

# MONA OFFSHORE WIND PROJECT

## Response to Forsters on behalf of the Executors of the Late Sir David Watkin Williams Wynn Bt D6 Submission

Deadline: 7

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F01



Image of an offshore wind farm



## MONA OFFSHORE WIND PROJECT

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## MONA OFFSHORE WIND PROJECT

### 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,

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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.

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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).



## MONA OFFSHORE WIND PROJECT

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

## MONA OFFSHORE WIND PROJECT

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### Units

Unit	Description
GW	Gigawatt
km	Kilometres
km <sup>2</sup>	Kilometres squared
kV	Kilovolt
MW	Megawatt
nm	Nautical miles



# **1 Response to Forsters on behalf of the Executors of the Late Sir David Watkin Williams Wynn Bt D7 Submission**

## **1.1 Introduction**

- 1.1.1.1 The Applicant has responded to Forsters on behalf of the Executors of the Late Sir David Watkin Williams Wynn Bt Deadline 6 submission below.

## 2 Response to Forsters on behalf of the Executors of the Late Sir David Watkin Williams Wynn Bt D6 Submission

Table 2.1: REP6-144 Forsters on behalf of The Executors of the Late Sir David Watkin Williams Wynn Bt

Planning Inspectorate Ref. No.	Written Submission Comment	Applicant's response
REP6-144.1	<p><b>Overview</b></p> <p>The Cefn Estate is committed to negotiating a voluntary agreement with EnBw &amp; BP (the Applicant).</p> <p>As at the date of this paper there has been a <b>lack of meaningful negotiation and engagement</b> on the part of the Applicant. The Applicant is <b>requesting compulsory acquisition powers over a disproportionate area of land (akin to a land grab)</b> and the <b>freehold acquisition is not justified</b>.</p> <p>The Estate requests that the Examining Authority exercise extreme caution in granting compulsory powers for the acquisition of the land subject to the Option for the substation and surrounding land. <b>It is not necessary nor proportionate to grant compulsory powers over operational and non-operational land extending to over 70 acres.</b> This is especially significant when considering the financial and planning benefit to the Applicant who has dual privileges by allocating all the mitigation onto the Estate's land, at the financial impediment of the Estate. <b>We ask the Examining Authority to question why freehold Compulsory Acquisition powers should be granted over an entire area, where we understand only 15% of it is required for the actual substation.</b></p> <p>The mitigation land should not be secured by freehold acquisition under the Development Consent Order. It is <b>not reasonable</b> for the Applicant to apply for powers to freehold acquire over 50 acres of land with future for grid connectivity and renewable energy development – <b>purely to satisfy the Applicant's NBB requirements</b> (Net Benefit for Biodiversity).</p>	<p>The Applicant has responded to the issues raised in this overview in more detail in the responses below at the following responses:</p> <ul style="list-style-type: none"> <li>• Negotiation and engagement - REP6-144.2 and REP6-144.3</li> <li>• Proportionality and justification - REP6-144.4</li> <li>• Use of freehold acquisition – REP6-144.10</li> <li>• Mitigation Land - REP6-144.9</li> </ul>

