



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Gwrandawriad Mater Penodol: Gwrandawriad Caffael Gorfodol

Dyddiad: Dydd Mawrth 5 Mawrth 2019, 09:00am i
ddechrau am 09:30am

Lleoliad: Gwesty Bae Trearddur, Bae Trearddur, Ynys
Môn LL65 2UN

Agenda

1. Croeso, cyflwyniadau a threfniadau ar gyfer y gwrandawriad
2. Diben y Gwrandawriad Caffael Gorfodol
 - a) Ystyried y darpariaethau caffael gorfodol a'r darpariaethau cysylltiedig yn y Gorchymyn Caniatâd Datblygu (DCO);
 - b) Ystyried p'un a fyddai'r amodau sy'n ymwneud â'r diben y ceir awdurdodi caffael gorfodol ar ei gyfer yn cael eu bodloni; a,
 - c) Mynd i'r afael â materion cysylltiedig.
3. Darpariaethau drafft y Gorchymyn Caniatâd Datblygu (DCO)
 - a) Gwahoddir yr Ymgeisydd i amlinellu'n gryno:
 - b) Pa erthyglau o'r DCO sy'n cynnwys caffael gorfodol.
 - c) P'un a yw darpariaethau amddiffynnol ar ffurf foddhaol y cytunwyd arni â phartïon perthnasol.
4. Yr amodau statudol a'r egwyddorion cyffredinol sy'n berthnasol i arfer caffael gorfodol
 - a) P'un a yw'r dibenion y ceisir y grymoedd caffael gorfodol ar eu cyfer yn cydymffurfio ag adran 122(2) Deddf Cynllunio 2008.
 - b) P'un a fyddai'r cynnig yn cydymffurfio ag arweiniad perthnasol ar gaffael gorfodol.
 - c) P'un a ystyriwyd yr holl ddewisiadau eraill rhesymol yn lle caffael gorfodol a meddiannu dros dro, a ph'un a oes unrhyw gamau llai a allai fodloni'r angen a amlygwyd.
 - ch) P'un a yw'r hawliau sydd i'w caffael, gan gynnwys y rhai hynny ar gyfer meddiant dros dro, heb fod yn fwy na'r hyn sy'n rhesymol angenrheidiol a chymesur at ddibenion y datblygiad.
 - d) O ystyried adran 122(3) Deddf Cynllunio 2008, p'un a oes achos cymhellol er budd y cyhoedd dros gaffael gorfodol o ran:
 - i. Yr angen i'r prosiect gael ei gynnal er budd y cyhoedd.

- ii. Y golled breifat i'r rhai y mae caffael gorfodol yn effeithio arnynt.
5. Cynrychiolaethau gan unigolion yr effeithir arnynt a phartïon eraill â buddiant
- a) Unigolion yr effeithir arnynt a ofynnodd am wrandawriad caffael gorfodol ac sydd eisiau gwneud cynrychiolaethau llafar.
 - b) Unigolion eraill yr effeithir arnynt sydd eisiau gwneud cynrychiolaethau llafar.
 - c) Unigolion a allai ddioddef 'effaith niweidiol', ac sydd felly'n dod o fewn 'Categori 3', sydd eisiau gwneud cynrychiolaethau llafar.
 - ch) Unrhyw bartïon â buddiant.
6. Egluro'r cyfiawnhad dros y bwriad i arfer Caffael Gorfodol mewn perthynas â lleiniau penodol sy'n parhau i fod yn destun gwrthwynebiad.
7. Tir sy'n dod o fewn adrannau penodol o Ddeddf Cynllunio 2008, er enghraifft materion sy'n ymwneud ag adrannau 127 i 139, gan gynnwys:
- Adran 127 – Tir ymgymrwyr statudol
 - Adran 130 – Tir yr Ymddiriedolaeth Genedlaethol (ac unrhyw hawliau mewn perthynas â thir arall)
 - Adran 132 – Cadarnhad o'r sefyllfa mewn perthynas â thir man agored
 - Adran 135 – Y sefyllfa mewn perthynas â thir y Goron ers Terfyn Amser 6, gan roi ystyriaeth benodol i ddarpariaethau adran 135.
8. P'un a yw'n debygol y bydd digon o gyllid ar gael
- a) Statws ariannol yr Ymgeisydd
 - b) Sicrwydd y cyllid mewn sefyllfa lle y trosglwyddir unrhyw rai o fuddion neu holl fuddion y DCO i rywun arall.
9. Y camau nesaf: Erbyn Terfyn Amser 8, 25 Mawrth 2019
- a) Diweddarau, cwblhau a chyflwyno'r atodlen Caffael Gorfodol derfynol
 - b) Diweddarau, cwblhau a chyflwyno'r Llyfr Cyfeirio derfynol
10. Pwyntiau gweithredu sy'n codi o'r Gwrandawriad Caffael Gorfodol
11. Diwedd y Gwrandawriad

