



3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000

Email: myg@pins.gsi.gov.uk

To all interested parties

Your Ref:

Our Ref: EN010020

Date: 27 November 2014

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 89 and The Infrastructure
Planning (Examination Procedure) Rules 2010 (as amended) – Rule 8**

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

Examination timetable and procedure

I write to tell you about the procedural decisions I have made as the Examining Authority (ExA) for this application following the Preliminary Meeting held on Thursday 20 November 2014 at Llanidloes Community Centre, Mount Lane, Llanidloes, Powys, SY18 6EY. This letter also provides you with the examination timetable, a link to the initial questions that I am asking in the examination, and other matters.

Anyone wishing to view documents in relation to the examination of the project, including a note of the Preliminary Meeting, 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 venues listed in Annex A. An audio recording of the Preliminary Meeting has now been published on our website and can be accessed via the link above.

Procedural decisions and examination timetable

I have now made my procedural decisions about the way in which the application is to be examined. The examination timetable is attached as Annex B, which replaces the draft examination timetable that was included with the Rule 6 letter. Procedural decisions and changes to the draft examination timetable made after the Preliminary Meeting are explained in Annex C. The examination timetable has sought to accommodate requests made at the Preliminary Meeting.

If I consider it necessary to vary the timetable, full notification will be sent to all interested parties and published on the National Infrastructure pages of the Planning Portal website. I will also do this if the date, time and place of any hearing is changed, except in the event of an adjournment.

Examining Inspector's First Round of Written Questions

I have decided to ask a number of written questions. These questions are now published on the National Infrastructure pages of the Planning Portal website and can be accessed through the following link:

http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/myg_exas_first_round_of_written_questions.pdf

Responses must be received on or before **Thursday 18 December 2014**.

Statements of Common Ground (SoCGs) and Local Impact Reports (LIRs)

I invite submissions of completed Statement of Common Grounds (SoCGs), and any drafts of SoCGs, by **Thursday 18 December 2014**. A further deadline of **Monday 19 January 2015** is set for receiving completed SoCGs submitted in draft at the earlier deadline date.

Local authorities defined in s56A of the PA 2008 are invited to submit Local Impact Reports (LIRs) by **Thursday 18 December 2014**.

SoCGs and LIRs are to be sent to the Planning Inspectorate using the email or postal address at the top of this letter, quoting reference EN010020 and your unique reference number.

Submission of written representations and guidance for their submission

I invite all interested parties to submit written representations and comments on relevant representations already submitted. All representations in writing must be sent on or before **Thursday 18 December 2014** to the Planning Inspectorate using the email or postal address at the top of this letter, quoting reference EN010020 and your unique reference number.

Any written representation and comments on relevant representations that exceed 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation or comments on the relevant representation and must be representative of the submission made.

To assist in timely processing, written representations and comments on relevant representations must be submitted by the deadline specified. The deadlines are 23.59pm on the date stated. It is requested that interested parties send, where practicable, electronic copies of their submissions as email attachments, to MyG@pins.gsi.gov.uk on or before **Thursday 18 December 2014**.

Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to the Planning Inspectorate two

additional full paper copies of their submission by post. **Timely submissions in advance of the deadlines set in the timetable are encouraged.**

There is no prescribed form for written representations. Written representations can deal with any relevant matter. They are not restricted to the matters set out in the my list of Principal Issues, which was discussed at the Preliminary Meeting, nor restricted to my first round of questions. Please note that under Rule 10(4) of the Examination Procedure Rules any person, other than the applicant, who submits a written representation must identify in their written representation those parts of the application with which they agree and those parts with which they do not agree, and must state reasons for such disagreement.

Notification of a wish to attend a hearing

I now request notifications from –

- (a) Any interested party who wishes to make oral representations at the Issue Specific Hearing to be held on **Wednesday 4 February 2015**; and
- (b) Any interested party who wishes to be heard at an Open Floor Hearing (OFH) and therefore wishes one to be held on **Thursday 5 February 2015**.

These notifications must be received on or before **Thursday 18 December 2014**. If an interested party wishes to attend an OFH they should indicate which topics in their relevant or written representation they wish to address at the hearing.

Should I determine that an Open Floor Hearing is required I have set a deadline of **Thursday 8 January 2015** to issue notification of confirmed date, time and place, for the OFH.

Site Inspection

I will consider, as set out in the examination timetable, any requests to visit other sites. Nominations of additional locations to be inspected must be received by the deadline of **Thursday 11 December 2014**. You must indicate the reason for the nomination and whether I can proceed with the inspection unaccompanied.