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Planning Inspectorate Ref. No.	Written Submission Comment	Applicant's response
REP6-144.2	<p><b><u>Timeline of Negotiations/ Engagement since CAH 1</u></b></p> <ul style="list-style-type: none"> <li>• <b>08/11/2024</b> – Heads of Terms (HoTs) received from Harry Stubbs. These were on a long leasehold basis (which is the industry standard), as opposed to the freehold HoTs that were previously supplied to the Estate. <ul style="list-style-type: none"> <li>○ <b>The Estate requests that the Examining Authority consider why reasonable HoTs were not provided until after Deadline 4 of the DCO Examination.</b></li> <li>○ <b>For the avoidance of doubt, since we have been provided with an industry standard long leasehold set of HoTs on 8 November 2024, we have responded as follows:</b></li> </ul> </li> <li>• <b>11/11/2024</b> – Meeting held between Cefn Estate representatives and the Applicant representatives. Several actions were taken away, <b>but no follow up from the Applicant to request another meeting. Little information provided to the Estate following the meeting.</b></li> <li>• <b>20/11/2024</b> – The Estate shared a number of actions between the parties to the Meeting.</li> <li>• <b>22/11/2024</b> – <b>Response from Harry Stubbs to email dated 20/11/2024.</b></li> <li>• <b>28/11/2024</b> – Response from Harry Stubbs: answers included: the Applicant is still reviewing areas of land that could be handed back to the Estate (as opposed to be included within the Option area) and is still pulling together a plan of the constraints.</li> <li>• <b>02/12/2024</b> – LT requested a breakdown of the figure for the lease premium, as the figures provided did not back calculate to the figure provided.</li> <li>• <b>03/12/2024</b> – <b>Email received from the Applicant, however, still, the figures detailed within the email did not align with the calculation provided within the Hots.</b></li> </ul>	<p>The Applicant refers to its response to REP4-119.1 (REP5-066) in relation to the steps it has taken to engage and negotiate with the Cefn Estate.</p> <p>The Heads of Terms were first provided to the Cefn Estate on 29<sup>th</sup> February 2024, and these initial terms were aligned with the powers being sought under the DCO. The Applicant requested to meet with the representatives of the Cefn Estate multiple times throughout 2024 as set out in the response to REP4-199.1 (REP5-066). It was only communicated to the Applicant in August 2024 that the Estate requested a long leasehold rather than freehold, and a meeting was finally arranged for the 11<sup>th</sup> November 2024, with reasonable terms for a long leasehold agreement issued prior to the meeting. Prior to the engagement in August 2024, there had been limited correspondence or engagement from Cefn Estate in relation to the Mona Offshore Wind project. The Applicant welcomes the recent engagement and continued dialogue from the estate, and the Applicant is committed to continuing the negotiations with the latest meeting on the voluntary agreement taking place on the 13th January 2025.</p>

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Planning Inspectorate Ref. No.	Written Submission Comment	Applicant's response
	<ul style="list-style-type: none"> <li>• <b>03/12/2024</b> – The Estate responded with further queries.</li> <li>• <b>05/12/2024</b> – A response was received from the Applicant, however, the response was limited and lacking real value. The Estate would like to submit a copy of the email correspondence at Deadline 7, as this demonstrates a lack of meaningful negotiation and engagement.</li> <li>• <b>16/12/2024</b> - Chaser email received from the Applicant.</li> <li>• <b>17/12/2024</b> – Letter sent to Harry Stubbs from the Estate with a counter offer and a robust rationale for why the offer provided is not reasonable. Market facing comparable evidence sent to the Applicant. The Applicant's agent, Harry Stubbs will be aware of such as his company acts for other developers, including RWE he also negotiated one of these historic agreements.</li> <li>• <b>19/12/2024</b> – Tracked changes word document of the HoTs sent to Harry Stubbs and Tom Harrison.</li> <li>• <b>20/12/2024</b> – Counter proposal put forward via email regarding the construction compound rate offered and the short term mitigation. A response on the HoTs for the cable easement.</li> </ul>	

