Grid selected the proposed onshore corridor when selecting the POI in the spring of 2022 and no alternatives to this were ever considered. The Objectors refer the Inspector to their response in REP1-083.3. REP1-83.16 and Appendix 01 as well as Section 9.2.2 and Section 11 of August 7th Submissions. Paragraph 9 requires the Promoter to have a clear idea of how they intend to use the land and to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available. Please see Objectors response to REP1-083.19 above. Paragraph 10 states that the Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in	case for compulsory purchase and as previously stated, this is a fall-back measure and it remains keen to reach voluntary agreement with affected parties.

Reference	Written Submission Comment	Applicant's response
	the land affected. However, the Promoter does not consider the impact upon, or harm done to those affected by its proposals at all in any of its documentation and their only acknowledgement of any kind of detriment being suffered to those affected is a reference to those parties being entitled to claim compensation (i.e. as a consequence of suffering detriment or loss) in section 1.12.1.12 of the Statement of Reasons within the section on human rights. Paragraph 10 states that the Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. However, the Promoter does not consider the impact upon, or harm done to those affected by its proposals at all in any of its documentation and their only acknowledgement of any kind of detriment being suffered to those affected is a reference to those parties being entitled to claim compensation (i.e. as a consequence of suffering detriment or loss) in section 1.12.1.12 of the Statement of Reasons within the section on human rights. Paragraphs 12 and 13 state the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. Paragraph 16 permits the Secretary of State to modify the Order and to exclude some of the land from the Order and clearly there is a strong case for doing this with the Objectors Plots in this instance (see Objectors response to REP1-083.2,9, and 30). Neither of the documents cited by the Promoter (Section 1.4 of the Statement of Reasons (App-029) and Chapter 2 of Volume 4 of the Environmental Statement) in any way "demonstrates" or "justifies" a "compelling case" for the acquisition whilst the Promoter has treated the harm to be suffered by landowners to be	

Reference	Written Submission Comment	Applicant's response
	so inconsequential as to not even merit a mention in its DCO application.	
REP3-108.42	**<u>REP1-083.39 – Whether Funding is in place.</u>** The Objectors refer the Inspector to REP1-083-19 and their contention is that showing the parent companies' balance sheet and profit and loss account and bank statements does not entitle the Special Purpose Company Mona Offshore Wind Limited to any of those funds. The Promoter is asking the Inspector to make a huge leap of faith that the parent companies will happily stump up the investment needed at the appropriate time but this would only be the case if the scheme was viable. The Promoter is not sharing any of the viability assessments it purports to have undertaken and again expects the inspector to make a leap of faith and trust its cavalier assurance "The Applicant is confident that Mona Offshore Wind Project will be commercially viable" in section 1.6.1.1 of the Funding Statement. If the Promoter is so confident itself then why doesn't it make the "Final Investment Decision" now and commit rather than wait until 2026/2027 to do that. Against all this we have the background that the mood music has changed against windfarms with the new BP Chief Executive, Murry Auchincloss, who has pledged "*more pragmatic' approach to BP's green targets"* whilst "*reversing the move away from fossil fuels"* and "*imposing a hiring freeze*" and "halting new offshore wind projects." (The Guardian, 27 June 2024) ([13]) the FID may never even, in fact, favour proceeding with the Scheme. The Promoter moots Article 33 of the draft DCO preventing the Compulsory acquisition of land until such time as its funding is in place as a safeguard yet this does nothing to alleviate the long term uncertainty and detriment that those affected will suffer especially when that would make it even less likely that a Notice to Enter would be served enabling a claim to be made.	The Applicant refers to its response at REP3-108.23.
REP3-108.43	**<u>REP1-083.40 – Impediments to the Scheme</u>** The Promoter continues to only consider impediments which may arise from consents and licences and gives no consideration of other, for instance, physical or legal impediments that could arise	The Applicant highlights that the relevant guidance is the DCLG 'Planning Act 2008. Guidance related to the procedures for the compulsory acquisition of land' (Sept 2013 Guidance) and confirms that it has no reason to believe that there are any physical or legal impediments to implementation of the scheme,

Reference	Written Submission Comment	Applicant's response
	and require considering under the Section 15 of the :Guidance on Compulsory purchase process and The Crichel Down Rules" Department for Levelling Up, Housing and Communities July 2019 (11) or the Welsh Government Circular Ref: 003/2019 Compulsory Purchase in Wales and the Crichel Down Rules (12) (sections 31,59 and 63). Again instead of making the case then the Promoter seeks to persuade the Inspector to rely on verbal assurances i.e. " *"The Applicant believes that none of the other consents or licences outlined in APP- 185 (Other Consents or Licences Required) represents an impediment….."* "*The Applicant has no reason to believe that the Project will not receive a Final Investment Decision at the appropriate time….."* "*The Applicant is confident that Mona Offshore Wind Project will be commercially viable based on the assessments it has undertaken"*	which would affect deliverability. The Applicant is therefore content that subject to authorisation of the powers sought, the DCO can proceed.
