

**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 Issue Specific Hearings on Tuesday 29 September
2015 to Friday 2 October 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 gwrandawiadau. 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 Planning Act 2008 (PA2008) provides that the Examining authority (ExA - the Panel) will probe, test and assess evidence

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.

through direct 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.

The Panel will endeavour to keep to the hearing agendas as published, but reserve the right to modify the agendas if necessary.

1. ISSUE SPECIFIC HEARING ON PRINCIPLES OF DEVELOPMENT (INCLUDING ASSESSMENT APPROACH, COSTS AND POLICY), CONSTRUCTION IMPACTS AND DECOMMISSIONING

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

Date: Tuesday 29 September 2015

Time: Doors open at 9:30am. Hearing commences at 10am

To ensure a prompt start as the hearing will start at 10am. All interested parties taking part in the hearings should be prepared to be asked questions by the members of the Panel.

Business commences at 10am on all of these ISH 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.

1	Welcome and Introductions
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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).

2	Purpose of the Hearing
3	Update on modifications to the application that have been submitted to the Examining Authority and an explanation of how the Panel intends to proceed with the examination of these modifications, if they are accepted into the Examination.
4	Principles of Development: Assessment Approach, Costings and Planning Policy to be chaired by Jo Dowling, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP (Nationally Significant Infrastructure Project)
	<ul style="list-style-type: none"> i. Examination of the principles of the development in light of national and local policy and the Holford Rules; ii. the use of a double pole; iii. the refusal of consent for the Clocaenog Forest collector substation and the impact that this may have on the starting point of the proposed route and project timescales; iv. the interpretation of 'sensitive location' as defined by EN-5; v. the approach taken by the applicant for assessing the route and alternatives; vi. consideration of the reasons why the applicant decided that the cables in the northern most part of the Order limit should be put underground; vii. examination of the costings provided for the overhead route and undergrounding.
5	Construction Impacts, to be chaired by Jo Dowling, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP
5.1	Examination of the draft Construction Environmental Management Plan (CEMP) including, but not limited to: - <ul style="list-style-type: none"> i. hours of working; ii. fencing; iii. mitigation proposals for private watercourses; iv. flooding; v. construction noise management; vi. pre and post commencement highway surveys; vii. delivery routes and signage; viii. community liaison; ix. access widths; x. mechanisms for approving the CEMP and the involvement of NRW; xi. mechanisms for delivering repairs to the highway; and xii. the use of the CEMP to deliver other management plans.

6.	Decommissioning, to be chaired by Jo Dowling, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP
6.1	Examination of the proposed life of the proposed development including:- <ul style="list-style-type: none"> i. whether the proposed development should have an end date and if so what that date should be; ii. what effect an 'open ended' consent would have on the assessment of whether the scheme should be over-ground or underground and the implications that this would have for the costing modelling; iii. whether decommissioning should be secured by a requirement and how such a requirement should be worded (including consideration of the suggested wording provided by the applicant and Local Councils); and iv. funding of decommissioning.

2. ISSUE SPECIFIC HEARING ON LANDSCAPE AND VISUAL IMPACT; HERITAGE IMPACTS AND BIODIVERSITY

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

Date: Wednesday 30 September 2015

Time: Doors open at 9:30am. Hearing commences at 10am

	Welcome and Introductions
	Purpose of Hearing
7	Landscape and Visual Impacts – to be chaired by John Lloyd-Jones, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP
7.1	The applicant is requested to make a short presentation on the Landscape and Visual Impact Assessment (LVIA), which has been undertaken to support the application for the Development Consent Order (DCO), and identify where significant effects in terms of landscape and visual impacts would occur. The Panel may then wish to ask questions.
7.2	To examine in which residential properties would the occupiers be most affected by the application in terms of the impact on the outlook from the dwelling and its curtilage.