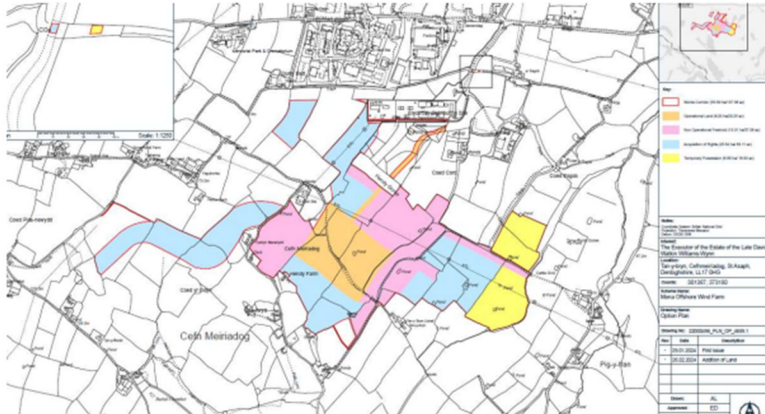
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Planning Inspectorate Ref. No.	Written Submission Comment	Applicant's response
REP6-144.3	<p><b><u>Lack of Clarity from the Applicant demonstrating lack of meaningful negotiation</u></b></p> <p>As detailed at CAH1 &amp; CAH2, the Applicant's agent has provided information that is either incomplete or incorrect. The long leasehold HoTs do not provide a justification for how the figures have been arrived at, nor do they stipulate the area required.</p> <p>On 17 November 2024, the Estate sent a fourth request for clarification on this information (via a Letter on 17 December 2024) and included an excel schedule detailing the errors in the calculation (a redacted version can be provided).</p> <p><b>Information has been sought on various occasions with the Estate adamant that the Applicant must now provide the granular detail that has been requested repeatedly.</b></p>	<p>The Applicant has sought to engage with the Cefn Estate since early 2022 with requests for meetings being refused on numerous occasions, and the Applicant has sought to mitigate impact on the Cefn Estate based on the limited information that was provided during the consultation process. The Applicant remains committed to progressing negotiations with the Cefn Estate, which are now moving forward, with the hope of reaching a voluntary agreement.</p> <p>The Applicant is not aware of providing any information that is incomplete or incorrect. Discussions concerning land valuation are not a matter for the examination, and the rights that are being sought from the Cefn Estate are clearly detailed in the Book of Reference (D4 F07), the Land Plan (B5 F05) and the draft Development Consent Order (C1 F08). The Outline Landscape and Ecological Mitigation Plan provides indicative locations of the proposed ecological and landscape mitigation areas, and it should be noted that these areas are only indicative, and their final position will be available when the Landscape and Ecological Mitigation Plan is approved by the Local Planning Authority. The Applicant has created plans to accompany the heads of terms based off the Land Plans (B5 F05) and order limits submitted as part of the Mona Offshore Wind Application. Clarification on the land take was provided to the representatives of the estate on 10<sup>th</sup> January 2025, the detail of which was discussed during a call on the 13<sup>th</sup> January 2025, where the detail of land take was discussed further. The Applicant has shared and submitted into the examination all information available regarding the proposals on the land and will continue to engage and update the Cefn Estate through the detailed design stages of the project.</p>
REP6-144.4	<p><b><u>Scale of the Proposals - Insufficient justification for the amount of land within the DCO.</u></b></p> <p>There is an issue of proportionality – with insufficient justification for the amount of land within the DCO, subject to potential freehold acquisition. We highlighted this to the Applicant at CAH1 and CAH2.</p> <p>In addition, the Applicant seems unclear on the amount of land they require, and this is evidenced by the recent Change request, with the late addition of the access track, which has surprisingly been accepted into the Design by the Examining Authority, after a</p>	<p>The design of the Mona Offshore Wind Project was refined following statutory consultation to reduce the extent of land take required (see ES Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (AS-016)). The Applicant has also demonstrated the 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.</p> <p>The Applicant's CAH1 hearing summary (REP4-033) and Statement of Reasons (D3 F04) sets out the Applicant's justification for seeking powers of</p>

