

EN10059: Application by Hirwaun Power Ltd for an Order Granting Development Consent for Hirwaun Power Station (the application)

Hearing agenda: Compulsory Acquisition Hearing¹

Planning Act 2008 (as amended)

Infrastructure Planning (Examination Procedure) Rules 2010

This document sets out the agenda for the Compulsory Acquisition Hearing.

Venue: Ty Newydd Country Hotel, Penderyn Road, Hirwaun, Aberdare, CF44 9SX

Date: Wednesday 24 September 2014

Time: Doors open 9.30am, the hearing will begin at 10am

Participation in the hearing

Compulsory acquisition hearings are held if one affected person (AP)² requests this. However, in this instance the Examining Authority (ExA) has decided to hold a compulsory acquisition hearing and the ExA has included this within the examination timetable.

The Compulsory Acquisition hearing³ is being held to ensure adequate examination of the provisions set out within the draft Development Consent Order, which seeks to authorise the compulsory acquisition of land and to assess whether the conditions relating to the land being required for the development, or required to facilitate or be incidental to that development, are met and whether there is a compelling case in the public interest for the land to be acquired compulsorily.

This agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other matters for consideration or alter the order in which matters are considered. If this occurs, the ExA will seek to allocate sufficient time to any additional matters to allow proper consideration of each.

Should the consideration of the issues take less time than anticipated, the ExA may conclude the hearing as soon as all relevant contributions have been made, and all questions have been asked and responded to.

If there are additional matters to be dealt with, or any submissions that require further consideration, there may be a need to adjourn the hearing and continue at a subsequent sitting.

The ExA recognises that other hearings may contribute information and evidence which will be used in support of a recommendation in respect of Compulsory Acquisition.

¹ S92 Planning Act 2008 (as amended)

² An individual or a body affected by the application for compulsory acquisition of land or rights over land

³ S92 Planning Act 2008 (as amended)

The hearing will run until all APs and other interested parties (IPs) have made their representations and responded to the ExA's exploration of the matters in accordance with the agenda set.

Each IP who has indicated a wish to speak will be invited to come forward to give their evidence and respond to questions from the ExA and others. The ExA will lead each hearing session which will be by presentation and testing of evidence, and broadly in a question and answer format. The applicant will also be given an opportunity to present their evidence in response to each party's case within the relevant authority area and respond to questions from the ExA and others present at the hearings.

All IPs are invited to attend the hearing, however APs whose land interest(s) are affected under compulsory acquisition proposals are specifically invited to attend. The ExA may decide to allow oral cross-questioning of one Party by another where there is clear disagreement between the Parties in question to ensure adequate testing of the representations, or to ensure that a Party has a fair chance to put their case.

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008.

Breaks will be taken during the hearing as directed by the Chair.

All Parties should note that the agenda given below is to assist and provide a framework for this hearing and give discussion points and does not constrain the ExA to particular topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which are not on the agendas.

AGENDA

- 1. INTRODUCTION AND PURPOSE OF HEARING**
- 2. INTRODUCTION OF THE PARTICIPATING PARTIES**
- 3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF THE PLANNING ACT 2008**
- 4. REPORT FROM THE APPLICANT ON THE POSITION IN RESPECT OF:**
 - Current status of negotiations with affected persons
- 5. ORAL REPRESENTATIONS FROM AFFECTED PERSONS PRESENT AND/OR FORMALLY REPRESENTED**

These may include the issue of protective provisions in so far as they have not been dealt with at the Issue Specific Hearing on the DCO.

- 6. TO ESTABLISH THAT THE LAND IS REQUIRED FOR THE DEVELOPMENT TO WHICH THE DEVELOPMENT CONSENT RELATES OR THAT IT IS REQUIRED TO FACILITATE, OR IS INTEGRAL TO, THAT DEVELOPMENT AND IS FOR A LEGITIMATE PURPOSE, INCLUDING:**

How the applicant intends to use the land which it is proposed to acquire, including the eventual use of land where Compulsory Acquisition has been applied for, for example, on land larger than that required for the work or to provide flexibility in decision making:

- Integral – Reprise of applicant's response to ExA question DCO05

- 7. TO ESTABLISH A COMPELLING CASE IN THE PUBLIC INTEREST FOR THE LAND TO BE ACQUIRED COMPULSORILY; INCLUDING:**

Where Compulsory Acquisition has been applied for, for example, on land to provide flexibility in delivery:

- Reprise of applicants answer to ExA question CA06

- 8. TO ESTABLISH THAT ALL REASONABLE ALTERNATIVES TO COMPULSORY ACQUISITION HAVE BEEN EXPLORED; INCLUDING:**

- Acquisition by agreement
- The use of alternative methods to achieve the required control over land;

- 9. TO ESTABLISH THAT THE PROPOSED INTERFERENCE WITH THE RIGHTS OF THOSE WITH AN INTEREST IN THE LAND IS NECESSARY AND PROPORTIONATE, INCLUDING WITH REFERENCE TO**

PROTOCOL 1 ARTICLE.1 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS; INCLUDING:

- The effect of Compulsory Acquisition on the operation of mining, agricultural and other businesses affected by applications for Compulsory Acquisition
- Reprise of applicants answer to ExA question CA01

10. TO ESTABLISH THAT THERE IS A REASONABLE PROSPECT OF THE REQUISITE FUNDS FOR ACQUISITION BECOMING AVAILABLE; INCLUDING:

- Costs of acquisition and compensation
- What security is being proposed to ensure that the costs of acquisition of land and rights can be met in the event that the DCO application is approved e.g. parent company guarantee

11. ANY OTHER RELEVANT MATTERS

12. CLOSING REMARKS