

From: [Karl Cradick](#)
To: [Tracey Williams](#); [Steffan Jones](#); [Wrexham Energy](#)
Subject: EN010055 WREXHAM POWER LIMITED - early submission for D4
Date: 19 October 2016 09:09:50
Attachments: [WPL - Draft DCO Article on funding security for compulsory acquisition powers.pdf](#)

Dear Tracey,

EN010055 - WREXHAM POWER LIMITED: EARLY SUBMISSION FOR EXAMINATION DEADLINE 4

At the Compulsory Acquisition Hearing on 29 September 2016, Wrexham Power Limited confirmed to the Examining Authority that it was willing to include an article in the draft DCO requiring financial security to be provided prior to utilising the temporary use or compulsory acquisition powers (see paragraph 5 of the Written Summary of WPL's oral case put at the Compulsory Acquisition Hearing on Thursday 29 September 2016).

The Applicant explained at the Compulsory Acquisition Hearing that the proposed article would be for a form of security to be approved by the Secretary of State and would be based on similar articles in recently granted DCOs. I enclose a short paper setting out the Article that the Applicant is proposing to include in the next version of the draft DCO, which we will submit for Deadline 4.

Please could PINS confirm receipt of this message?

Regards,

Karl Cradick
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WREXHAM ENERGY CENTRE

DRAFT DCO ARTICLE RELATING TO SECURITY OF FUNDING FOR COMPENSATION FOR COMPULSORY ACQUISITION AND TEMPORARY USE POWERS

1. BACKGROUND

- 1.1 At the Compulsory Acquisition Hearing on 29 September 2016, Wrexham Power Limited ("the Applicant") confirmed to the Examining Authority that it was willing to include an article in the draft DCO requiring financial security to be provided prior to utilising the temporary use or compulsory acquisition powers (see paragraph 5 of the Written Summary of WPL's Oral case put at the Compulsory Acquisition Hearing on Thursday 29 September 2016).
- 1.2 The Applicant explained at the Compulsory Acquisition Hearing that the proposed article would be for a form of security to be approved by the Secretary of State and would be based on similar articles in recently granted DCOs.

2. DRAFT ARTICLE

- 2.1 The Applicant is therefore proposing to include the following Article in the next version of the draft DCO (to be submitted for Deadline 4):

Funding

1) The undertaker must not exercise the powers conferred by the provisions referred to in paragraph (2) in relation to any land unless it has first put in place either —

(a) a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land; or

(b) an alternative form of security for that purpose approved by the Secretary of State.

(2) The provisions are—

(a) article 17 (compulsory acquisition of land);

(b) article 18 (compulsory acquisition of rights);

(c) article 22 (acquisition of subsoil only);

(d) article 14 (private rights);

(e) article 25 (rights under or over streets);

(f) article 26 (temporary use of land for carrying out the authorised development);

(g) article 27 (temporary use of land for maintaining the authorised development); and

(h) article 28 (statutory undertakers).

(3) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under this Order is to be treated as enforceable against the guarantor or person providing the alternative form of security by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(4) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 15 years after the date on which the relevant power is exercised.

- 2.2 Sub-paragraph (3) of the draft Article ensures that the guarantee or alternative form of security can be enforced by affected persons.
- 2.3 Sub-paragraph (4) of the draft Article states that the guarantee or alternative form of security does not have to be in place for more than 15 years. This enables there to be sufficient time for an affected person to make a claim for compensation to the Upper Tribunal (Lands Chamber).