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Planning Inspectorate Ref. No.	Written Submission Comment	Applicant's response														
	<p>brief consultation. Clearly there has been a lack of due diligence on the land required by the Applicant, with additions being made ad hoc.</p>	<p>compulsory acquisition and confirms that a compelling case exists in the public interest which justifies the making of the DCO with those powers.</p> <p>Document AS-028 details the rationale for the Change Request and the considerations involved. The comments received here at Deadline 6 from Forsters LLP are seemingly at odds with the response received from them at Deadline 5 (REP5-114) which stated: <i>“The Applicant has proposed a revised access arrangement/location which is generally more preferable from our perspective (part of the change request being consulted upon), subject to agreement over detail on the precise extent of the corridor.”</i> The Applicant considers it has fully explained the reasons for the Change Request which has now been incorporated into the Application.</p>														
REP6-144.5	<p><b>We are concerned the Applicant is therefore requesting CA powers over a disproportionate amount of land and are still including additional areas at this late stage in the DCO process, which is surprising.</b></p> <p>The Applicant is effectively undertaking a ‘land grab’ over the Cefn Estate’s land to satisfy a number of their planning requirements, without providing sufficient justification nor reasonable terms to compensate. These include:</p> <table><tr><td>Works Area within DCO Order Limits</td><td>Size (Acres)</td></tr><tr><td>Operational Substation</td><td>20.25</td></tr><tr><td>Long term Mitigation (providing benefits to the Applicant in terms of screening the substation and satisfying NBB requirements as well as mitigation)</td><td>50.01</td></tr><tr><td>Short term mitigation land</td><td>17.58</td></tr><tr><td>Construction compound x 2</td><td>18.96 (in total)</td></tr><tr><td>Woodland area/ ecological mitigation</td><td>26.96</td></tr><tr><td>Cable easement/ other acquisition of Rights</td><td>36.25</td></tr></table> <p><b>The above Mona scheme requirements necessitate separate agreements and the Applicant has not (to date) provided draft agreements to reflect the differing requirements above. The Applicant has therefore not shown reasonable attempts to negotiate.</b></p>	Works Area within DCO Order Limits	Size (Acres)	Operational Substation	20.25	Long term Mitigation (providing benefits to the Applicant in terms of screening the substation and satisfying NBB requirements as well as mitigation)	50.01	Short term mitigation land	17.58	Construction compound x 2	18.96 (in total)	Woodland area/ ecological mitigation	26.96	Cable easement/ other acquisition of Rights	36.25	<p>The Applicant refers to its response to REP6-144.4 above that addresses proportionality and justification for the land take required for the cable corridor, onshore substation and related works.</p> <p>The Applicant commenced engagement with the representatives of the Cefn Estate regarding the Mona Offshore Wind Project in March 2022. The extensive attempts the Applicant has made to negotiate the land rights sought are set out in its response to REP4-199.1 (REP5-066). The plan included in the representation at REP6-144 is the plan that accompanied the issued Heads of Terms, and the Applicant can confirm that is in accordance with the Land Plans previously submitted and the rights being sought by the Applicant. The latest Land Plan is submitted at Deadline 7 (B5 F05).</p> <p>The Applicant first issued option plans and Heads of Terms for the voluntary agreement in relation to the freehold acquisition for the substation and associated access and mitigation to the representatives of the Cefn Estate on the 31 January 2024. Heads of terms for the onshore cable rights sought, construction compound areas and short term mitigation requirements were issued to the Cefn Estates representative on the 30<sup>th</sup> April 2024. Since the issue of the terms, as set out in the correspondence log shared in REP5-066, the Applicant's land agents continually requested comments and feedback in hope to progress the voluntary agreements.</p>
Works Area within DCO Order Limits	Size (Acres)															
Operational Substation	20.25															
Long term Mitigation (providing benefits to the Applicant in terms of screening the substation and satisfying NBB requirements as well as mitigation)	50.01															
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	<p>Please see a plan provided by the Applicant detailing the vast scale of the proposals on the Cefn Estate.</p> 	
REP6-144.6	<p><b><u>Probate</u></b></p> <p>The Examining Authority must appreciate that the land being in probate has created various challenges. In November 2023, unfortunately the owner of the Estate (late David Watkin Williams-Wynn) sadly passed away, less than 3 months (Feb 2024) before the DCO was submitted.</p> <p>2 months after his death, the agents, Dalcour Maclaren issued option plans and Heads of Terms to the Executors of his estate. It is not reasonable, to expect a family in mourning, before probate has even been granted, to enter practical negotiations for a substation agreement.</p> <p>As the Estate (and the land impacted by the Mona substation proposals) is currently in probate, this has hindered the opportunity for meaningful negotiations and will mean that negotiations and documentation around any agreement may be more protracted than usual.</p> <p><b>It is therefore not reasonable for the Applicant to be awarded compulsory acquisition powers when the probate remains</b></p>	<p>The Applicant notes the response and would highlight that the Applicant first contacted the Estate about the Mona Offshore Wind Project in March 2022, almost two years before the passing of the late Sir David Watkin Williams-Wynn as detailed in its reply to REP4-119.1 (REP5-066).</p> <p>In the 13 months since the death of the late Sir David Watkin Williams-Wynn, all communication between the Applicant and the Estate has been through the landowner's appointed professional advisors, Carter Jonas, who the Applicant understands manages the Cefn Estate on behalf of the Williams-Wynn family. The Applicant is mindful of the additional complexity of dealing with land matters in the absence of probate, but does not consider that this is a reason for withholding the grant of compulsory acquisition powers that are required to ensure the delivery of the Mona Offshore Wind nationally significant infrastructure project.</p> <p>As set out above, notwithstanding the lack of meaningful engagement to date from the Estate, the Applicant is committed to continuing negotiations in an attempt to reach a reasonable voluntary agreement for the land and rights required.</p>



