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Customer Services: 0303 444 5000

Email: myg@pins.gsi.gov.uk

To all interested parties

Your Ref:

Our Ref: EN010020

Date: 27 October 2014

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 88 and The Infrastructure
Planning (Examination Procedure) Rules 2010 (as amended) – Rules 4 and 6**

**Application by Mynydd y Gwynt Ltd for an Order Granting Development
Consent for the Mynydd y Gwynt Wind Farm**

**Notice of Preliminary Meeting, availability of relevant representations and
appointment of the Examining Authority**

The Secretary of State has appointed me to act as the Examining Authority (ExA) to carry out an examination of the above application by Mynydd y Gwynt Ltd (**see Annex F**).

My examination will comprise a consideration of written representations about the application and any oral representations made at the hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important. All these matters will be taken into account when I make a recommendation to the Secretary of State for Energy and Climate Change, who will make the final decision in this case.

This letter is an invitation to the Preliminary Meeting to be held to discuss the procedure that will be followed in the examination of the application. It also sets out information that is important to parties at the outset of the process, and includes a number of supporting Annexes.

1. The Preliminary Meeting

Date of Meeting: Thursday 20 November 2014

Arrival from: 9:30am

Meeting begins: 10:00am

**Venue: Llanidloes Community Centre, Mount Lane, Llanidloes
Powys. SY18 6EY**

Os hoffech gwneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y Cyfarfod Rhagarweiniol dylech nodi hyn ynghyd a'ch cadarnhad i fod yn bresennol neu i siarad yn y cyfarfod.

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application should be examined. ***It is important to appreciate that this meeting deals only with the examination procedure and not with the merits of the application.*** The merits of the application will be considered once the examination starts, after the Preliminary Meeting has closed.

The Planning Inspectorate will send you a copy of my procedural decision¹ as to how the application is to be examined as soon as practicable after the meeting.

The agenda for the Preliminary Meeting is included in **Annex A** and follows my initial assessment of the principal issues arising from the application, which is set out at **Annex B**. **Annex C** sets out my draft proposal for the examination timetable. The Preliminary Meeting provides the opportunity for interested parties to contribute views regarding the procedural details set out in these Annexes.

I am committed to run a fair, efficient and effective Preliminary Meeting to enable all relevant views to be heard. For this reason groups of individuals who have similar views regarding the examination procedure are strongly encouraged to choose one representative to speak for the group.

Further information about Preliminary Meetings is given in the Planning Inspectorate's Advice Note 8.4 which is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

If you wish to attend the Preliminary Meeting please write to, email or telephone the Planning Inspectorate using the address and contact details set out at the head of this letter, marking it for the attention of Emré Williams (Case Manager). The Planning Inspectorate needs to receive confirmation of your attendance by **13 November 2014**.

In addition, if you wish to make submissions on procedural matters not set out in the Preliminary Meeting agenda, or if you are using legal advisers and intend to make legal submissions regarding the examination procedure, these **must** be made in writing and submitted by **12:00pm** on **13 November 2014** (that is 7 days before the date of the Preliminary Meeting) to Emré Williams.

It will help the management of the Preliminary Meeting and benefit everyone if you would:

- Confirm whether you will be attending;
- Tell us whether you wish to speak at the Preliminary Meeting and on which agenda items, listing the points you wish to make; and
- Notify us of any special needs you may have (eg disabled access, hearing loop etc).

¹ Rule 8 Letter under the Infrastructure Planning (Examination Procedure) Rules 2010

Please note that you are not required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any hearings that are arranged.

Should you no longer wish to be treated as an interested party and do not wish to be involved in the examination process, you should notify us of this in writing.

2. Arrangements for the Preliminary Meeting

Priority will be given to the applicant and those registered as interested parties, statutory consultees, local authorities and affected persons before seating is allocated to other members of the public. As the Examining Authority I may exercise my discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

Any changes to the agenda will be announced on opening the Preliminary Meeting if I consider that the changes will assist the discussion of the procedure for the examination.

3. After the Preliminary Meeting

Shortly after the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. An audio recording and a note of the meeting will also be published on our website.