REP3-108.44	**REP1-083.41 – Other matters of detriment to the Objectors– final layout ambiguity** The Promoter merely iterates its requirement again and advises that the information isn't available. Again , Section 19 of the Guidance on Compulsory Purchase Process and The Crichel Down Rules: February 2018 Update(11) and/ or Section 67 of the Welsh Government Circular Ref: 003/2019 Compulsory Purchase in Wales and the Crichel Down Rules (12) state: "*keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure the CPO is advertised and made correctly, and under the terms of the most appropriate enabling power;"* The Promoter's programme in no way seeks to keep the delay for landowners to a minimum throughout – this has not been given the least passing consideration by the Promoter.	The Applicant has consulted and updated affected parties as part of the DCO process and will continue to constructively engage.
REP3-108.45	**REP1-083.42 – Timing of Commencement and Completion of the works**	The Applicant refers to its responses at REP3-108.17 and REP3-108.18.

Reference	Written Submission Comment	Applicant's response
	The Objectors refer the Inspector to its response in REP1-083.14 and 41. Confirming the Order without modification to Article 21 could leave landowners in limbo with potentially over 10 years to wait until receiving a Notice to Enter and even then the 4 year construction period could mean over 14 years before their land is returned – this is wholly unfair and unreasonable.	
REP3-108.46	**REP1-083.43 – Consultation** **RR-021.2 –** The Objectors have clearly demonstrated the Promoter's failings in the consideration of alternatives in REP1-083.2 and 21 above and in Appendices 01 of this document as well as in 9.2.1 and section 10 of August 7th Submissions.	The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.
REP3-108.47	**REP1-083.28** The Objectors have clearly demonstrated the failure in the consultation process – see REP1-083.3, REP1-83.16, REP1-83.28 and REP1-083-29 and Appendix 02 as well as Section 9.2.2 and Section 11 of the August 7th Submissions.	The Applicant has responded to the point regarding early selection of the landfall and onshore cable route and appropriate consideration of alternatives, including the consultation of those alternatives, within response to REP3-108.7.
REP3-108.48	**REP1-083.12** This deals with lack of access from the A548 which is another different and erroneous error. The Objectors have clearly debunked its cross section requirements in the Hearing Action Point Submission and its claims that excessively wide permanent and temporary affected land areas are required (August 27th Supplementary Submissions). The Objectors responses to REP1-083.30,31,32 and 33 also apply).	The Applicant refers to its response at REP3-108.16 regarding access from the A548.
REP3-108.49	**REP1-083.38** The Promoter has not demonstrated or justified any case in the public interest or the opposing harm done to the affected parties (REP1-083.18 and 38).	The Applicant refers to its response at REP3-108.41.
REP3-108.50	**REP1-083.19** The Objector refers the Inspector to REP1-083-19 and 39 Viability and funding have not been demonstrated by the Promoter who instead seeks to meet these important criteria with platitudes and assurances requesting leaps of faith from the Secretary of State.	The Applicant refers to its response at REP3-108.23.
REP3-108.51	**REP1-083.40** The Promoter has not considered or demonstrated its means of addressing other i.e. physical or legal impediments (beyond 3rd party consents) and instead it seeks to ignore them and expects the Secretary of State to act likewise.	The Applicant refers to REP3-108.43 regarding impediments to the scheme. The Applicant has responded to the point regarding consideration of alternatives proposed by the Objector within response to REP3-108.3.