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	<p>outstanding. This is the only above ground infrastructure across the entire project, and owing to the personal circumstances of the Estate, more time is required for viable negotiations.</p>	
REP6-144.7	<p><b><u>Creation of a Private Grid Supply Point</u></b></p> <p>137 acres (55 hectares) within the Option area is akin to a 'land grab' over the Cefn Estate's land. The Estate has concerns that the Applicant intends to create their own private grid supply point. The substation footprint of over 20 acres implies the Applicant intends to get more grid connection through this location.</p> <p>The below table illustrates the disproportionate amount of land that Mona is intending to 'land grab', when compared to other more reasonable developments nearby. <b>The size of the substation footprint is not line with modern requirements for other windfarms which appear to be more beneficial in terms of Grid Capacity. The table below demonstrates two key points:</b></p> <p>1 – <b>The Applicant is taking more land than needed</b>, when <b>compared with offshore wind developments</b> of a similar scale (or smaller).</p> <p>2 - This has led the Estate to question the long term intentions of the Applicant. Given the <b>footprint is nearly double the size of the Awel-y-Mor substation</b> (an RWE development located just to the north) the Estate asks the Examining Authority to consider whether the Applicant is seeking to use the substation <b>for future uses as a private Gird supply point.</b></p>	<p>The proposed capacity of the Mona Offshore Wind Farm as set in the table is incorrect. Mona Offshore Wind Farm is proposed to have an approximate capacity of 1,500MW, not 350MW. Work No. 22a is the area of the permanent substation footprint and is approximately 16.1 acres. Applying the correct figures, Mona has a ratio of acres to megawatt capacity of 1:93, which it should be noted is less land take than Awel-y-Môr Offshore Wind Farm which was consented in 2023.</p> <p>The Applicant is not clear what is meant by a 'private grid supply point', however the Applicant's intention is to only construct the infrastructure that is being sought in its DCO application and is required for the Mona Offshore Wind Project.</p> <p>The Applicant refers to its response to REP6-144.1 above that addresses proportionality and justification.</p> <p>The Applicant responded to the action point from the Compulsory Acquisition Hearing 2 to further evidence the land rights sought within the Response to December Hearing Action Points (S_D6_3), row HAP_CAH2_02 (REP6-081). The Applicant has also presented this information to the representatives of the Cefn Estate during the heads of terms discussions.</p>

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Planning  
Inspectorate Ref.  
No.

Written Submission Comment

Applicant's response

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

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

REP6-144.8

**The land subject to the Mona proposals in unequivocally Strategic Land**

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

The Cefn Estate is strategically important for renewable energy projects due to its existing infrastructure and ease of Grid connectivity. With reference to offshore wind, the Cefn Estate's land has both proximity to the Grid and the coastline, facilitating

The Applicant has put forward a financial offer that is justified on valuation grounds, although it would also note that land values are not a matter for the examination.

The Applicant is only aware of the proposed St. Asaph solar farm that is proposed within the Mona order limits on land owned by the Cefn Estate. The Applicant notes that the Cefn Estate have previously communicated against any form of development on their land, evidenced from previous submissions (RR-082): *"the land which is sought is high-quality agricultural land that is irreplaceable. The loss of land will adversely impact the Estate's ability to be sustainable in terms of agriculture, as well as the amenity and visual impact this will have on the Estate and its well established tenants and community it supports"*.