The examination of the application primarily will be a consideration of written representations about the application, along with any oral representations made at any hearings. Interested parties have the right to request an Open Floor Hearing. Any other Issue Specific Hearings, such as that on the planned Development Consent Order, are at the discretion of the ExA and will be arranged if I feel that consideration of oral representations would ensure an issue is adequately considered.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Energy and Climate Change, who will take the final decision in this case.

There is a home page for this application on the National Infrastructure pages of the Planning Portal website at:

<http://infrastructure.planningportal.gov.uk/projects/Wales/Mynydd-y-Gwynt-Wind-Farm/>

You can use this home page to track progress of the examination and access all relevant documents and correspondence from the links it contains. As the examination process makes substantial use of electronic documents, it will be useful to become familiar with this resource.

4. Your status in the examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008.

If you have made a “relevant representation”², have a legal interest in the land affected by the application or are a relevant local authority, you have a formal status as an interested party in the examination process.

Interested parties will receive notifications from the Planning Inspectorate about the examination throughout the process and may make written and oral submissions regarding the application.

If you are a prescribed consultee (i.e. a body specified in the relevant regulations supporting the Planning Act 2008) but have not made a relevant representation you will not automatically be an interested party. However, following the Preliminary Meeting, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an interested party.

If you are not sure whether you are an interested party, please contact us using the details at the top of this letter. Information regarding the formal status of interested parties and how you can get involved in the process is set out in Planning Inspectorate Advice Note 8 – ‘How to get involved in the Planning Process’³.

5. Availability of relevant representations

Thank you to those parties who have submitted relevant representations. The submission of relevant representations has assisted me in preparing my proposal for how to examine this application. All relevant representations submitted have been published. They can be found on the National Infrastructure pages of the Planning Portal website⁴.

6. Statements of Common Ground

There will be a discussion of Statements of Common Ground (SoCGs) at the preliminary meeting. The aim of a SoCG is to provide useful factual information identifying areas of agreement and disagreement, highlighting key issues. All parties are encouraged to use the pre-examination period and the period leading up to any programmed written submissions and hearings to reach as much consensus as possible and to be clear regarding any disagreements that remain.

Annex E identifies initial SoCGs which would assist the examination, although this should not be regarded as a final or exhaustive list. I would welcome written comments regarding the proposed list of SoCGs at **Annex E** at least 7 days before the Preliminary Meeting, in order to facilitate discussion at the meeting.

7. Award of Costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably. To assist understanding of what ‘unreasonable behaviour’ means in the context of an examination under the Planning Act 2008 you may find it helpful to read the Government guidance: *Awards of costs: examinations of*

²i.e. a representation in the form required by Regulation 4 of the Infrastructure Planning (Interested Parties) Regulations 2010 (SI2010/102)

³<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

⁴<http://infrastructure.planningportal.gov.uk/projects/Wales/Mynydd-y-Gwynt-Wind-Farm/>

applications for development consent orders (July 2013)⁵ which can be found on the National Infrastructure pages of the Planning Portal website.

I look forward to working positively with all parties in the examination of this application.

Yours faithfully

Philip Asquith

Philip Asquith
Examining Authority

Annexes:

- A. Agenda for the preliminary meeting
- B. Initial assessment of principal issues
- C. Draft Timetable for examination of the application
- D. Availability of relevant representations and application documents
- E. Procedural Decision made by the ExA
- F. Notice of appointment of examining authority
- G. Infrastructure Correspondence FAQ

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211459/Awards_of_costs_-_examinations_of_applications_for_development_consent_orders_-_guidance.pdf

Agenda for the preliminary meeting

Date: Thursday, 20 November 2014

Commences: 10:00am (Registration starts at 09:30am)

Venue: Llanidloes Community Centre, Mount Lane, Llanidloes Powys SY18 6EY

09:30	Registration Opens
10:00 - Item 1	Welcome and Introductions
Item 2	Examining Authority's remarks about the examination process
Item 3	Any submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate by 12:00pm on 13 November 2014
Item 4	Principal Issues – see Annex B
Item 5	Draft timetable for the examination – see Annex C
Item 6	Any other matters
Item 7	Close of the Preliminary Meeting

Please note: The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

Initial assessment of principal issues

This is the initial assessment of the principal issues arising from consideration by the Examining Authority of the application documents and relevant representations received.