Reference	Written Submission Comment	Applicant's response
	At a meeting with the Promoters on 17/09/2024, the Promoter confirmed the following: a) No consideration has or will be given to removing plots 06-102 to 06-105 from the limits by, for instance, going with alternative options A,B,C, or even D or E in the August 27th Supplementary Submissions. b) The Promoter is also not prepared to restrict itself to the southern side of the Plots (i.e. as close as possible to the AC line pylons) the Promoter did however confirm that there was no reason that the cables could not commence at a distance some 25metres away from the wires on the AC Pylon line. c) The Promoter confirmed that it is not prepared to restrict the cabling to a permanent sterilised easement corridor of less than 30 metres wide even though it did agree that it was quite possible that the ultimate easement width could be less. d) The Promoter confirmed that it is not prepared to attempt to cross the AC line pylons between tower AC128 and AC127 as this would involve land outwith the current Limits of Deviation even though the landowners affected are prepared to support this, and the Promoter is able to rely on The Infrastructure Planning (Compulsory Acquisition) 2010 Statutory Instrument. e) The Promoter is not prepared to consider a shorter notice serving window in respect of the Objectors land. f) Alternative compound locations to the one proposed on the Objectors land are likewise not being considered by the Promoter although it did believe it may be possible to reduce it in size during detailed design. The above issues are of paramount importance to the Objectors but are seemingly not for negotiation in the proffered heads of terms – given this there appears to be little point negotiating the heads of terms.	The Applicant refers to REP3-108.37 regarding permanent easement width. The Applicant refers to REP3-108.17 and REP3-108.18 regarding time limits. The proposed locations of the project's Temporary Construction Compounds are identified at Figure 3.19 of the Environmental Statement – Volume 1, Chapter 3: Project Description (APP-050). The Applicant can confirm that the issued Heads of Terms cover the permanent easement width and the mechanism for determining its location following construction. They also contain the terms for a lease of a temporary construction compound. No comments have been received from Mr. Parry on the Heads of Terms.
REP3-108.52	**Kerry James Planning Response to Promoter On response to Written Submissions** **REP1-084.11** The comments made regarding Rep1-074.11 refer to tourism generally in CCBC and are not site specific.	The Applicant notes the response.

Reference	Written Submission Comment	Applicant's response
REP3-108.53	**REP1-084.19** The WR of KJP refers to the northern section of the site which is outside of the order limits. The Promoter comments that no planning application has been submitted. This is true but a site layout plan is evident which includes this land as well as the land within the order limits as part of a larger tourism site. The proposed scheme forms part of a wider diversification project for the whole of the farm holding. The Proposals are progressing and the aim is to submit a planning application in the future.	The Applicant notes the proposed site layout plans which were provided by Kerry James at Deadline 1 (REP1-084). Following the meeting on 17th September 2024 and detailed discussion of the site layout plans, the Applicant will continue to discuss the Head of Terms with Messrs. Parry and explore how the two schemes could co-exist.
REP3-108.54	**REP1-084.20** The Promoter is correct that the DCO will not stop the Objectors seeking planning permission for the northern section, it does restrict and limit what can be done with the rest of the land and as such **WILL** affect (limit) the scale, design and layout of any proposal for the northern site.	The Applicant can confirm that following construction, there will be restrictions on the area of the permanent easement and refers to the restrictive covenants set out in Schedule 8 of the draft Development Consent Order (PDA-003). However certain activities can still occur within this permanent easement area; for example, with the necessary consent from the Applicant it would be possible to surface the area and place on it temporary structures, or for parking vehicles. The Applicant will continue to discuss the Heads of Terms with Messrs. Parry and explore how the two schemes could co-exist.
REP3-108.55	**REP1-084.24** The Promoter states that the site layout is out of scale. It also considers that the proposal would contravene various criteria of TOU1 and TO2 and TOU4. The WR of KJP Planning show that she is of the opinion that the policies would allow for a larger scheme or other built development such as new serviced holiday accommodation as well recreational/tourism facilities such as equestrian, cycling, mountain biking as part of an integrated facility.	The Applicant notes the response and would add that if any planning application is submitted, it would be determined by the local planning authority. It is not for the Applicant or the ExA to determine whether planning permission would be granted.
REP3-108.56	**REP1-084.34** The Objectors and its consultants strongly disagree with the Promoter's assertion that the land has limited prospects of securing planning permission though it is accepted that this would only be tested through the submission and determination of a planning application. It is accepted that the blighted land would refer to the land subject to the order and not the northern section of the land.	Please see the Applicant's response to REP3-108.55.
	REP1-084.34 If the order is granted then the prospective development over land covered by the order could not go ahead. It is accepted that it would not affect the northern section of the	Please see the Applicant's response to REP3-108.54.