7.3	<p>To examine other matters relating to landscape and visual impact, including, but not limited to: -</p> <ul style="list-style-type: none"> i. choice of viewpoints and any comments on landscape issues from the viewpoints visited on the Accompanied Site Inspections; ii. definitions of terms used in the LVIA; iii. effects upon Public Rights of Way; iv. effects upon the Elwy Valley; v. effects upon Groesffordd Marli; vi. effects upon the Historic Track near Groesffordd Farm; vii. effects caused by any other construction access tracks especially in the vicinity of Plas Newydd, Berain and Llechryd; viii. effects upon Designated Landscapes, i.e. Snowdonia National Park and Clwydian Hills AONB; ix. effects upon Historic Landscapes i.e. Lower Elwy Valley and Vale of Clwyd; x. Given that some landowners are reluctant on grounds of highway safety and ongoing maintenance to see trees planted as landscape mitigation, please could the Applicant confirm how they propose that landscape mitigation can be achieved to the assessed level? Please could the applicant also please confirm that no planting scheme would be forced on landowners? xi. Is the Applicant confident that the assessment of the number of dwellings that are within 200 metres from the limits of deviation is correct? There seems to be a difference of opinion as to how close Plas Newydd is to the limits of deviation. Does any other Interested Party wish to challenge the 200 metre calculation? xii. Conwy CBC in their Deadline 1 submission, say that the Elwy and Aled Valleys are Special Landscape Areas. Please will Conwy CBC explain the status of this designation and its importance in policy terms and how this is manifested in their Development Plans? xiii. The Applicant in reply to question 8.5. in Deadline 1, cites 5 properties that may be affected by changes in pole positions, it goes on to say, "even if the poles became closer to these dwellings none would be likely to be unattractive and thus unsatisfactory places to live" On what basis was that assessment made? xiv. Given that the grid connection may only be in place for 25 years which is approximately the same length of time that mature broadleaf trees begin to make a landscape impact; apart from hedgerow restoration; is the tree planting associated with this scheme a matter of mitigation for the grid connection or a matter of landscape restoration after decommissioning? xv. The Panel understands that Clocaenog Forest is commercial forestry in which areas become subject to felling in rotation. Please could the applicant and/or NRW provide details of the felling regime for Clocaenog Forest and explain what impacts

	<p>this would have on the nearest sensitive residential receptors near Clocaenog Forest?</p> <p>xvi. Has the applicant considered the impacts that Ash die-back (Chalara) would have on the landscape, given that ash is one of the most common species of trees in the Order limits? What effect would this have on the use of established trees for screening and the implications that this may have for replacement planting.</p>
8.	Heritage Impacts to be chaired by John Lloyd-Jones, Examining Inspector and Panel Member for the North Wales Wind Farms Connection
8.1	To establish whether the track opposite Groesfford Marli has any heritage status.
8.2	Examination of how the pylons will affect the setting of Berain and Plas Newydd.
8.3	In the event of archaeological artefacts being discovered either through undergrounding or excavations for overhead supports; how will that potential situation be managed and how will it be secured in the DCO?
9.	Biodiversity Impacts to be chaired by Lillian Harrison, Examining Inspector and Panel Lead for the North Wales Wind Farms Connection NSIP
9.1	Examination of potential impacts upon European Sites, including but not necessarily limited to: - <ul style="list-style-type: none"> i. Dyfi Estuary Special Protection Area - to ascertain what 'general precautions' the Welsh Government meant in its answer to ExAQ6.1 in relation to Greenland White Fronted Geese and to obtain NRW's views on the Welsh Government's comments; and ii. To review the information that the applicant supplied in response to ExAQ6.2, in particular Table 3.2(a) which omits 3 Ramsar sites within 70km of the route alignment and other possible inaccuracies.
9.2	Examination of impacts upon other protected sites and species including, but not necessarily limited to include: - <ul style="list-style-type: none"> i. To establish the current position on the Protected Species Licence application for dormice and it's associated method statement; and iii. To establish the grounds for designation of Hafod Dingle Local Wildlife Site.
9.3	To examine aspects of the Ecological Management Plan (EcMP) including: - <ul style="list-style-type: none"> i. Whether certain mitigation provisions included in the EcMP

	<p>justify being included on the face of the Development Consent Order, including: -</p> <ul style="list-style-type: none"> • the provision of an Ecological Clerk of Works and Ecologist during construction activities; • Pre-construction surveys including broadleaved woodland and plantation on Ancient Woodland and protected species surveys (for common lizards, bats, dormice, badgers, otters and great crested newts); • Invasive species method statements; • Method statements for the translocation of ancient woodland indicator species within Local Wildlife Sites; <p>ii. The wording used in the EcMP such as “kept to a minimum” (2.7.10) and “wherever possible” (2.7.18 and 2.7.28) and “ unless they have to be removed for safety reasons” (2.7.19) and whether this style of wording could be improved to ensure that mitigation would be delivered.</p>
9.4	<p>To examine aspects of the Hedgerow Management Plan (HMP) including: -</p> <p>i. Whether certain mitigation provisions included in the HMP justify being included on the face of the Development Consent Order, including: -</p> <ul style="list-style-type: none"> • the approval of the Ecological Clerk of Works prior to any work on a hedgerow commencing; <p>ii. The style of wording used in the HMP such as “hedgerow species should be two year old root trained stock”(2.6.3) and “compatible species” (2.6.1) and whether this is sufficient to ensure that mitigation would be delivered.</p> <p>ii. Is more clarity required over the responsibilities for maintaining the transplanted hedges and new planting over the 15 years post planting period?</p>