I intend to undertake an accompanied site inspection (ASI), in the company of interested parties, on **Tuesday 3 February 2015**. To assist with arrangements, groups are encouraged to send a single representative. Should you consider it necessary to attend all or part of the visits to sites to be inspected, you need to inform the Case Manager, Emré Williams, by **Thursday 11 December 2014**, with reasons for your wish to attend. The information provided will help us with travel arrangements on the day reserved for the site inspection.

I have set a deadline of **Thursday 8 January 2015** to issue an ASI itinerary and notification of time and place for the site inspection.

Final itineraries and routes (if required) will be published on or before **Friday 30 January 2015** for the sites to be visited on the accompanied site inspection. Please note that the site inspection is not an opportunity to make any oral representations on the application. Participants may be invited by me to indicate specific features or sites of interest.

Notice of Issue Specific Hearing (ISH)

Please be advised that an ISH will be held on **Wednesday 4 February 2015**. Further details, along with the agenda for the hearing, are set out in Annex D.

Procedures at hearings

The procedure to be followed at hearings is set out in Rule 14 of the Examination Procedure Rules:

<http://www.legislation.gov.uk/all?title=examination%20procedure%20rules>

Any oral representations must be based on either the relevant or written representations made by the person by whom or on whose behalf the oral representations are made. I will be responsible for the oral questioning of a person giving evidence but your attention is drawn to Rule 14(5) of the Rules and the circumstances that apply to cross-questioning between parties.

Availability and inspection of representations and documents

Written representations and documents sent to the Planning Inspectorate will be made available to all interested parties and to anyone who requests an opportunity to inspect and take copies of them.

This information will be made available on the relevant project page on the National Infrastructure pages of the Planning Portal website:

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

We will also provide an opportunity for viewing this webpage and copying of documents at a number of **electronic deposit locations** in the vicinity of the application site as indicated in Annex A.

Deadline for receipt of documents and requests for hearings

It is important to note that if written representations, responses to relevant representations and to written questions, Local Impact Reports, further information or requests for hearings are not received by the dates specified in the timetable, I may disregard them.

If no written requests are received by **Thursday 18 December 2014** for an Open Floor Hearing, I am not required to hold any such hearing, but may choose to do so.

The date, time and place of any confirmed hearing will be notified in writing to all registered interested parties, providing at least 21 days' notice. I have set a deadline of **Thursday 8 January 2015** to issue notification of the date, time and place of an Open Floor Hearing.

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 applications for development consent orders* (July 2013)¹ which can be found on the National Infrastructure pages of the Planning Portal website.

Future Notification

If you are an interested party you will continue to receive notification from the Planning Inspectorate about the examination throughout the process.

If you have received this letter because you were invited to attend the Preliminary Meeting but you are not an interested party you will **not** receive any further communication from us relating to this application. You can, however, visit the relevant project page on the National Infrastructure pages of the Planning Portal website to stay informed of the progress of the examination of the application.

If you are a statutory consultee, or a local authority without direct responsibility in the proposed development area, and have not made a relevant representation, then you should inform us if you wish to become an interested party by **Thursday 11 December 2014. Statutory consultees who have not made a relevant representation and do not notify us of their wish to become an interested party will not receive any further correspondence.**

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. Availability of representations and application documents
- B. Timetable for examination of the application
- C. Procedural decisions made after the preliminary meeting
- D. Notice of Issue Specific Hearing

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.

¹ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

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 **electronic deposit 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 0PA

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

Powys County Council

The Gwalia,
Ithon Road,
Powys
LD1 6AA

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

Free internet access

Printing charges:	Black & White
	A4 - £0.50 for the first sheet and £0.10 thereafter

All the above mentioned **electronic deposit locations** have been supplied with a poster explaining how you can access and view the documents online.