Reference	Written Submission Comment	Applicant's response
	land, however, it would affect the type and scale of development that could be undertaken.	
REP3-108.57	**Robert Parry Response to Promoter On response to Written Submissions** **REP1-089.7 – Vehicular access off the A548** See REP1-083.12 earlier	Please see the Applicant's response to REP3-108.16.
REP3-108.58	**REP1-089.8 – Article 21 Period of Time for Notices to be served** The Objectors would direct the Inspector to REP1-083.13 and 14 earlier	Please see the Applicant's responses to REP3-108.17 and REP3-108.18.
REP3-108.59	**REP1-089.9 – Restrictive Covenants and Vehicular access off the A548** The Objectors would direct the Inspector to REP1-083.18 and 30 earlier and REP-083.12 re A548 the erroneous access issue again.	Please see the Applicant's response to REP3-108.54 regarding restrictive covenants, and response REP3-108.16 regarding access from the A548.
REP3-108.60	**REP1-089.10** The Objectors request that the Order be modified prior to confirmation, ideally by its Plots being removed from the DCO altogether or, if that isn't considered possible, by other modifications in land take and timing that allow the Objectors proposals to be implemented as well.	Please see the Applicant's response to REP3-108.33 regarding land take, and responses REP3-108.17 and REP3-108.18 regarding timings.
REP3-108.61	**CONCLUSION** The Objectors have requested that their land be excluded from the Promoters proposals throughout and initially believed that they had some input into the route and design process. However, the decision to pursue Llanddulas East A and its 65% identical twin route Llanddulas East B had already been made prior to the EWG Steering Group Meeting of 13/12/2021 and was merely pending National Grid confirming Bodelwyddan as its preferred POI which it duly did in the Spring of the following year (2022). This meant that the Promoter did not consider any alternatives to Llanddulas East A and B as the enabling legislation requires it to do. The Promoter also didn't meaningfully consult whilst matters were at a formative stage and couldn't take any responses into	The Applicant has grouped the issues raised in this conclusion and refers to the relevant response(s) as follows: Land Proposals: REP3-108.16 Eary Site Selection: REP3-108.2 Alternatives and site selection: REP3-108.3 Time Limits: REP3-108.17 and REP3-108.18 Compelling Case in the Public Interest: REP3-108.3, REP3-108.22 and REP3-108.41 Funding and viability: REP3-108.23 Land take and permanent easement width: REP3-108.33 and REP3-108.37 Consultation: REP3-108.4

Reference	Written Submission Comment	Applicant's response
	account due to the preexisting predetermination of the route corridor. The Promoter did however continue to pay lip service to consultation by continuing to submit a Scoping Report to the Planning Inspectorate and hold consultation events by including options that had already been eliminated. Alternatives A, B, C and D and E have been put forward in place of, or to mitigate impact on the Objectors Plots. It is generally accepted that these alternatives would achieve 100% of the Scheme benefits that could be achieved by affecting the Plots. In a meeting on the 17/09/2024 the Promoter advised that it is now "too late in the process" to consider these alternatives. However it is clear that it would also have been "too late in the process" to have considered them at their first contact with the Objectors in May 2022 and even as far back as December 2021. Through no fault of their own the Objectors now find themselves faced with alarming prospect that the Promoter will be granted powers in respect of 60.21% of the Property and that the land could be blighted for that purpose for 7 years (extendable by a further 3 years with strategic notice serving and then with a further 4 year construction period on top. This will entirely prevent the Objectors from moving forward with any of their plans until possibly 2035 and even 2039. Alternatively, in 2035, the Objectors may find that either the Promoter has abandoned the scheme altogether or may finally find what the detailed design actually is so they can pinpoint precisely where the permanently sterilised 30m wide route corridor is actually going to be located. Even then, the Objectors' scheme is unlikely to be sustainable due to the Promoter's impacts.	
REP3-108.62	The Promoter has not provided "compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired." It merely cites parts of documents and expects readers to identify the benefits for themselves. The landowners affected by Alternatives A to C are broadly supportive as this land is tertiary and remote from their holdings and the harm and loss suffered by them would be minimal when compared to the impact on Robert Parry's proposals. Even Option D or E would assist the Objectors.	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	However the Promoter has given no consideration to the harm suffered by those affected by its Scheme other than merely describing everything as being compensatable. Compensation is not the issue here.	