It is not a comprehensive or exclusive list of all relevant matters. The Examining Authority will have regard to all important and relevant matters when it makes its recommendation to the Secretary of State after the examination has concluded.

The identified principal issues are listed in alphabetical order and no judgement should be attached to their weight. However, a number that are listed separately are interrelated. Such relationships will be taken into account in the examination. Cumulative and in-combination impacts will be considered where appropriate.

Where a principal issue is identified it should be understood also to include consideration of:

- The issue throughout the lifecycle of the project, including during construction, operation (including any necessary maintenance) and during decommissioning; and
- Means of, proposals for, and adequacy of mitigation; to the extent that these may be relevant and important.

Matters such as relevant legislation, relevant policy and other consenting requirements are not identified in detailed terms but they will be considered in the examination.

1. Draft Development Consent Order (DCO) including:

- The structure of the DCO
- The appropriateness of the proposed requirements

2. The Environment including:

- Landscape and visual impact including cumulative, in-combination and sequential impact with other wind farms, and the adequacy of assessment methodology
- Impact on the historic/cultural landscape and heritage
- Impact of the construction and operation phases on recreation, tourism and employment
- Impact of construction on traffic and transport
- Impact on residential and visitor amenity in terms of matters including noise and shadow flicker
- Impact of the construction and operational phases on avian, aquatic and land-based ecology
- Impact on hydrological matters in the upper catchment areas of the Rivers Severn and Wye

3. Health and Safety including:

- Safety for walkers and other users in relation to the proximity of the wind turbines
- Fire risk

4. Policy Issues including:

- Compliance with National Policy Statements EN1 and EN3
- Planning Policy Wales
- Relationship to Technical Advice Note 8 (TAN8)
- Powys Unitary Development Plan

Draft timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Proposed Dates
1	Preliminary Meeting	Thursday 20 November 2014
2	Issue of: <ul style="list-style-type: none"> <input type="checkbox"/> Examination timetable <input type="checkbox"/> Examining Authority's (ExA's) first written questions <input type="checkbox"/> Request for Statements of Common Ground (SoCG) 	As soon as practicable following the Preliminary Meeting
3	<p>DEADLINE 1 Receipt by the ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Local Impact Reports (LIRs) <input type="checkbox"/> Statements of Common Grounds (SoCGs) <input type="checkbox"/> Written Representations (WRs) <input type="checkbox"/> Any summaries of WRs exceeding 1500 words <input type="checkbox"/> Comments on relevant representations (RRs) <input type="checkbox"/> Any summaries of RRs exceeding 1500 words <input type="checkbox"/> Responses to ExA's first written questions <input type="checkbox"/> Comments on, and suggested changes to, the draft Development Consent Order (dDCO) <input type="checkbox"/> Any further information requested by the ExA for this deadline <p>Notifications</p> <ul style="list-style-type: none"> <input type="checkbox"/> Notification by Statutory Parties to inform the ExA of a wish to be considered an Interested Party <input type="checkbox"/> Notification by Interested Parties of wish to speak at an Open Floor Hearing <input type="checkbox"/> Notification by Interested Parties of wish to make oral 	Thursday 18 December 2014

	<p>representations at an Issue Specific Hearing on the draft Development Consent Order</p> <p><input type="checkbox"/> Notification of wish to attend the ExA's inspection of a site to which the application/specific matters relate in the company of Interested Parties (an Accompanied Site Inspection (ASI))</p>	
4	<p>DEADLINE II for receipt by the ExA of:</p> <p><input type="checkbox"/> Comments on LIRs</p> <p><input type="checkbox"/> Comments on WRs and responses to comments on RRs</p> <p><input type="checkbox"/> Comments on responses to ExA's first written questions</p> <p><input type="checkbox"/> Any further Statements of Common Ground</p> <p><input type="checkbox"/> Any further information requested by the ExA for this deadline</p>	Monday 19 January 2015
5	Day reserved for initial ASI to application site and surrounding area	Wednesday 28 January 2015
6	<p>Day reserved for Issue Specific Hearing into:</p> <p><input type="checkbox"/> Draft Development Consent Order (dDCO)</p>	Thursday 29 January 2015
7	Day reserved for Open Floor Hearing	Friday 30 January 2015
8	<p>DEADLINE III for receipt by the ExA:</p> <p><input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Hearing</p> <p><input type="checkbox"/> Any further information requested by the ExA for this deadline</p>	Thursday 5 February 2015
9	<p>Issue of:</p> <p><input type="checkbox"/> ExA's second Written Questions</p> <p><input type="checkbox"/> Confirmation by the ExA of date, time and place for a further accompanied site inspection (ASI), if required</p> <p><input type="checkbox"/> Confirmation by ExA of date, time and place for further</p>	Wednesday 11 February 2015

