



The Planning Inspectorate Yr Arolygiaeth Gynllunio

EN010069: Cais gan Abergelli Power Ltd am Orchymyn yn Rhoi Caniatâd Cynllunio ar gyfer Gorsaf Gynhyrchu Pŵer Nwy Abergelli Power (y cais)

Agenda'r Gwrandawriad: Gwrandawriad ar Fater Penodol ar y Gorchymyn Caniatâd Datblygu Drafft (DCO)

Rheolau Cynllunio Seilwaith (Gweithdrefn Archwilio) 2010¹

Mae'r ddogfen hon yn gosod allan yr agenda ar gyfer Gwrandawriad ar Fater Penodol ar y DCO.

Lleoliad: Gwesty'r Village, Heol Langdon, Abertawe, SA1 8QY

Dyddiad: Dydd Iau 13 Rhagfyr 2018

Amser: 10:00 (drysau'n agor 09:30)

Cymryd rhan yn y gwrandawriad

Gwahoddir pob Parti â Buddiant i fynychu'r gwrandawriad.

Mae gan bob parti â buddiant yr hawl i wneud sylwadau llafar yn y gwrandawriad² (yn amodol ar bŵer yr Awdurdod Archwilio i reoli'r gwrandawriad). Dylai sylwadau llafar fod yn seiliedig ar y sylwadau perthnasol neu ysgrifenedig a wnaed gan y person sy'n gwneud y sylwadau llafar (neu y'u gwneir ar ei ran)³.

Dylai cyflwyniadau llafar fod yn seiliedig ar sylwadau a wnaed yn flaenorol yn ysgrifenedig gan y cyfranogwr penodol neu dylent godi'n uniongyrchol o'r materion a godir gan bob Parti a Buddiant. Fodd bynnag, ni ddylai sylwadau a wneir yn y gwrandawriad ailadrodd materion a drafodwyd yn flaenorol mewn cyflwyniad ysgrifenedig. Yn hytrach, dylent dynnu sylw'n gryno at y cyflwyniadau hynny a rhoi rhagor o fanylion, esboniad a chadarnhad tystiolaethol i helpu i lywio'r Awdurdod Archwilio.

Mae'n bosibl y bydd yr Awdurdod Archwilio yn holi cwestiynau am sylwadau neu'n gofyn i'r Ymgeisydd neu barti arall wneud sylwadau neu ymateb.

Cymerir egwyliau yn ystod y gwrandawriad yn ôl cyfarwyddyd y Cadeirydd.

Dylai pob parti nodi y rhoddir yr agenda isod er mwyn cynorthwyo a darparu fframwaith ar gyfer y gwrandawriad hwn a rhoi pwyntiau trafod ac nid yw'n cyfyngu'r Awdurdod Archwilio i bynciau penodol. Yn ystod y trafodaethau, mae'n bosibl y bydd yr Awdurdod Archwilio yn dymuno codi

¹ Canllawiau ar gyfer archwilio ceisiadau am ganiatâd datblygu ar gyfer Prosiectau Seilwaith o Arwyddocâd Cenedlaethol, yr Adran Cymunedau a Llywodraeth Leol, 2010

² a91 Deddf Cynllunio 2008

³ a91 Deddf Cynllunio 2008



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materion eraill sy'n deillio o gyflwyniadau a dilyn llinellau ymchwilio nad ydynt ar yr agendâu. Dylid nodi nad diben y gwrandawriad yw ymgymryd ag ymarfer drafftio manwl, ond nodi materion yn ymwneud ag egwyddor a materion sy'n parhau rhwng y partïon. Bydd yr Awdurdod Archwilio eisïau clywed cyflwyniadau ynghylch pam ac ar ba sail y mae angen mynd i'r afael â materion sydd o fewn y DCO drafft neu'n absennol ohono.

Argymhellir y dylai pob parti sy'n mynychu ddod wedi'u paratoi â chopi o:

- Orchymyn Caniatâd Datblygu Drafft Abergelli Power (Gorsaf Gynhyrchu Pŵer Nwy), Fersiwn Archwiliad, [REP1-014] gyda newidiadau wedi'u holrhain, a gyflwynwyd ar gyfer 9 Tachwedd 2018.

Bydd y gwrandawriad yn ystyried materion a osodwyd allan eisïoes mewn cyflwyniadau i'r archwiliad, gan gynnwys:

- Sylwadau Perthnasol
- Datganiadau Tir Cyffredin



AGENDA

1. SYLWADAU CYFLWYNIADOL

2. CYFLWYNO'R PARTÏON SY'N CYMRYD RHAN

3. CEISIADAU I HOLI'N UNIONGYRCHOL PERSON SY'N GWNEUD SYLWADAU LLAFAR O DAN A94 DEDDF CYNLLUNIO 2008.

4. ERTHYGLAU'R GORCHYMYN CANIATÂD DATBLYGU

Ystyried y diffiniadau a'r disgrifiadau fel y maent wedi'u drafftio ar hyn o bryd a ph'un a ydynt yn cwmpasu'r holl faterion a gwaith angenrheidiol mewn ffurf sy'n galluogi'r holl bartïon i ddeall paramedrau, strwythur, dull a chyfyngiadau sylfaenol y caniatadau a geisir.