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	<p>cabling for energy scheme connections. In addition, the land's proximity to the Grid creates demand from other energy developers including, but not limited to: Solar, BESS, onshore wind, grid stability schemes and data centres. As a result, numerous developers have approached the Estate, expressing interest in utilising the Cefn Estate land both for development of their own renewable energy schemes and connections to schemes proposed in the surrounding area.</p> <p>Land with development potential for energy schemes is more valuable than regular agricultural land because it can generate higher and more stable income streams. This reliability, combined with the environmental benefits of clean energy, makes land for solar development a highly sought-after and valuable commodity.</p> <p>Given these factors, the offer presented by the Applicant's agent does not accurately reflect the strategic value and competitive interest in the market. The unique advantages of the Cefn Estate, including its existing infrastructure and location, significantly enhance its value for renewable energy projects, making it a prime site for future development.</p> <p>The value of the land at the Cefn Estate is categorically routed in its development value (hope value) for energy projects (both current, planned and future). Given the quantity of future projects and projects currently in the pipeline nationwide, more robust Market facing comparable evidence, supporting open market values for similar parcels of land, will become public over the coming years. These would undoubtedly be relied upon should any form of dispute resolution develop.</p> <p>Land surrounding existing National Grid substations is extremely valuable, due to providing connection opportunities for future energy generation projects. Standard assessments for the freehold value of BESS schemes are in the region of <b>25 Megawatts (MW)</b> per acre when assessing the capacity of a site.</p> <p>The Mona scheme proposals have a disproportionate impact on the strategic land surrounding the existing National Grid substation, thereby preventing planned, current and future</p>	<p>The Applicant notes these more recent submissions appear to be a change in approach by the Estate to the land and, given the compatibility of the Mona project, welcomes the opportunity to discuss how the Applicant's project can co-exist with the Estate's new development plans.</p>

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	developments and connections on the Cefn Estate. As outlined above, demand for strategic parcels of land (such as the land owned by the Cefn Estate) is high and will grow exponentially over the coming years.	
REP6-144.9	<p><b><u>Mitigation Land</u></b></p> <p>The Applicant is proposing to acquire over 50 acres of land, merely to satisfy their planning requirements with respect of NBB, mitigation and screening for the substation and proposed development.</p> <p>Whilst the Estate is aware that BNG does not exist in Wales (we understand it is NBB), the table below illustrates the high cost of BNG credits to developers in England. The Applicant is placing an undue burden on the Cefn Estate in respect of the area of land required for mitigation (both short term and long term) purely to satisfy the NBB requirements. This is strategic land with adjacency to the National Grid substation. <b>Either other less valuable land should be investigated by the Applicant for this mitigation, or a reasonable commercial agreement should be put in place.</b></p> <p><b>The Applicant is achieving a triple benefit of value, at the expense of the Estate: mitigation; screening for the substation and Net Biodiversity Benefit; which all tick the boxes for planning requirements, without the Applicant having to seek these resources in land elsewhere.</b></p> <p><b>This is for the financial benefit of the Applicant, at the expense of the Estate.</b></p> <p><b>The table below demonstrates the scale of the land the Applicant is requesting compulsory powers over in order to satisfy their mitigation/ habitat enhancement obligations:</b></p>	<p>The Mona Offshore Wind Project is a Nationally Significant Infrastructure Project, and although it does not currently have to meet Net Benefit for Biodiversity (NBB) requirements, the Applicant has had reference to the relevant policy on enhancing biodiversity as stated in F1.2 Environmental Statement - Volume 1, Chapter 2: Policy and legislative context, including Section 6 of the Environment (Wales) Act 2016 which imposes a duty on public authorities to maintain and enhance biodiversity. Natural Resources Wales (advisory) have stated in the Onshore Statement of Common Ground (S_D1_13 F03) that the mitigation measures and conditions outlined in the Outline Landscape and Ecology Management Plan [J22 F05] are "appropriate and will ensure significant effects are avoided". The Statement of Common Ground with Denbighshire County Council (S_D3_22 F04) also states that the council agrees in principle with the mitigation and enhancements proposed for the onshore elements of the project and will provide net benefits for biodiversity.</p> <p>National planning policy supports the compulsory acquisition of land for mitigation, landscape enhancement and biodiversity net gain, and the Applicant refers to the National Policy Statement for Electricity Networks Infrastructure (EN-5) which states that "...where the use of land at a specific location is required to facilitate the development by providing for mitigation, landscape enhancement and biodiversity net gain, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land..."</p> <p>Paragraph [1.3.2.30] of the Statement of Reasons (D3 F04) details that as the Onshore Substation will require a permanent change of use, "the degree of interference with the land and the need for the Applicant to be able to control the land, including excluding access, by anyone other than authorised persons to the substation, as well as maintaining the necessary ecological and landscaping mitigation works, mean that freehold acquisition is required and justified...The ownership and responsibility for management of the landscaping and mitigation including tree planting and proposed enhanced hedgerows is</p>

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

*needed to ensure the integrity of the planting and long-term screening effect is maintained for the Onshore Substation."*

