



The North Wales Wind Farms Connection Project

Response Provided to the Submission of John Mars Jones

Application Reference: EN020014

Deadline3 Submission
October 2015



Applicant Response to Hearing Representation by John Mars Jones, Berain, Llanefydd, Denbigh, LL16 5DW

1. Mr John Mars Jones provided a written representation to the Compulsory Acquisition Hearing on Friday 25 September 2015, setting out his views regarding the SP Manweb consultation process in relation to the compulsory acquisition of land.
2. This response addresses the issues raised by Mr John Mars Jones in his representation, and follows the headings adopted by Mr John Mars Jones in his representation.

General consideration Section 8 (paragraph 2.3)

3. Mr John Mars Jones indicated that he did not consider that all reasonable alternatives to compulsory acquisition have been considered sufficiently, referring to the consultation and land lease discussions and SP Manweb not agreeing to underground.
4. In response to Mr John Mars Jones, SP Manweb refers to its Oral Summary of Item 4.2 of the Compulsory Acquisition Hearing.

The purpose for which compulsory acquisition is sought, Section 11(ii) (paragraph 2.4)

5. Mr John Mars Jones indicated that he did not consider that the acquisition of land for landscaping purposes is necessary, and that the acquisition of this land is more than is reasonably necessary.
6. The Statement of Reasons (Examination Library Reference APP-078) explains why it is necessary, proportionate and justifiable for the DCO to include compulsory acquisition powers, and why there is a compelling case in the public interest for SP Manweb to be granted these powers.
7. The Book of Reference (Examination Library Reference REP21-062), Land Plans (Examination Library Reference APP-07 to 19 and APP-0168) and Table 8 at section 7.2 of the Statement of Reasons show the rights and restrictions that are required and for what purpose. In each case, the rights and restrictions are required to deliver the Proposed Development and are proportionate to the degree of interference with the interests and rights of landowners. The Order limits have been drawn so as to avoid any unnecessary interference with or extinguishment of private interests and rights.
8. The corridor is narrow and the limits of deviation are between 20 and 40 metres. The Order limits range from 34 to 54 metres; that being comprised of the corridor and the construction land of 7 metres each side of the corridor, representing the additional land that would be required for construction.
9. Ground conditions dictate the extent of land required for specific areas within these parameters; larger amounts of land being required for flexibility in areas of poor ground conditions.
10. The Design and Construction Report (Examination Library Reference APP-0154) explains the need for the Limits of Deviation and the justification for the 20 metre and 40 metre widths. SP Manweb has conducted a Geotechnical Survey (Examination Library Reference APP-0142) which identifies which areas will require the additional flexibility for construction.
11. For structures that are located within poor ground conditions and rock conditions, a 40 metre Limit of Deviation is proposed. This enables the wooden pole footprint to be shifted by a greater degree to avoid poor ground conditions and for the additional foundation works required to install the pole at that position to be accommodated.

12. SP Manweb has sought to minimise the land take, but the land requested is required for this scheme. The Design and Construction Report, Appendix 1, shows the width of a failure containment structure and the close proximity of that built structure to the Limits of Deviation, demonstrating that the "blue land", being the land over which rights are sought to install, operate and maintain the 132kV Overhead Line, is as narrow as SP Manweb can make the blue land without impeding the Proposed Development.
13. The proposed new planting areas are coloured dark green on the Land Plans. In the majority of instances, these plots incorporate existing wood-belts or tree-belts. SP Manweb's proposal is to supplement these with additional planting as required hence the need to include the wood-belts/tree-belts within the green land so as to enable SP Manweb, when designing the final new planting strategy, to plant new trees sympathetically to the existing wood-belts/tree-belts.
14. In summary:
 - 14.1.1 the dark green land on the Land Plans is where new planting is proposed;
 - 14.1.2 the stipple green over the yellow land on the Land Plans, is where new planting is also proposed which is on land that will be used for temporary construction works;
 - 14.1.3 the yellow land and blue land on the Land Plans is where reinstatement planting is to take place (i.e. where hedgerows have been removed to enable the construction of the Proposed Development, these hedgerows will be reinstated).
15. The rights to be acquired are entirely contained and defined both through the authorised development in Schedule 1 to the DCO, the description of the rights contained in the Book of Reference and plot numbers by reference to the Land Plans and Book of Reference.
16. Reference is also made to the Examining Authority's Action 1, contained in Appendix One to the Oral Summary of the Compulsory Acquisition Hearing.

Compelling case in the public interest, Section 13(iii) (paragraphs 2.5 and 2.6)

17. Mr John Mars Jones indicated that he did not consider that the installation of the 132kV Overhead Line benefits the local area, the public or landowners.
18. SP Manweb refers to its response to the Examining Authority's Action 14, contained in Appendix Eleven to the Oral Summary of the Compulsory Acquisition Hearing.

Consultation, Section 24 (paragraph 2.7)

19. Mr John Mars Jones indicated that he considers that discussions with SP Manweb have not been open and have not addressed his concerns.
20. SP Manweb considers comments regarding the consultation process in Section 4 of its response to Relevant Representations Document (REP1-053). This section addresses points raised by IPs in relation to:
 - (a) SP Manweb's approach to statutory consultation;
 - (b) failure to engage with interested parties in a consistent manner;
 - (c) the consultation material;
 - (d) failure to provide information;

- (e) statutory phases of consultation; and
- (f) validity of the process.

21. In summary, a Notification of Acceptance letter was received from the Planning Inspectorate (PINS) (acting on behalf of the Secretary of State), on 17th April 2015. The letter confirmed that the Secretary of State had accepted the Application for examination.
22. The decision to accept the Application was informed by adequacy of consultation representations submitted to it by the local authorities, Denbighshire County Council (DCC) and Conwy County Borough Council (CCBC). The Secretary of State's decision of acceptance demonstrates that SP Manweb has complied with its statutory duties and that adequate consultation on the Proposed Development has been undertaken in accordance with the Planning Act 2008.
23. For full details of the consultation undertaken by SP Manweb please refer to the Consultation Report (APP-081).

Consultation, Sections 25 and 26 (paragraphs 2.8 and 2.9)

Use of alternative dispute resolution techniques, Section 27, 28, 29 and 30 (paragraphs 2.10 – 2.13)

24. **Consultation, Sections 25 and 26.** Mr John Mars Jones indicated that he considers that the discussions with SP Manweb have not been appropriate, and raised various concerns regarding the discussions held and the consultation and negotiation processes more generally.
25. **Alternative dispute resolution, Sections 27-30.** Mr John Mars Jones also indicated that he did not consider that discussions with SP Manweb have been clear regarding their intent to instigate compulsory acquisition of rights, and raised concerns regarding the compulsory acquisition process.
26. In response to these points, SP Manweb refers the Examining Authority to the Landowner Table of Negotiations (Examination Library Reference REP1-077), which is a live document and which is being continuously updated throughout the Examination process to reflect the status of voluntary agreements.

Consultation relating to Berain (section 3)

27. Mr John Mars Jones indicated that he considers the consultation undertaken by SP Manweb to be inadequate and lists the reasons for this.
28. SP Manweb refers the Examining Authority to Section 4 of its response to Relevant Representations Document (REP1-053).

Other matters for consideration (section 4)

29. Mr John Mars Jones sets out a number of matters that he considered needed to be considered and assessed for the appropriate evaluation.
30. SP Manweb refers the Examining Authority to its Oral Summaries of the Compulsory Acquisition Hearing and the Issue Specific Hearings that took place between 24 September and 2 October 2015 (including the Appendices) which address all of the points raised by Mr John Mars Jones in this section of his written representation.