Graddau darpariaethau a phwerau'r gwaith a geisir, gan gynnwys y cyfnod amser cyffredinol ar gyfer gweithredu unrhyw ganiatâd a goblygiadau neu gymesuredd yr hawliau a geisir dros unrhyw dir ar sail dros dro.

Rhan 1

- Unrhyw bwyntiau ar newidiadau i Erthygl 2;
- Cyfnod cau;
- Cyfnod dechrau.

Rhan 2

- Newid budd Erthygl 6 y Gorchymyn i Abergelli Power Limited, a
- Throsglwyddo budd Erthygl 7 y Gorchymyn.

Rhan 3 – Strydoedd dim newidiadau

Rhan 4

- Ceisio a dileu'r gofyniad am ganiatadau eraill a'r effaith ar ddeddfwriaeth leol;
- Ailadrodd ymateb yr Ymgeisydd i gwestiwn 1.7.5 yr Awdurdod Archwilio. Newid y darpariaethau o ran amser yn Erthygl 17 i 28 diwrnod.

Rhan 5

Noder, mewn perthynas â chaffael gorfodol, caiff y materion hyn eu trin yn bennaf yn y gwrandawriad Caffael Gorfodol. Fodd bynnag, os oes gan Bartïon â Buddiant faterion drafftio penodol y maen nhw eisiau tynnu sylw atynt yn y DCO mewn perthynas â Chaffael a meddiannu tir, byddwn yn clywed materion o'r fath o dan yr eitem hon ar yr agenda.

- Newid i Erthygl 23(3);
- Newidiadau i Erthyglau 25, 26 a 27.



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Rhan 7

- Ailadrodd ymateb yr Ymgeisydd i gwestiwn 1.7.7 yr Awdurdod Archwilio. Erthygl 40 – Newidiadau o ran ardystio cynlluniau ac ati;
- Newid i Erthygl 42(6).

5. ATODLEN 1 DATBLYGIAD AWDURDODEDIG

- Datblygu Cyfannol safbwynt yr Ymgeisydd

6. ATODLEN 2 GOFYNIION

6.1 Gofynion

- Newid i Ofyniad 3(5)
- Gofyniad 8 i'w gwneud yn ofynnol i gynnal arolygon cyfyngiadau ecolegol cyn adeiladu cyn dechrau'r gwaith ar y safle. Barn Cyfoeth Naturiol Cymru
- Gofyniad 10 – Rhywogaethau goresgynnol
- Gofyniad 11(4) - Ystlumod
- Gofyniad 12 - Ymlusgiaid
- Gofyniad 27 Strategaeth Ddatgomisiynu

6.2 Statws y cais am Drwydded Amgylcheddol i Gyfoeth Naturiol Cymru

Gofyniad Terfyn Amser ar gyfer gweithredu?

6.4 Gofyniad bond ar gyfer datgomisiynu. Ailadrodd ymateb yr Ymgeisydd i gwestiwn 1.0.5 yr Awdurdod Archwilio.

6.5 Costau taliadau gorfodi. Ailadrodd ymateb yr Ymgeisydd i gwestiwn 1.0.6 yr Awdurdod Archwilio.

7. ATODLEN 8 ADDASU DEDDFIADAU IAWNDAL A CHAFFAEL GORFODOL AR GYFER CREU HAWLIAU NEWYDD A GOSOD CYFYNGIADAU NEWYDD

- Newidiadau

8. ATODLEN 11 DARPARIAETHAU AR GYFER DIOGELU YMGYMERWYR PENODEDIG

8.1 Darpariaethau amddiffynnol:

- National Grid Gas plc
- National Grid Electricity Transmission plc
- Western Power Distribution
- Welsh Water Dŵr Cymru Cyfyngedig
- Wales and West Utilities
- Abergelli Solar Ltd



9. ATODLEN 12 – GWEITHDREFN AR GYFER RHYDDHAU GOFYNION

- 2(2) 28 diwrnod
- 3 Ffioedd

10. CYTUNDEBAU A106

- Dinas a Sir Abertawe
- Eraill?

9. UNRHYW FATERION ERAILL

10. SYLWADAU I GLOI



EN010069: Application by Abergelli Power Ltd for an Order Granting Development Consent for Abergelli Power Gas Fired Generating Station (the application)

Hearing Agenda: Issue Specific Hearing on the Draft Development Consent Order (DCO)

Infrastructure Planning (Examination Procedure) Rules 2010¹

This document sets out agenda for DCO Issue Specific Hearing.