The Outline Landscape and Ecology Management Plan (J22 F05) has been informed by the Design Principles document (APP-189). Paragraph 3.9.1.6. of the Design Principles lists the key aims of the landscape proposals:

- *To provide visual screening to residential properties, road users and walkers.*
- *To provide visual screening to users of the public bridleway to the northeast of the Mona Onshore Substation site and the public footpath to the west of the Mona Onshore Substation*
- *To provide a woodland context for the Mona Onshore Substation site that compliments the long-established woodland of the area, including the woods found on Cefn Meiriadog*
- *To provide greater connectivity between the existing woodlands, retained hedgerows and field boundary trees.*

To achieve the aims listed above, it would not be suitable to seek alternative locations for these activities at another location within the order limits as the same outcome would not be attained in relation to screening and connectivity. In other words, the mitigation requirements are specific to the Mona Onshore Substation site.

The Applicant's approach, as set out in the Outline Landscape and Ecology Management Plan (J22 F05) and the Statement of Reasons (D3 F04) has been to maximise the beneficial use of land where permanent acquisition is required and improve existing features. The Statement of Reasons provides the examples of Plots 11-191, 11-192 and 11-214, which from Figure 1.4 of the OLEMP illustrates areas of hedgerows to mitigate the impacts of permanent land take. This approach ensures that the overall land take for the Mona project is reduced as far as possible whilst also providing necessary mitigation and meeting the relevant policy tests.

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

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



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REP6-144.10	<p><b>Conclusion</b></p> <p>The Mona proposals have a <b>disproportionate</b> impact on the Cefn Estate in terms of the scale of land take both for operational and non-operational land. This concern has been raised with the Examining Authority on numerous occasions.</p> <p>The Applicant has taken an <b>overly aggressive</b> approach by applying for compulsory powers for freehold acquisition – <b>for a disproportionate amount of land</b>.</p> <p>The Mona scheme proposals will sterilise a significant proportion of the Cefn Estate's strategic land where the Estate has long term plans related to the Grid Connectivity.</p> <p>It is inappropriate to value the land on an existing use value basis considering the timescales around the DCO, the additional energy schemes that the Cefn Estate has in the pipeline and the development potential as a result of the land's connectivity to the grid. Given the land's strategic connectivity to the grid, there are already 3 existing substations in this location, further strengthening the development potential on that basis. In addition, the Applicant has undertaken numerous feasibility studies on the site's capability, which further strengthens the above point.</p> <p><b>In a no Scheme world, the Cefn Estate has been and will continue to be approached by third party developers on the basis it has good connectivity to the grid. In a world where renewable energy project and planning permissions are being pushed forward and demanded to a significant degree, as stipulated in the commentary above, this needs to be reflected in a reasonable offer and reasonable attempts to negotiate from the Applicant. This has not been evidenced to date.</b></p>	<p>The Applicant refers to its responses at REP6-144.4 regarding proportionality and justification and REP6-144.8 regarding strategic land and other developments.</p> <p>The Applicant has not taken an overly aggressive approach by applying for compulsory powers for freehold acquisition, which was explained by the Applicant at CAH1 (hearing summary REP4-033): <i>"...it is important to understand the framework within which CA can be acquired, which is separate to any discussions on voluntary agreements. The Applicant explained that in a voluntary agreement parties can agree what they like, however when looking at acquisition of land and rights in land, options are limited. The Applicant explained that in respect of freehold acquisition, seeking exclusive use of land in perpetuity would exclude existing landowners and requires complete control of that land, which is the only option under CA. The Applicant explained that it is not possible to acquire land compulsorily for a specific period of time but must be acquired in perpetuity through freehold acquisition."</i></p> <p>Furthermore, in order to ensure that the land and rights in land to be acquired are no more than is reasonably required for the purposes of the project. As set out in the Statement of Reasons and explained in more detail at CAH1 the Applicant is seeking temporary possession powers over the whole Order Land with permanent rights or acquisition only over the as-built project and associated mitigation.</p> <p>Land values are not a matter for the examination, and under the principle of equivalence, an affected party should be left no better or worse off as it was before the scheme. The Applicant refers to the details of its engagement that has occurred with the Cefn Estate since 2022, as detailed in its responses to REP3-117.4 (REP4-084) and REP4-119.1 (REP5-066).</p>