	Issue Specific Hearings, if any are required	
10	<p>DEADLINE IV for receipt by the ExA:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicant's revised dDCO taking account of issues raised and comments to date <input type="checkbox"/> Response to ExA's second Written Questions <input type="checkbox"/> Notification of wish to make oral representation at Issue Specific Hearings between 16 and 20 March 2015, if required <input type="checkbox"/> Notification of wish to attend the ExA's inspection of a site to which the application/specific matters relate in the company of Interested Parties (ASI), if required <input type="checkbox"/> Any further information requested by the ExA for this deadline 	Wednesday 4 March 2015
11	Time period reserved for an ASI, if required and/or further Issue Specific Hearings, if any are required	Monday 16 March to Friday 20 March 2015
12	<p>DEADLINE V for receipt by the ExA:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Hearing and any documents/amendments requested by the ExA <input type="checkbox"/> Any comments on responses to ExA's second Written Questions <input type="checkbox"/> Any comments on the applicant's revised dDCO <input type="checkbox"/> Any further information requested by the ExA for this deadline 	Thursday 26 March 2015
13	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any further request for information if required 	Week commencing 30 March 2015
14	<p>DEADLINE VI for receipt by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any further information requested by the ExA for this deadline 	Thursday 16 April 2015
15	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ExA's revised dDCO (if required) taking issues raised 	Week commencing 20

	<p>and comments into account</p> <p><input type="checkbox"/> ExA's Report on the Implications for European Sites (RIES) for consultation</p> <p><input type="checkbox"/> Any further request for information if required</p>	April 2015
16	<p>DEADLINE VII for receipt by ExA of:</p> <p><input type="checkbox"/> Any updated SoCGs</p> <p><input type="checkbox"/> Any written comments on ExA's revised dDCO</p> <p><input type="checkbox"/> Any further information requested by the ExA for this deadline</p> <p><input type="checkbox"/> Any written comments on the ExA's RIES</p>	Week commencing 11 May 2015
17	<u>Deadline for close of Examination</u>	Thursday 21 May 2015
<p>The Examining Authority is under a duty to complete its examination of the application by the end of the period of 6 months beginning with the day after the start day (s.98(1) PA 2008)</p>		

Procedural Decision made by the Examining Authority

1. Statements of Common Ground (SoCGs)

The Examining Authority will be assisted by the preparation of Statements of Common Ground (SoCGs). These are written statements prepared jointly by the applicant and other relevant parties and submitted to the examination by the applicant. The purpose is to agree factual information that should identify where there is agreement and where there is disagreement; highlighting the key outstanding issues.

SoCGs are usually between the applicant and other relevant parties. Other persons who may have a clear interest but no strong view can also be involved in their preparation. This ensures that they are consulted on emerging common ground between parties whose disagreement might affect their interest.

Parties are encouraged to consider the potential clarity that may be provided by a multi-party statement in relation to each topic. However, it is recognised that bi-party statements may also be of value.

SoCGs are formally requested after the Preliminary Meeting, when the procedural timetable is issued (see **Annex C** for the draft timetable).

Following his review of the application and relevant representations, the ExA has identified a number of potential SoCGs as listed below. There is scope for the applicant and relevant parties to work together to clarify areas of agreement and disagreement in advance of the Preliminary Meeting and the ExA would strongly encourage this.