3. ISSUE SPECIFIC HEARING ON LAND USE, LAND TAKE AND LAND MANAGEMENT IMPACTS; OTHER OPERATIONAL IMPACTS (INCLUDING EMFs AND NOISE); SOCIOECONOMIC IMPACTS AND ENVIRONMENTAL MONITORING AND MITIGATION PLANS

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

Date: Thursday 1 October 2015

Time: Doors open at 9:30am. Hearing commences at 10am

	Welcome and Introductions
	Purpose of Hearing

10	Land Use, Land-take and Land Management Impacts to be chaired by John Lloyd-Jones, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP
10.1	To examine whether any the applicant has commissioned or located an ALC survey which shows whether Grade 3a "Best and Most Versatile" land is affected by the proposed development and the policy implications if so?
10.2	To examine the extent of land-take and the impacts that the development would have on farming operations, including: - <ul style="list-style-type: none"> i. present land management systems; ii. future land management options; iii. implications for single farm payment calculations; iv. implications for Glastir and other agro-environment schemes especially responsibilities for the reporting of any potential breaches of contract; v. The Examining Authority will ask detailed questions on the Applicants answers under Deadline 1, questions 4.1 to 4.19 including but not confined to: - <ul style="list-style-type: none"> • depth of top soil returned after excavation for pole foundations; • amount of land between anchored foundations and poles that may be lost to agricultural productivity especially arable systems; Ambiguities that remain to be resolved e.g. disruption to water supplies; • replanting obligations (question 4.5 NRW), • confirmation that a 24 month period will be used to assess any potential drainage damage including how this provision will be secured (question 4.10), • clarification of "should" in para 5 of the reply to question 4.11; and • how a "should not" will be dealt with; • agreement with MoD (4.15 para 3), has this been resolved?
11	Other Operational Impacts to be chaired by Lillian Harrison Examining Inspector and Panel Lead for the North Wales Wind Farms Connection NSIP
11.1	Are the ground clearances that are required by NRW over rivers achievable?
11.2	Would adequate clearance be provided at NG Ref: 301230,359197 to allow uninterrupted passage (inter alia) of vehicles, plant, machinery and turbine components along the road as required for the ongoing operation and maintenance (and subsequent decommissioning) of Tir Mostyn and Foel Goch wind farms?
11.3	Are IPs satisfied that the applicant's response to ExA_Q 4.16 on bird strike gives sufficient comfort that risks to birds from electrocution

	are not likely?
11.4	Examination of whether the cables would pose a risk to the safety of farm workers (using agricultural machinery including tele-handlers and tipper vehicles/ trailers or carrying farm equipment) and members of the public passing under them, including: - <ul style="list-style-type: none"> i. Minimum height of cables above existing ground level; ii. Are there any annual HSE statistics published on the number of farm workers in the UK who are involved in accidents or electrocuted due to overhead electric wires? iii. Is there a potential fire risk from the cables?
11.5	To obtain an update on the Statement of Common Ground (SoCG) with Public Health Wales and to establish whether this will include comments on the adequacy of the ES regarding Electro and Magnetic Fields.
12.	Socio-economic Impacts to be chaired by John Lloyd- Jones, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP
12.1	Examine the current levels of tourism within the area and how this is evidenced; <ul style="list-style-type: none"> i. what evidence exists to demonstrate that tourists do not visit areas due to the existence of pylons or wood pole lines? ii. is the applicant satisfied regarding the validity of the business survey when only 15 out of 41 businesses replied? iii. what is the basis for the survey that said that 48% of tourists claim that their experience would be influenced by pylons; was this influenced by pylon size and location? iv. what is the basis for the survey that pylons influence house prices and interest? v. Depending on which sections of the Applicant's Deadline 1 response are considered, there appears to be a variance in the claim for socio-economic benefits during the construction and maintenance periods of the project, would the Applicant please clarify the number of jobs created during the construction phase, the maintenance phase and the decommissioning phase and what percentage of these jobs would have long lasting local benefits? vi. Apart from Pen Parc Llwyd, very few if any Interested Parties are representative of the tourism / leisure sector in its widest definition; how important are tourism providers to the local economy? vii. One Interested Party is concerned that the overhead grid connection will sterilize any future wind turbine developments on his land. Is this a common concern?
13.	Environmental Monitoring and Mitigation Plans to be chaired by Jo Dowling, Examining Inspector and Panel Member for the North Wales Wind Farms Connection NSIP

