

EN20016: Application by Western Power Distribution (South Wales) plc for an Order Granting Development Consent for the Brechfa Forest Connection (the application)

Hearing Agenda: Issue Specific Hearing on environmental matters (including the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA)) and Other Matters (OM)

Planning Act 2008 (as amended) and Infrastructure Planning (Examination Procedure) Rules 2010¹

This document sets out the agenda for the Issue Specific Hearing on environmental (including the EIA and HRA) and other matters

Venue: Theatr Genedlaethol Cymru, Y Llwyfan, College Road, Carmarthen, SA31 3EQ

Date: Tuesday 8 December and continuing on Wednesday 9 December 2015 (if required)

Time: 10:00 room open from 9:30

Participation in hearings

All Interested Parties (IPs) are invited to attend the hearing.

Each 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 representations or ask the Applicant or other party to comment or respond.

The ExA may decide to allow oral cross-questioning of one party by another, where there is clear disagreement between the parties in question, to ensure adequate testing of the representations or to ensure that each party has a fair chance to put their case.

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)

Those attending the hearing are asked to note that an early item on the agenda is to deal with any requests to question a person making oral representations directly under section 94(4)(a) of the Planning Act 2008.

Breaks will be taken during the hearing as directed by the ExA.

All parties should note that the agenda given below is to provide a framework for this hearing and offer discussion points; it does not constrain the ExA to specific 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 included in this agenda.

The hearing will have regard to submissions already set out in (amongst others):

- Relevant representations
- Written representations
- Responses to first written questions
- Statements of Common Ground and
- Local Impact Reports

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. STATEMENTS OF COMMON GROUND (SOCGS) UPDATES [REP1-083 to 086]**

The Applicant will be requested to give a brief update on resolution of any differences between the parties reported as part of the submission of relevant SoCGs. This is included to aid the more detailed discussion under topics below. Parties to those SoCGs will have the opportunity to confirm or respond to the Applicant's update.

- 5. S106 AGREEMENT UPDATE [APP-123]**
- 6. CARMARTHENSHIRE COUNTY COUNCIL(CCC) LOCAL IMPACT REPORT [REP1-026]**

- CCC to summarise

7. EIA MATTERS

7.1 Construction Environmental Management Plan (CEMP) [APP-127]

Confirmation from the parties of progress made in:

- Arrangements for the CEMP including subsidiary documents (Frac-out Plan [REP1-065]) relevant to this hearing;
- Securing of the CEMP;
- Reprise of responses to ExA Question DCO31.

7.2 The Applicant's landscape and visual impact assessment

- **Landscape methodology**

The ExA will wish to explore, in more detail, those areas where there are differences of opinion about the robustness of the Applicant's methodology and findings for landscape assessment.

- CCC LIR
- CCC Written Representation [REP1-013] - Carmarthenshire Local Development Plan Policies (December, 2014)

- **Visual methodology**

The ExA will wish to explore in more detail those areas where there are differences of opinion about the robustness of the Applicant's methodology and findings for visual assessment. These will include but not be limited to:

- Photomontages, including interested parties' opinions of them, in the context of their use as a tool.
 - Significance /significant effects.
 - Value and the interrelationship with sensitivity.
- The cumulative visual effects resulting from the proposed development, the operational Alltwalis Wind Farm, the consented Brechfa Forest West Wind Farm and other development as considered and reported within Chapter 9 section 9.11 of the ES.

7.3 Application of Holford Rules

NPS (EN-5) paras 2.8.6 and 2.8.7 require the ExA to "*recognise that the Holford Rules, and any updates, form the basis for the approach to routing new overhead lines...*".

The ExA will explore opinions with parties regarding the robustness of the Applicant's application of the Holford Rules and its response to Question DLV13.