REP3-108.63	Further, the Promoter has no proved that the Scheme is viable or that funding is in place or that it has addressed physical and legal impediments to the Scheme. Moreover it will not even have committed to the Scheme itself until some future date when the Final Investment Decision is eventually made, apparently in 2026 or 2027. This in itself is a severe risk due to the parent company's recent and abrupt about about-turn on its windfarm policy (13). Providing platitudes and assurances that it is confident that everything will be OK is not satisfactory in a matter as serious as this which has grave implications for those affected or in its way. Clearly the position is entirely unreasonable and unfair and the Objectors will suffer an unacceptable level of unavoidable detriment in the event that the Order is confirmed without modification. Accordingly, they have had no option but to submit written representations in the strongest possible terms to point out the failings in the Promoter's case and appeal for matters to be reviewed impartially. The August 7th Submissions and the August 27th Supplementary Submissions have demonstrated that the land take proposed is excessive and unnecessary as it is not "required or necessary for the accomplishment of the Scheme". It can be accomplished equally well with much less land and indeed without the Objectors' Plots at all.	Please see REP3-108.61 above.
REP3-108.64	The Inspector is therefore requested to report to the Secretary of State that the Plots, namely, 06-102 to 06-105, are not required by the Promoter for the purposes of the accomplishment of the Scheme. Satisfactory and practicable alternative to them do exist which further render the Objectors' land unnecessary in the circumstances of this case and the case for the powers is not therefore compelling. Further, the Objectors and other potentially affected parties on the route alternatives have confirmed that they would be pleased to reasonably assist the Promoter with these practicable alternatives, subject to proper compensation of	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	course. Compulsory rights over the Plots within the Property are not therefore necessary and it would be an error in law to recommend their inclusion with the Order as Section 122 of the Act cannot be applied. In light of the above the Inspector is respectfully invited to recommend modifying the Order to mitigate the impacts on the Objectors. This would be best achieved by removing plots 06-102 to 06-105 from the Order prior to confirmation.	
REP3-108.65	The Promoters obligations to consider alternatives arise from Section 8 of the Guidance to the Planning Act 2008 (1), Regulation 14 and Schedule 4 of the Environmental Impact Assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2), and Department for Energy Security and Net Zero: Overarching National Policy Statement for Energy (EN-1)(3). These are discussed in more detail in section 9.2.1 of the Written Submissions of Griff Parry dated 7 August 2024. ("August 7th Submissions") The extent of the duty is set down in the leading case R v North and East Devon Health Authority, ex parte Coughlan [2001] (14). The court held that those making significant decisions should: - Identify reasonable alternative options - Gather and analyse relevant information about alternatives - Give genuine and substantive consideration to alternatives - The focus is on reasonable alternatives that merit serious consideration. - Demonstrating Compliance - In demonstrate compliance, decision makers should: o Document the alternative options identified o Explain why certain alternatives were rejected o Show a clear decision-making process considering pros/cons of options/ Limitations The courts will not substitute their own views on which alternative is preferable. The focus is on whether the proper process was followed in considering alternatives. The Objectors' contention is that the Promoter has not considered "all reasonable alternatives"	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	or indeed "any" reasonable alternatives and this has also been discussed in Section 10 of the August 7th Submissions.	
REP3-108.66	For one thing Llanddulas East A and B are identical for at least 65% of the route the 35% of the route that was consulted on as the North and South options at the Statutory Consultation doesn't affect the Plots or any of the landowners from Plot 06-105 right back to landfall. The BRAG report only dealt with @ 35% of the single onshore corridor that the Promoter has "preferred" for a Bodelwyddan POI since before 13/12/2021. This is hardly "all reasonable alternatives" as it is legally obliged to consider. Other routes from Llanddulas East landfall are available as well as other part variations such as the Objectors' suggested alternatives A to E but the Promoter has failed to identify them and accordingly failed to consider them and continues to refuse to consider them as in the case of the Objectors' suggested alternatives. It is clear from the EWG steering Group minutes of 13/12/2021 that the Promoter had outlined a "number of route corridors… for each POI") but that most would be eliminated when National Grid decided on the POI. These "alternative" route corridors were therefore incapable of being chosen by the Promoter and therefore not "alternatives" at al. For this reason the Promoter was "not asking for detailed feedback on the indicative routes as there are many indicative routes, most of which will fall away once there is a decision on the POIs by National Grid" National Grid therefore, being the decision maker on the POI (in March 2022), was also therefore the decision maker on the route corridor rather than the Promoter. The Promoter had not therefore considered reasonable alternatives against which to the selected route was chosen because those "alternatives" were never really realistic prospects and were outwith the Promoters hands anyway.	Please see REP3-108.61 above.
