



*BY EMAIL*

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21 December 2015

Dear Sirs

**PLANNING ACT 2008**

**APPLICATION BY SP MANWEB FOR DEVELOPMENT CONSENT FOR THE NORTH WALES WIND FARMS CONNECTION**

I am writing in response to the requirements of Deadline 9.

In accordance with the timetable set by the Examining Authority, I enclose the following documents submitted for the applicant, SP Manweb Plc ("SP Manweb"):

1. SP Manweb's Written Summaries of Oral Evidence (IS Hearing 8<sup>th</sup> December 2015) Including Action Notes (Document reference SPM NWWFC SISH01)
2. SP Manweb's Written Summaries of Oral Evidence (CA Hearing 9<sup>th</sup> December 2015) Including Action Notes (Document Reference SPM NWWFC SCAH02)
3. SP Manweb's Written Summaries of Oral Evidence (DCO Hearing 10<sup>th</sup> December 2015) Including Action Notes (Document Reference SPM NWWFC SDCOH03)
4. Draft Development Consent Order for Option A v5 (Document reference 3.1 v5)
5. Draft Development Consent Order for Option A v5 - Document showing the tracked changes between the Development Consent Order for Option A v4 (submitted November 2015) and Development Consent Order for Option A v5 (submitted December 2015) (Document reference 3.1 v5 – Tracked)
6. Draft Development Consent Order for Option B v2 (Document reference 3.1 Option B v2)
7. Draft Development Consent Order for Option B v2 - Document showing the tracked changes between the Development Consent Order for Option B v1 (submitted November 2015) and Development Consent Order for Option B v2 (submitted December 2015) (Document reference 3.1 option B v2 – Tracked)
8. Outline Construction Environmental Management Plan Version 4 (Document Reference 6.18 v4)
9. Outline Construction Environmental Management Plan Version 4 – Tracked Change Version (Document Reference 6.18 v4 – Tracked)

10. Outline Hedgerow Management Plan Version 4 (Document reference 6.18C v4)
11. Outline Hedgerow Management Plan Version 4 – Tracked Change Version (Document reference 6.18C v4 - Tracked)
12. Outline Ecological Management Plan Version 3 (Document reference 6.18D v3)
13. Outline Ecological Management Plan Version 3 – Tracked Change Version (Document reference 6.18D v3 - Tracked)
14. SP Manweb Environmental Management Plan Tracker (Document reference SPM NWWFC DL9 EMT)
15. Statement of Common Ground between SP Manweb PLC and Denbighshire County Council (Document reference NWWFC DL9 SOCG DCC)
16. Appendix 6 to Action Point 6: Summary Landowner and Part 3 of the Book of Reference Interest Negotiations SPM NWWFC DL9 Day 2 AP6;
17. Written Summary of SP Manweb's Oral Case in relation to Berain (Document reference SPM NWWFC DL9 AI 5.2 Berain).

I also outline below a number of matters for the Examining Authority's attention:

1. **Section 135(1) consent with NRW**
  - 1.1 SP Manweb and NRW remain in discussions in respect of the application of S.135(1) of the Planning Act 2008 in respect of plots 1, 1A, 1B, 3 and 3A, which are owned by the Welsh Ministers. Once those discussions are finalised a further update will be provided to the examination by SP Manweb.
  - 1.2 The response to Action point 2 from the Compulsory Acquisition Hearings provides a summary of the position reached between the parties.
2. **Section 127/138 of the Planning Act 2008**
  - 2.1 During the course of the December hearings Dwr Cymru Welsh Water ("DCWW") confirmed to the examination that it was withdrawing all objections to the Application for development consent. This withdrawal occurred as a result of agreeing the protective provisions in Schedule 9 of the draft DCO.
  - 2.2 For the reasons set out in SP Manweb's response to first written question 11.3 (Examination library reference REP1-056), it is not considered that section 127 of the Planning Act 2008 applies to DCWW. That continues to be the case.
  - 2.3 Section 138 of the Planning Act 2008 does apply to DCWW. For the reasons set out in SP Manweb's response to first written question 11.3, it is considered that the extinguishment of the relevant rights or the removal of the relevant apparatus is necessary for the purposes of carrying out of the proposed development. The agreed protective provisions ensure that DCWW is adequately protected.
3. **Class 2 rights**
  - 3.1 SP Manweb has considered further whether it is able to reduce the scope of the Class 2 rights it is seeking to acquire compulsorily. The response is set out at action 3 from the Compulsory Acquisition Hearing.

3.2 It was made clear by interested parties at the compulsory acquisition hearings that they would prefer class 2(g) to be removed from the Book of Reference. SP Manweb is agreeable to this suggestion but, in order to achieve this, amendments would need to be made to Article 29(11) of the draft DCO. These amendments are included in the draft DCOs submitted for Deadline 9. Therefore, SPM needs confirmation from the Examining Authority they are agreeable to such amendments, before amendments are made to the Book of Reference. The reason as to why this is necessary is explained in the response to Action 3 from the Compulsory Acquisition Hearings.

4. **Mr Dewi Parry and Option A or Option B**

4.1 Mr Dewi Parry has confirmed to SP Manweb and the Ex A (there is no examination reference for the communication to the Ex A yet, but please refer to email from Mr Eifion Bibby dated 21 December 2015), via his agent, that he would prefer Option B to Option A, should the DCO be granted. Notwithstanding this confirmation, SP Manweb has chosen to submit a draft DCO for Option A and Option B to the examination, for the sake of completeness.

5. **Administrative Matters**

5.1 It would appear that there is a typographical error in the action points from the Day 3 Issue Specific Hearing. There are two actions labelled "Action 11". We have therefore changed the second of the two actions to be labelled as "Action 12".

5.2 Action point 12 from the Day 3 Issue Specific Hearing asks for clean word document copies of the Development Consent Order. Please note that these are being submitted separately by our solicitors, Pinsent Masons LLP.

5.3 Finally, to confirm, post hearing submissions received before or at Deadline 9 will be responded to at the next deadline, (Deadline 10, on 21<sup>st</sup> January).

If you have any queries in relation to this submission, then please do not hesitate to contact me.

Yours faithfully,



Steven Edwards

Land & Planning  
SP Energy Networks, for and on behalf of SP Manweb