



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Infrastructure Planning (Examination Procedure) Rules 2010 Application by SP MANWEB for an Order Granting Development Consent for the North Wales Wind Farms Connection

**Agendas for the Open Floor Hearing on Wednesday 23 September
2015 and the Compulsory Acquisition Hearings on Thursday 24
and Friday 25 September 2015.**

Participation in hearings

- All interested parties/affected persons and other persons are invited¹ to attend the hearings.
- Each interested party/affected person is entitled to make oral representations at the hearings² (subject to the Panel's power to control the hearings).
- Interested parties/affected persons who have already indicated their wish to take part are listed in these agendas. Other Interested parties/affected persons may also attend and participate, but they should give notice to the case manager that they wish to participate.
- The hearings will take place in public³.
- Interested parties are welcome to make oral representations in either Welsh or English. There will be a Welsh to English translation service available during the hearings. **Mae croeso i chi wneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y gwrandawriadau. Bydd cyfieithydd ar gael.**
- Whilst the Examining Authority received the 'Option B' application details from the applicant on 11 September 2015, there has not yet been a decision whether 'Option B' documents will be accepted into the Examination. These hearings will therefore focus on the application documents that have been accepted into the Examination regarding 'Option A' (the original application).

Conduct and management of hearings

- The PA2008 provides that the Examining Authority (ExA - the Panel) will probe, test and assess evidence through direct

¹ Guidance for the examination of applications for development consent, DCLG, March 2015

² S91- 93 of the Planning Act 2008 (PA2008).

³ S94(2) of PA2008.

questioning of persons making oral representations at hearings. Questioning will normally be by the Panel, who will ensure participants have a fair chance to put their case and benefit from their entitlement to make oral representations⁴.

- These agendas are indicative and may be amended by the Panel. The Panel will identify the matters to be considered at the start of each hearing⁵.
- Oral representations (including those made in response to questions) must be based on the relevant or written representations made by the person by whom (or on whose behalf) the oral representations are made⁶. However, people are not prevented from referring to matters that were not included in their written representations where it is relevant to the issues under consideration at the hearing, or to the examination more generally. This may also be the case where documents have changed since the representation was made⁷.
- Where an agenda item refers to an amendment to the draft DCO, this is without prejudice to the Secretary of State's decision on whether or not an Order should be made.

Rule 14(5) of the Examination Procedure Rules 2010 states that the Examining Authority (the Panel) shall be responsible for the oral questioning of a person giving evidence ("A") except where, in the view of the Examining Authority, oral questioning of "A" by another person ("B") is necessary in order to ensure: –

- (a) adequate testing of any representation; or
- (b) that B has a fair chance to put B's case.

At the hearings, questions will be asked by members of the Panel. However, the Panel may consider at the first hearing the matter of whether there should be opportunities for interested parties to question each other. Any request from an interested party to question another interested party in any hearing should be made in advance of the hearing concerned.

One evening has been allocated to the first Open Floor Hearing. Two days have been allocated to Compulsory Acquisition Hearings. If, however, the consideration of issues on the agenda takes less time than anticipated, the Panel may conclude any hearings or hearing sessions as soon as all

⁴ S91-93 of PA2008. Entitlement to participate is subject to the Panel's powers of control over the hearing.

⁵ Rule 14(2). The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR).

⁶ Rule 14(3) EPR.

⁷ DCLG March 2015 Guidance for the Examination of Applications for Development Consent (paragraph 93).

representations have been made and all questions asked and responses given. Alternatively, if there are additional matters to be dealt with or if representations at any hearing session take considerably longer than anticipated there may be a need to adjourn the hearing to continue at a later date.

Participants should also note that there are deadlines in the Examination timetable for the submission of written summaries of oral evidence and any other requested information after each set of hearings. Interested parties that are participating in these hearings are encouraged to submit a written summary of their oral evidence, the deadline for this is Friday 16 October 2015 at noon.

1. OPEN FLOOR HEARING

Venue: Denbigh Town Hall, Crown Lane, Denbigh,
Denbighshire, LL16 3TB

Date: Wednesday 23 September 2015

Time: Doors open at 5pm. Hearing commences at
5:30pm

AGENDA

Interested Parties/Other persons will be provided with up to five minutes speaking time, unless more time is requested and agreed by the Panel. The Panel may choose to ask questions during representations or after representations are completed.

1	Welcome and Introductions
2.	Purpose of the Open Floor Hearing
3	Oral Representations from Interested Parties: -
3.1	Mr J. M. Jones
3.2	Mr J. Hopkinson
3.3	Mr D. Roberts
3.4	Rhyl and St Asaph Angling Association
3.5	Glascoed Road Residents Group (Mr Barlow)
3.6	Mr Iwan Jones
3.7	Mr Dyfrig Hughes of Pylon the Pressure Group

2. COMPULSORY ACQUISITION (CA) HEARINGS

Venue: Denbigh Town Hall, Crown Lane, Denbigh,
Denbighshire, LL16 3TB

Date: Thursday 24 September and Friday 25 September
2015

Time: Doors open at 9.30am. Hearing commences at 10am.