REP3-108.67	At the same EWG meeting no.2 of 13/12/2021 the Promoter was also aware that: "Each POI has several landfall options, except Bodelwyddan, which has only one landfall option." (emphasis	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	added) Offshore Cable Routes West B, East A and East B had therefore all already been discounted before December 2021 for various reasons such as the Douglas gas field and clashes with Awel y Mor and Gwynt y Mor and Rhyl Flats offshore schemes. The Promoter already knew that West A offshore cable route was the only realistic proposal in December 2021. In the same way as before then National Grid therefore also selected the offshore cable route when it decided the POI in March 2022. As above, "Alternatives" that were not workable or able to be selected by the Promoter in substitution for the eventual option selected are not true alternatives at all and certainly not "all reasonable alternatives" that the Promoter is required to "explore".	
REP3-108.68	Further Llanddulas East Landfall gave rise to 3 onshore route corridors with Llanddulas East C also eliminated before it was selected when National Grid selected Bodelwyddan as the POI. West A offshore cable route also only gave rise to Llanddulas West A and B Landfalls and West A (offshore) was discontinued in the Parallel Analysis Screening referred to in PEIR and as confirmed in the EWG meeting no. 2 notes dated 13/12/2021 which stated that there was only one landfall option for Bodelwyddan, Namely Llanddulas East. Again the Promoter had already dismissed Llanddulas East C due to the high potential impact risk for ecology, and potential impacts to ancient woodland, and presence of key strategic sites identified in the Conwy replacement local plan immediately south of Abergele. Llandudno East A and B, being identical up until the A548 crossing and Objectors land, were the only realistic routes ever considered by the Promoter and this was known by the Promoter (subject to the National Grid Decision in the spring of 2022) in advance of the EWG Steering Group Meeting no.2 held on 13/12/2021. All other "reasonable routes considered" were unrealistic and either unworkable or unattainable being outwith the decision of the Promoter. Despite this the Promoter still consulted on 3 landfall locations and up to 6 onshore corridors through the screening report and right through until after the 2nd non-statutory consultations. It wasn't until the statutory consultation process in April 2023 that they finally came clean about Llandudno East A and its 65% identical Llanddulas East B	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	which the Promoter potentially could act on but this meant that all the comments and suggestions in the consultation up to the A548 and the Objectors plots as well were unable to be acted on at all and the process merely paid lip service to "consultation".	
REP3-108.69	In the case MP, R (On the Application Of) v Secretary of State for Health And Social Care [2020] EWCA Civ 1634 the Court of Appeal held that there was no carte blanch general duty on public bodies to consult before decisions are made although, alongside where there is a statutory direction to consult, circumstances do arise where there is a legitimate expectation. Lord Justice Newey confirmed that regardless of what circumstances gave rise to the consultation then it should be "carried out properly". He referred to Lord Justice Sedley's judgement in R v Brent Borough Council, Ex p Gunning (1985) 84 LGR 168 (9) which are known as the Sedley Gunning Principles: "consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken". (emphasis added) Unlike the above, Mona's duty to "consult" arises by virtue of Section 42 – 48 of the Act especially Section 44 of the Act and Section 49 obliges it to "take account of responses" Section 24 of the Planning Act 2008: Guidance advises: "……. Early consultation with people who could be affected by the compulsory acquisition can help build up a good working relationship with those whose interests are affected, by showing that the applicant is willing to be open and to treat their concerns with respect. It may also help to save time during the examination process by addressing and resolving issues before an application is submitted, and reducing any potential mistrust or fear that can arise in these circumstances" Contrary to the Sedley Gunning requirements as well as the Planning Act 2008 and related guidance it is clear from the timeline produced at Appendix 03 and the GANT Chart at	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	Appendix 04 that the Promoter was fully aware that there was only one possible landfall location for the Bodelwyddan Point of Interconnection in advance of the EWG Steering Group Meeting No. 2 dated 13/12/2021: "There are a number of route corridors being developed for each POI, within each scoping search area. At this time, the Applicant is not asking for detailed feedback on the indicative routes as there are many indicative routes, most of which will fall away once there is a decision on the POIs by National Grid" and "Each POI has several landfall options, except Bodelwyddan, which has only one landfall option."	