13.1	<p>To examine aspects of the monitoring and mitigation plans including, but not limited to the following: -</p> <ul style="list-style-type: none"> i. should mitigation and monitoring be delivered through the CEMP or whether they should be delivered through requirements; ii. whether pre-commencement baseline survey work is required; iii. whether additional monitoring and/or mitigation plans are required; iv. how mitigation plans will be approved and resourced; v. given the long term nature of the management requirements in the HMP and EcMP, should these be stand-alone documents, rather than appendices to the CEMP? and vi. the need for the panel to have an updated tracker document for the environmental management plan editions at each deadline throughout the examination.
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4. ISSUE SPECIFIC HEARING ON THE DRAFT DEVELOPMENT CONSENT ORDER

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

Date: Friday 2 October 2015

Time: Doors open at 9:30am. Hearing commences at 10am

	Welcome and Introductions
	Purpose of Hearing
14	The Draft Development Consent Order to be chaired by Lillian Harrison, Examining Inspector and Panel Lead for the North Wales Wind Farms Connection.
14.1	To enable the Panel to understand the differences between the draft DCO submitted with the application and the second edition of the draft DCO submitted for deadline 2.
14.2	<p>To review and examine the draft DCO, article by article, if necessary, including, but not necessarily limited to the following articles: -</p> <p>Article 2 – definitions;</p> <p>Article 4 – should this include wording to the effect that the Order would provide for maintenance “up to the end of the decommissioning phase”?</p>

	<p>Article 5 – should there be a maximum downward limit of deviation? Articles 13 to 16 – to understand whether the two Local Authorities in which the development would be situated are satisfied with the wording of these? Article 18 – should this include an obligation for the applicant to restore and make good the locations of the trial holes and other surveys? Article 32 – should the legislation that is listed in this article be disapplied and does the draft protective provision to be included in the second edition of the draft DCO provide sufficient comfort for NRW to agree to the disapplication of the WRA1991? Article 32(c) requests the disapplication of s23 of the Land Drainage Act, have the two LAs agreed to this in the SoCG? Article 32(d) requests the disapplication of s66 of the Land Drainage Act in relation to the provisions of any byelaws which require consent or approval for the carrying out of works. Please could the applicant clarify why this is requested as it did not appear to be included in the answer to ExAQ12.7?</p>
14.3	To examine the wording of Schedule 1 - Authorised Development.
14.4	<p>To examine the draft Requirements in the DCO including: -</p> <ul style="list-style-type: none"> i. the use of the term “substantially in accordance with” in requirements and how this can be defined; ii. Whether all tailpieces have now be removed from the requirements? iii. Whether Requirement 4 should specify the details that are to be provided in the written scheme including phasing of stages (are stages to be carried out concurrently or chronologically) and timetable for each stage of construction work to be completed. iv. whether details of hard landscaping should be included in Requirement 5 and whether landscaping provisions should be carried out in full accordance with the landscape management plan and EcMP, with details only submitted to the LPA for approval were they to deviate from the approved details; v. the proposed maintenance regimes for landscaping, where are these to be provided and secured; vi. If Requirement 5 is to be changed, Requirement 6(1) would need to be reworded accordingly; vii. Should replacement planting details be included in the Landscaping scheme, in which case should this be incorporated into Requirement 5? viii. Should Requirement 9 include a mechanism for consulting the Department of Transport of the Welsh Government and any relevant highway authority, as suggested by DCC? ix. In Requirement 10 are the hours of working proposed realistic and should weekend/bank holiday working only be permitted if it agreed in writing with the LPA prior to the commencement of works for that stage? x. Should Requirement 11 include a time limit for the

	<p>completion of investigations and risk assessments and for work to cease in that area until all contamination has been rectified?</p> <p>xi. Should Requirement 12 be changed to include an obligation on the applicant to consult with Welsh Government and the relevant highway authorities prior to submitting details to the LPA?</p> <p>xii. Should Requirement 13 include additional details to be included in the CEMP and traffic management plan such as the matters identified by DCC in their LIR Table A and should the applicant consult NRW, Welsh Government and relevant highway authorities prior to submitting the details for approval?</p> <p>xiii. Whether Requirement 16 is necessary and would this give the applicant the ability to modify the scheme in such a way that the development would no longer be in line with the scheme as assessed in the Environmental Statement (ES)?</p> <p>xiv. Draft Requirement 18 on decommissioning. Does this give IPs sufficient comfort regarding the removal of the poles and cables and the restoration of the route of the development at the end of the life of the windfarms?</p> <p>xv. resourcing implications for LPAs and NRW; and</p> <p>xvi. whether private water supplies need to be protected by a requirement.</p>
14.4	To update the Panel on the situation regarding agreement of the protective provisions in Schedule 9.
14.5	To examine whether the timescales given in Schedule 10 (1) (2) and 10(2)(2) regarding the procedure for the discharge of requirements are reasonable or whether the timescales given here should be omitted.