Venue: The Village Hotel, Langdon Road, Swansea, SA1 8QY

Date: Thursday 13 December 2018

Time: 10:00 (doors open from 09:30)

Participation in hearings

All Interested Parties are invited to attend the hearing.

Each interested party (IP) is entitled to make oral representations at the hearing² (subject to the Examining Authority's (ExA's) power to control the hearing). Oral representations should be based on the relevant or written representations made by the person by whom (or on whose behalf) the oral representations are made³.

Oral submissions should be based on representations previously made in writing by the particular participant or arising directly from the matters raised by each IP. However, representations made at the hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation and evidential corroboration to help inform the ExA.

The ExA may ask questions about their representation or ask the Applicant or other party to comment or respond.

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 agenda. It should be noted that the purpose of the hearing is not to undertake a detailed drafting exercise but is to identify matters of principle and outstanding matters between the

¹ Guidance for the examination of applications for development consent for Nationally Significant Infrastructure Projects, DCLG, 2010

² s91 Planning Act (PA 2008)

³ s91 Planning Act (PA 2008)



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parties. The ExA will want to hear submissions on why and on what basis matters within or absent from the draft DCO need addressing.

All parties attending are recommended to come prepared with a copy of:

- The Draft Abergelli Power (Gas Fired Power Station) Development Consent Order, Examination Version, [REP1-014] tracked changed, submitted for 9 November 2018.

The hearing will have regard to matters already set out in submissions to the examination, including:

- Relevant Representations
- Statements of Common Ground



AGENDA

1. INTRODUCTORY REMARKS

2. INTRODUCTION OF THE PARTICIPATING PARTIES

3. REQUESTS TO QUESTION A PERSON MAKING ORAL REPRESENTATIONS DIRECTLY UNDER S94 OF THE PLANNING ACT 2008

4. DEVELOPMENT CONSENT ORDER ARTICLES

Consideration of the definitions and descriptions as currently drafted and whether they encompass all necessary matters and works in a form that allows all parties to understand the fundamental parameters, structure, approach and limitations of the consents sought.

Extent of the works provisions and powers sought including the overall time period for implementation of any consent and the implications or proportionality of rights being sought over any land on a temporary basis.

Part 1

- Any points on changes to Article 2;
- Shut down period;
- Start up period.

Part 2

- Benefit of the Order Article 6 change to Abergelli Power Limited, and
- Transfer of benefit of Order Article 7.

Part 3 – Streets no changes

Part 4

- Application and removal of requirement for other consents and effect of local legislation;
- Reprise of Applicants response to ExA question 1.7.5. Time provisions in Article 17 changed to 28 days.

Part 5

Please note that in relation to compulsory acquisition these matters will principally be dealt with in the Compulsory Acquisition hearing. However, if IPs have particular drafting matters that they wish to draw attention to in the DCO in relation to the Acquisition and possession of land we will hear such matters under this agenda item.

- Article 23(3) change;
- Articles 25, 26 and 27 changes.



Part 7

- Reprise of Applicants response to ExA question 1.7.7. Article 40 – Certification of plans etc. changes;
- Article 42(6) change.

5. SCHEDULE 1 AUTHORISED DEVELOPMENT

- Integral Development the Applicant's position

6. SCHEDULE 2 REQUIREMENTS

6.1 Requirements

- Requirement 3(5) change
- Requirement 8 to require pre-construction ecological constraints surveys to be undertaken ahead of commencing work onsite. NRW view
- Requirement 10 – Invasive species
- Requirement 11(4) - Bats
- Requirement 12 - Reptiles
- Requirement 27 Decommissioning Strategy

6.2 Status of Environmental Permit application to Natural Resources Wales

Time Limit for operation Requirement?

6.4 Bond for decommissioning Requirement. Reprise of Applicant's response to ExA question 1.0.5.

6.5 Enforcement payment costs. Reprise of Applicant's response to ExA question 1.0.6.

7. SCHEDULE 8 MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIONS

- Changes

8. SCHEDULE 11 PROVISIONS FOR THE PROTECTION OF SPECIFIED UNDERTAKERS

8.1 Protective provisions:

- National Grid Gas plc
- National Grid Electricity Transmission plc
- Western Power Distribution
- Welsh Water Dwr Cymru Cyfyngedig
- Wales and West Utilities
- Abergelli Solar Ltd



9.SCHEDULE 12 –PROCEDURE FOR THE DISCHARGE OF REQUIREMENTS

- 2(2) 28 days
- 3 Fees

10. S106 AGREEMENTS

- City and County of Swansea
- Others?

9. ANY OTHER MATTERS

10. CLOSING REMARKS