7.4 Alternatives

NPS (EN-1), para 4.4.1, explains that from a policy perspective, it does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option. However, in para 4.4.2 it also outlines the circumstances in which the consideration of alternatives would be appropriate and relevant to the examination of an application. The following matters will be considered in the light of that guidance and the policies set out in the NPS (EN-5), paras 2.8.4 and 2.8.8-2.8.9:

- Whether it is likely that the visual impact of all or any part of the proposed route would be particularly significant or would result in **serious concerns** about the potential adverse landscape and visual effects? The benefits associated with the adoption of a non-overhead line alternative for all or any part of the proposed route.
- Whether the Holford Rules have been appropriately taken into account in the Environmental Statement consideration of alternatives?
- The potential additional costs that would be associated with a non-overhead line alternative. Reprise of Applicant's response to ExA questions DLV20 and DLV21.
- The environmental and archaeological consequences of conventional trench excavation and tunnelled undergrounding.

7.5 Consideration of mitigation

In the process of designing the project mitigation has taken two forms.

There is:

1. embedded mitigation and;
 2. additional mitigation, which is to address potentially significant effects.
- The ExA will explore the embedded mitigation measures (e.g. Table 17.18 of the Environmental Statement (ES) [APP-072]) for the avoidance of certain effects through scheme design and its role in route selection.
 - The ExA will explore the approach to undergrounding as embedded mitigation as set out within ES Chapter 3 [APP-57] paragraph 3.7.1 to 3.7.6 and embedded mitigation in a landscape and visual context as explained further within ES Chapter 9 [APP-064] paragraph 9.9.1 to 9.9.6.
 - The ExA will explore the approach to additional mitigation (e.g. Section 17.11 of ES) and where such mitigation is considered necessary and appropriate to reduce the predicted level of effect (see response to ExA question DLV16).
 - Reprise of Applicant's responses to ExA question EIA06.

7.6 Economic effects on local businesses

- Discussion is invited on the economic effects of the project with regard to local businesses, existing or proposed, either through land take or discouragement of tourism or other customer use [APP-072] and [APP-144];
- What measures are intended to minimise harmful effects?
- For the Applicant to provide an update on negotiations or agreements achieved;
- Discussion in relation to what, in practice, has been the effect of similar projects on tourism?

7.7 Biodiversity and Nature Conservation

- The project will result in the loss of habitat features such as trees, hedgerows and sections of woodland which could also have an impact upon species of biodiversity interest e.g. dormice, bats, otters [APP-065].
- Reprise of Applicant's responses to ExA question EIA18;
- The ExA will explore the Applicant's assessment on the extent of impacts and appropriateness of the mitigation and monitoring proposed in the Habitat Management Plan and Construction Environmental Management Plan (CEMP) [APP-127].

7.8 Traffic and transport

- The ExA will explore the likely effects resulting from traffic and transport generated by the proposed development.
- The securing of the Construction Traffic Management Plan [APP-128] and [APP-129].

7.9 Proximity to properties

The ExA will explore the potential for significant effects stemming from the proximity of the connection to residential properties as assessed within the ES at:

- Chapter 9 (Landscape and Visual)[APP-064];
- Chapter 14 Noise and Vibration [APP-069];
- Chapter 15 Air Quality [APP-070] and
- Cumulative and inter-relationships Chapter 19 [APP-074].

8. HRA MATTERS

8.1 No Significant Effects Report (NSER) [APP-053] and River Towy Horizontal Directional Drilling

- Reprise of Natural Resources Wales' (NRW) responses to ExA questions HA05 and HA10;

8.2 Conceptual Site Model [REP1-062]

- Reprise of Applicant's responses to ExA question EIA20;

9. OTHER MATTERS

9.1 Strategic Optioneering Report [APP-122]

- Reprise of Applicant's responses to ExA question DLV19; and
- Reprise of Applicant's responses to ExA question DLV20;

9.2 Undergrounding

- Reprise of Applicant's responses to ExA question DLV21 on costs; and
- Reprise of Applicant's responses to ExA question DLV22.

9.3 Integral development

- The Applicant will be asked to detail its arguments on why it believes Work No. 2 in particular is integral to the development.

10. ANY OTHER BUSINESS

11. CLOSING REMARKS