- i. SoCG with the local highway authorities through whose areas the proposed transport route for abnormal indivisible loads of wind turbine components would pass.
- ii. SoCG with Powys County Council
- iii. SoCG with Ceredigion County Council
- iv. SoCG with the Welsh Government
- v. SoCG with Natural Resources Body for Wales

Availability of relevant representation and application documents

Anyone wishing to view documents in relation to the examination of the project, which are regularly updated, can do so via the internet on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/projects/Wales/Mynydd-y-Gwynt-Wind-Farm/>

Documents can be viewed electronically at the following locations for inspection and printing:

Aberystwyth Library

Canolfan Alun R. Edwards
Queen's Square
Aberystwyth
SY23 2EB

Opening Times:	Monday - Friday	9:30 – 18:00
	Saturday	9:30 – 17:00

Free internet access

Printing charges:	Black & White	Colour
	A4 - £0.10	A4 - £0.15

Ceredigion County Council Planning Office

Neuadd Cygnor Ceredigion (Ceredigion County Hall)
Penmorfa
Aberaeron
Ceredigion
SA46 OPA

Opening Times:	Monday	9:00 - 18:00
	Tuesday - Thursday	9:00 - 17:00
	Friday	9:00 - 16:30

Free internet access

Printing charges:	Black & White	Colour
	A4 - £0.10	A4 - £0.15
	A3 - £0.20	A3 - £0.25p

Llanidloes library

Mount Street
Llanidloes
Powys
SY18 6EY

Opening Times:	Monday	10:00 - 14:00
	Tuesday	16:30 - 19:00
	Wednesday	10:00 - 17:00
	Thursday	16:30 - 19:00
	Friday	10:00 - 17:00
	Saturday	10:00 - 14:00

Free internet access

Printing charges:	Black & White	Colour
	A4 - £0.10	A4 - £0.35

Libraries in Aberystwyth and Llanidloes have been supplied with a poster explaining how you can access and view the documents online.

**Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)
– Rule 4**

Notice of appointment of Examining Authority

Application by Mynydd y Gwynt Ltd for a proposed wind farm at Mynydd y Gwynt ('the application').

Notice of appointment of Examining Authority under Rule 4, Infrastructure Planning (Examination Procedure) Rules 2010

On 22 October 2014 a single Examining Inspector was appointed to conduct the examination of the application under s61 and s78 of the PA 2008 as amended by the Localism Act 2011.

The Examining Inspector ("the Examining Authority") appointed is

- Philip Asquith

Pauleen Lane

Dr Pauleen Lane CBE FICE MBA

Group Manager, National Infrastructure

on behalf of the Secretary of State

Infrastructure Correspondence FAQ

What is this correspondence about?

The accompanying letter contains information regarding a proposed Nationally Significant Infrastructure Project, often abbreviated as an NSIP, within your area. This type of development follows its own planning process with the Examining Authority, appointed to examine the application, being made up of between one and five Examining Inspectors rather than the local planning authority. Further information on the specifics of the particular application described in the letter's header can be found on the National Infrastructure pages of the Planning Portal website and hard copy documents available at local document deposit locations.

Why am I receiving correspondence from the Planning Inspectorate?

When NSIP applications are accepted for examination by the Planning Inspectorate, correspondence is sent out to individuals and organisations classed as 'interested parties' together with statutory parties, and relevant local authorities. If you have not registered with the Planning Inspectorate by completing a relevant representation form and are unsure why you are receiving our letters, you or your organisation may be automatically an interested party, for example by virtue of having an interest in land directly affected by the scheme, and having been notified of acceptance of the application by the developer.

Do I have to do anything further in connection with this letter?

While we encourage engagement with the examination process, especially from those with an interest in land it directly affects, all participation is entirely optional.

Can I be removed from your mailing list?

Any interested party is able to notify the Examining Authority in writing that they no longer wish to be an interested party, although please consider carefully whether you want to have your interested party status removed. Please also note that anyone with an interest in land directly affected by an application whose interest the developer is seeking to compulsorily acquire will still retain their status as an affected person, and hence, amongst other things, will be able to call for a compulsory acquisition hearing to be held.

What if I have further questions?

The Planning Inspectorate's Advice Note 8 series, which can be found on the National Infrastructure pages of the Planning Portal website, contains a useful overview of the NSIP process and how to get more fully involved. You can also contact us as shown on your letter via the project's email address or by telephone on the Customer Services number.

<http://infrastructure.planningportal.gov.uk/>