REP3-108.70	Alongside this, that landfall location only had 3 route options, namely Llanddulas East A, Llanddulas East B, Llanddulas East C – Llanddulas East C had also already been identified as being ecologically sensitive and impacting on ancient woodland and some key emerging development plan proposals to the south of Abergele. National Grid announced their preferred POI as Bodelwyddan in March 2022 and confirmed it in May 2022, as confirmed in the EWG Steering Group meeting No.3 of 20/7/2022: "In March 2022 National Grid indicated a strong likelihood for POI at Bodelwyddan. NG confirmed grid connection at Bodelwyddan in May 2022." Section 4.8.3.8 of PEIR states also that at Steering Group Meeting 3 (20/07/2022) – the Attendees were advised only "West A Landfall Point taken forward" and also at 4.8.3.23 of PEIR "By the time the Steering Group meeting was undertaken the decision had been taken not to progress the Belgrano landfall (West B) due to existing infrastructure constraints. As such, only the Llanddulas options (i.e. Llanddulas East A &B &C) were presented This means that Llanddulas East A and (65% identical) B onshore cable corridors were selected by that time i.e. simultaneously with	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
	the National Grid Decision or rather that they were already made prior and subject to confirmation by the National Grid decision (see Steering Group No.2 minutes). This decision timescale is entirely corroborated by the Promoter commencing its land referencing and first contact being made with the Objectors and other landowners as well as negotiations for non-intrusive site investigations getting underway. Llanddulas East A and B have identical impacts on the Objector's land and so when " Section 44 (landowner consultation)" purportedly commenced in June 2022, then the Promoter was already committed to Llanddulas East A and B rendering consultation with the landowner meaningless as has been explained in the 7th August Submission.	
REP3-108.71	In addition, however, the Promoter continued to consult on numerous predetermined issues including multiple landfall locations and onshore cable routes already ruled out through the first and second non statutory consultation processes later the same year and indeed to the statutory consultation process in the Spring of 2023 which equally had little flexibility for those consultations to have been meaningful and for the Promoter to have been able to "take account of responses" as the enabling legislation requires. It is also worth pointing out to the Inspector that the screening report noted that National Grid had already indicated its preference for Bodelwyddan POI in March 2022. This event crystallised the point of landfall (see EWG minutes of 13/12/2021) which in turn crystallised Llanddulas East A and B and C. Due to the difficulties with the Llanddulas East C route (see Table 4.17 in PEIR) it was quickly eliminated leaving only Llanddulas East A and B route for consideration which are largely identical for most of the route. Despite this information being known (and thereby committed to) by the Promoter at such an early stage and in advance of the screening report they chose instead not to share this route information in the screening report and relied on use of "Rochdale Envelopes" instead. This is something that the Promoter was criticised for in the screening report response in June 2022.	Please see REP3-108.61 above.

Reference	Written Submission Comment	Applicant's response
REP3-108.72	The Latest "consultation" with the Promoter took place at a meeting of 17/09/2024 where the Promoter confirmed the following: - No consideration has or will be given to removing plots 06-102 to 06-105 from the limits by, for instance, going with alternative options A,B,C, or even D or E in the August 27th Supplementary Submissions. - The Promoter is also not prepared to restrict itself to the southern side of the Plots (i.e. as close as possible to the AC line pylons).the Promoter did however confirm that there was no reason that the cables could not commence at a distance some 25metres away from the wires on the AC Pylon line. - The Promoter confirmed that it is not prepared to restrict the cabling to a permanent sterilised easement corridor of less than 30 metres wide although it did agree that it was quite possible that the ultimate easement width could be less. - The Promoter confirmed that it is not prepared to attempt to cross the AC line pylons between tower AC128 and AC127 as this would involve land outwith the current Limits of Deviation. Notwithstanding that the landowners affected are prepared to support this, as well as your client's ability to rely on The Infrastructure Planning (Compulsory Acquisition) 2010 Statutory Instrument. - The Promoter is not prepared to consider a shorter notice serving window in respect of the Objectors land. - Alternative compound locations to the one on the Objectors are likewise not being considered by The Promoter although it did believe it may be possible to reduce it in size during detailed design.	Please see REP3-108.61 above.