Business commences at 10am on both hearing days. Breaks will be taken at convenient times during the hearing as directed from the Chair, including at approximately 1pm for an hour each day.

The applicant will attend the hearing. Interested parties or their representatives that have indicated they wish to make oral representations about the specific issue of compulsory acquisition of rights and related matters are listed below: -

- Mr J. M. Jones
- Mr R.G. Jones of Guthrie Jones and Jones Solicitors
- Mr D. Roberts
- Rhyl and St Asaph Angling Association
- Mr E. Bibby of Davis Meade Property Consultants
- Mr D. Hughes of Pylon the Pressure Group

Other Interested Parties and Affected Persons are welcome to attend and participate in the hearings, please inform the Case Manager if you would like to attend and have not already done so. The Panel would particularly welcome the attendance of the Welsh Government, Natural Resources Wales, Dwr Cymru Welsh Water and BT.

AGENDA

1	Welcome and Introductions
2	Purpose of Today's Hearing on Compulsory Acquisition of Rights
3	The Panel will consider whether there is a case for any affected person to question another affected person and/or the applicant (and vice versa) at this and at further hearing sessions.
4.	Matters Related to the Compulsory Acquisition of Rights
4.1	Update on consent in relation to the acquisition of rights over Crown land under PA 2008 s135 including: - <ul style="list-style-type: none">• whether there could be any conflict of interest between the role of NRW as land agent on behalf of the Welsh Government and the role of NRW as Statutory and Interested Party;• Permission from Natural Resources Wales on behalf of the

	<p>Welsh Government regarding PA2008 s135 (1) and (2);</p> <ul style="list-style-type: none"> • Permission from the Crown Estate for mineral interests in Crown Land; and • Crown authority for all other provisions within the Draft DCO that would affect Crown Land.
4.2	The extent of land plots that would be affected by the CA of rights. Whether the extent of plots required is no more than is reasonably necessary. With reference to guidance relating to procedures for compulsory acquisition (paragraph 11) and including whether all reasonable alternatives on all plots have been considered (paragraph 8) ⁸
4.3	Rights Sought under CA Powers – whether the uses and rights sought within the Order limits would be adequately controlled by current drafting of the DCO and/or by the uses described on the plans and drawings that would be certified.
4.4	Statutory Undertakers' (SUs) Land and Apparatus – need for the Panel to understand whether the Protective Provisions have now been agreed by the parties concerned.
4.5	The Panel requires confirmation regarding whether the most recent edition of the Book of Reference that has been accepted into the Examination has identified any Commons or Open Space Land or National Trust Land that would be affected.
4.6	Representations by Affected Persons (it would assist the Panel if Affected Persons could identify the land plots that they own and/or have an interest in at the start of their oral representations): -
4.6.1	Mr Iwan Jones
4.6.2	Mr J.M. Jones
4.6.3	Mr R.G.Jones of Guthrie Jones and Jones Solicitors
4.6.4	Mr D. Roberts
4.6.5	Rhyl and St Asaph Angling Association
4.6.6	Mr E. Bibby of Davis Meade Property Consultants
4.7	Other Objections to the CA of Rights - the need for the Panel to have clarity regarding any other Affected Persons that are objecting to the CA of rights over land, the reasons for those objections and whether those objections have been changed or altered in any way since representations were made.

⁸ DCLG (September 2013) Planning Act 2008. Guidance related to procedures for the compulsory acquisition of land.

4.8	Voluntary Negotiation of Easements and Rights with affected persons outside the CA process – need for the Panel to understand the current situation regarding the voluntary negotiation of easements and other rights with affected persons and how this affects the requested CA of rights etc.
4.9	The Funding Statement <ul style="list-style-type: none"> • consideration of the assessment of total contingent Compulsory Acquisition liability by SP MANWEB and its advisors; and • how would these funds be secured from the wind farm developers prior to commencement.
4.10	To establish whether there should be provision in the DCO to secure (and guarantee availability of) the funds that would be required to meet the Compulsory Acquisition liabilities.
4.11	Land of Unknown Ownership – to consider whether diligent enquiries have been made in relation to land of unknown ownership.
4.12	To understand how the criteria used to identify Category 3 persons were chosen and implemented.
4.13	To consider whether there is a compelling case in the public interest for the compulsory acquisition of rights to take place.
4.14	Human Rights Convention Tests – to establish whether the Human Rights Convention tests are met, with reference to all plots, including those required on a temporary basis, including: - <ul style="list-style-type: none"> • Article 1 – protection of property; and • Article 8 – right to respect for private and family life.
4.15	To enable the Panel to understand where the CA rights requested would be permanent rights.
4.16	Any other matters in relation to the CA of rights.