Mynychwyr

Gwahoddir y partïon canlynol i fynychu oherwydd bod yr Awdurdod Archwilio o'r farn bod y deunydd a gyflwynwyd ganddynt yn codi materion y gallai'r Awdurdod Archwilio ddymuno eu harchwilio yn y gwrandawriad: -

- Horizon Nuclear Power (yr Ymgeisydd)
- Yr Awdurdod Datgomisiynu Niwclear / Nuclear Decommissioning Authority / Magnox
- Cyngor Sir Ynys Môn / Isle of Anglesey County Council
- Network Rail
- Yr Ymddiriedolaeth Genedlaethol / National Trust
- Yr unigolion hynny yr effeithir arnynt sydd eisiau gwneud cynrychiolaethau llafar i'r Awdurdod Archwilio
- Nid yw hyn yn golygu na fyddai Partïon â Buddiant eraill yn gallu cyfrannu at y materion a amlinellir yn yr agenda. Bydd unrhyw gyfraniadau o'r fath yn amodol ar ddisgresiwn yr Awdurdod Archwilio.



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Issue Specific Hearing: Compulsory Acquisition Hearing

Date: Tuesday 5 March 2019, 09:00am for 09:30am start

Location: The Trearddur Bay Hotel, Trearddur Bay, Isle of Anglesey LL65 2UN

Agenda

1. Welcome, introductions, arrangements for the hearing
2. Purpose of the Compulsory Acquisition Hearing
 - a) To consider the compulsory acquisition and related provisions within the Development Consent Order (DCO);
 - b) To consider whether the conditions relating to the purpose for which compulsory acquisition may be authorised would be met; and,
 - c) To address related matters.
3. The draft Development Consent Order (DCO) provisions
 - a) The Applicant will be invited to briefly set out in summary form:
 - b) Which articles of the DCO engage compulsory acquisition.
 - c) Whether protective provisions are in a satisfactory form that is agreed with relevant parties.
4. The statutory conditions and general principles applicable to the exercise of compulsory acquisition
 - a) Whether the purposes for which the compulsory acquisition powers are sought comply with section 122(2) of the Planning Act 2008.
 - b) Whether the proposal would comply with relevant guidance on compulsory acquisition.
 - c) Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession and whether there are any lesser steps that could meet the identified need.
 - d) Whether the rights to be acquired, including those for temporary possession, are no more than is reasonably necessary and proportionate for the purposes of the development.
 - e) Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to:
 - i. The need in the public interest for the project to be carried out.

- ii. The private loss to those affected by compulsory acquisition.
5. Representations by affected persons and other interested parties
 - a) Affected persons who requested a compulsory acquisition hearing and wish to make oral representations.
 - b) Other affected persons wishing to make oral representations.
 - c) Persons who might suffer 'injurious affection' and thus fall within 'Category 3' wishing to make oral representations.
 - d) Any interested parties.
6. Clarification of the justification for the proposed Compulsory Acquisition of specific plots that remain the subject of objection.
7. Land falling within particular sections of the Planning Act 2008, for example matters in relation to sections 127 to 139 including:
 - Section 127 – Statutory undertakers' land
 - Section 130 – National Trust land (and any rights in relation to other land)
 - Section 132 - Confirmation of the position in relation to open space land
 - Section 135 - The position in relation to Crown land since Deadline 6, having particular regard to the provisions of section 135.
8. Whether adequate funding is likely to be available
 - a) The financial status of the Applicant
 - b) The security of the funding in the event that any or all of the benefit of the DCO is transferred to another person.
9. Next steps: By Deadline 8, 25 March 2019
 - a) Update to, completion and submission of the final CA schedule
 - b) Update to, completion and submission of the final Book of Reference
10. Action points arising from Compulsory Acquisition Hearing
11. Close of Hearing

Attendees

The following parties are invited to attend because the Examining Authority (ExA) considers that the material they have submitted raises issues that the ExA may wish to explore at the hearing: -

- Horizon Nuclear Power (the Applicant)
- Nuclear Decommissioning Authority / Magnox

- Cyngor Sir Ynys Môn/ Isle of Anglesey County Council
- Network Rail
- National Trust
- Those affected persons wishing to make oral representations to the ExA
- This does not indicate that other Interested Parties would not be able to contribute to the matters set out in the agenda. Any such contributions will be subject to the ExA's discretion.