

**EN020016: 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 the Draft Development Consent Order (DCO)**

**Planning Act 2008 and Infrastructure Planning (Examination Procedure) Rules 2010<sup>1</sup>**

This document sets out the agenda for Issue Specific Hearing on the DCO.

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

**Date:** Thursday 10 December 2015

**Time:** 10:00 room open from 9:30

**Participation in hearings**

All Interested Parties are invited to attend the hearing.

Each Interested Party (IP) is entitled to make oral representations at the hearing<sup>2</sup> (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 made<sup>3</sup>.

A specific invitation is made to those IP's which would have a particular role in the discharge and enforcement of requirements and/or are responsible for existing duties and consents that may be affected by the proposed DCO.

The ExA may ask questions about representations or ask the Applicant or other parties 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.

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

All parties should note that the agenda given below is to assist and provide a framework for this hearing and give discussion points and does not constrain the ExA to particular topics. The ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussions which

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<sup>1</sup> Guidance for the examination of applications for development consent for Nationally Significant Infrastructure Projects, DCLG, 2010

<sup>2</sup> s91 Planning Act (PA 2008)

<sup>3</sup> s91 Planning Act (PA 2008)

are not on the agenda. It should be noted that the purpose of the hearing is not to undertake a detailed drafting exercise but is to identify matters of principle and outstanding matters between the parties. The ExA will want to hear submissions on why and on what basis matters within or absent from the draft DCO need addressing.

All parties attending are recommended to come prepared with a copy of:

- The Draft Brechfa Forest Connection Development Consent Order, Examination Version, [APP-039], May 2015<sup>4</sup>.

The hearing will have regard to matters already set out in submissions to the examination, including:

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

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<sup>4</sup> To be read in conjunction with [APP-147] DCO Documents Errata, August 2015.

## **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. DEVELOPMENT CONSENT ORDER ARTICLES**

Consideration of the definitions and descriptions as currently drafted and whether they encompass all necessary matters and works in a form that allows all parties to understand the fundamental parameters, structure, approach and limitations of the consents sought.

Extent of the works provisions and powers sought including the overall time period for implementation of any consent and the implications or proportionality of rights being sought over any land on a temporary basis.

### **Part 1**

- Article 2 – Use of the term “environmental document”. Reprise of Applicant’s response to ExA question DCO06
- Extent of the definition of maintain. Carmarthenshire County Council (CCC) view. Reprise of Applicant’s response to ExA question DCO07

### **Part 2**

- Benefit of the Order article 6, and transfer of benefit article 7.

### **Part 3**

- Articles 12, 13 and 14 “guillotine” provisions. CCC’s view of 42, 56 and 42 days respectively.

### **Part 4**

- Supplemental Powers

### **Part 5**

**Please note** that in relation to compulsory acquisition these matters will principally be dealt with in the Compulsory Acquisition hearing. However, if IPs have particular drafting matters that they wish to draw attention to in the DCO in relation to the Acquisition and possession of land, I will hear such matters under this agenda item.

- Article 20, reprise of Applicant’s response to ExA question DCO13

- Article 25, reprise of Applicant's response to ExA question CA03. What are the views of the relevant statutory undertakers in relation to this Article, and whether any re-drafting is necessary?
- Article 30, reprise of Applicant's response to ExA question CA20.

## **Part 6**

- Article 33, CCC's view is sought.

### **5. SCHEDULE 1 AUTHORISED DEVELOPMENT**

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

### **6. SCHEDULE 2 PLANS**

### **7. SCHEDULE 3 REQUIREMENTS**

- Requirement 7, Are Natural Resources Wales (NRW) content with this?
- Requirement 8, Are CCC content with this?
- Requirement 14, Are NRW content with this?
- Requirement 15, Are CCC content with this?
- Requirements 16 and 19, Are NRW content with these?
- Requirements 17 and 20, reprise of the Applicant's response to ExA question DCO31. Discussion of views of CCC and NRW.

### **8. SCHEDULE 4 COMPULSORY ACQUISITION**

### **9. SCHEDULE 5 ACCESS TO BE MAINTAINED AT PUBLIC EXPENSE**

### **10. SCHEDULE 6 STREET WORKS**

### **11. SCHEDULE 7 STREET & RIGHTS OF WAY**

### **12. SCHEDULE 8 TEMPORARY POSSESSION**

### **13. SCHEDULE 9 PROVISIONS FOR THE PROTECTION OF SPECIFIED UNDERTAKERS**

Protective provisions:

- National Grid Gas plc
- National Grid Electricity Transmission plc
- Welsh Water Dwr Cymru Cyfyngedig
- Openreach
- Mainline Pipelines Ltd
- Wales and West Utilities

Update required by the Applicant and any representations to be heard from Statutory Undertakers as to progress.

Any other Statutory Undertaker who request Protective Provisions.

**14. SCHEDULE 10 DISCHARGE OF REQUIREMENTS**

**15. SCHEDULE 11 REMOVAL OF IMPORTANT HEDGEROWS**

**16. SECTION 106 AGREEMENTS**

**17. ANY OTHER MATTERS**

**18. CLOSING REMARKS**