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 (SoCGs) 	Thursday 27 November 2014
3	DEADLINE I Receipt by the ExA of: <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 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)) 	Thursday 11 December 2014
4	DEADLINE II Receipt by the ExA of: <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"/> Comments on additional submissions <input type="checkbox"/> Any summaries of RRs exceeding 1500 words <input type="checkbox"/> Responses to the ExA's first Written Questions <input type="checkbox"/> Comments on, and suggested changes to, the draft Development Consent Order (dDCO) 	Thursday 18 December 2014

	<input type="checkbox"/> Any further information requested by the ExA for this deadline Notifications <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 representations at an Issue Specific Hearing on the dDCO	
5	<p>Issue of:</p> <input type="checkbox"/> Confirmation by the ExA of date, time and place for a accompanied site inspection (ASI) <input type="checkbox"/> Confirmation by ExA of date, time and place for an Open Floor Hearing, if required <input type="checkbox"/> Any further request for information if required	Thursday 8 January 2015
6	<p>DEADLINE III for receipt by the ExA of:</p> <input type="checkbox"/> Comments on LIRs <input type="checkbox"/> Comments on WRs and responses to comments on RRs <input type="checkbox"/> Comments on responses to the ExA's first written questions <input type="checkbox"/> Comments on Statements of Common Ground received for Deadline II <input type="checkbox"/> Statements of Common Ground <input type="checkbox"/> Any further information requested by the ExA for this deadline	Monday 19 January 2015
7	Day reserved for initial ASI to application site and surrounding area	Tuesday 3 February 2015
8	<p>Day reserved for Issue Specific Hearing into:</p> <input type="checkbox"/> Draft Development Consent Order (dDCO)	Wednesday 4 February 2015
9	Day reserved for Open Floor Hearing	Thursday 5 February 2015

<p>10</p>	<p>DEADLINE IV for receipt by the ExA of:</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 <input type="checkbox"/> Any further information requested by the ExA for this deadline <input type="checkbox"/> Comments on Statements of Common Ground received for Deadline III 	<p>Wednesday 11 February 2015</p>
<p>11</p>	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ExA's second Written Questions <input type="checkbox"/> Confirmation by the ExA of date, time and place for a further accompanied site inspection (ASI), if required <input type="checkbox"/> Confirmation by the ExA of date, time and place for further Issue Specific Hearings, if any are required 	<p>Wednesday 18 February 2015</p>
<p>12</p>	<p>DEADLINE V for receipt by the ExA of:</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 the 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 any are 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 	<p>Wednesday 4 March 2015</p>
<p>13</p>	<p>Time period reserved for an ASI, if required and/or further Issue Specific Hearings if any are required</p>	<p>Monday 16 March to Friday 20 March 2015</p>
<p>14</p>	<p>DEADLINE VI for receipt by the ExA of:</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 	<p>Thursday 26 March 2015</p>

Annex B

	<p>Questions</p> <p><input type="checkbox"/> Any comments on the applicant's revised dDCO</p> <p><input type="checkbox"/> Any further information requested by the ExA for this deadline</p>	
15	<p>Issue by the ExA of:</p> <p><input type="checkbox"/> Any further request for information if required</p>	On or before 3 April 2015
16	<p>DEADLINE VII for receipt by the ExA of:</p> <p><input type="checkbox"/> Any further information requested by the ExA for this deadline</p>	Thursday 16 April 2015
17	<p>Issue by the ExA of:</p> <p><input type="checkbox"/> ExA's revised dDCO (if required) taking issues raised 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>	On or before 24 April 2015
18	<p>DEADLINE VIII for receipt by ExA of:</p> <p><input type="checkbox"/> Any updated SoCGs,</p> <p><input type="checkbox"/> Any written comments on the 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>	Thursday 14 May
19	<u>Deadline for close of Examination</u>	Wednesday 20 May 2015

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)

Procedural Decisions made after the Preliminary Meeting

Following the Preliminary Meeting, I have made the following procedural decisions, which are reflected in the revised timetable.

Examination Timetable

The deadline for Interested Parties to confirm their status for the examination, and the ExA to be in receipt of requests to attend an ASI, has been moved a week earlier to 11 December 2014.

The applicant requested at the Preliminary Meeting that the proposed Issue Specific Hearing (ISH) in respect of the draft DCO and a possible Open Floor Hearing (OFH) scheduled for the 28 and 29 January 2015 be moved into the following week. This was because of the prior commitments of their legal representatives. As this poses no particular problems for the rest of the Examination timetable I have moved the day reserved for the ISH to Wednesday 4 February. Thursday 5 February is now reserved for an OFH, should one be needed. Also, to make best use of time, the day reserved for an initial accompanied site inspection has been moved to Tuesday 3 February.

There are some minor consequential revisions; Deadline IV is moved back to Thursday 11 February (post-hearing documents and summary of cases put at hearings etc); and the issue of my second written questions, confirmation of any further ASI and dates of any further ISH is moved to Wednesday 18 February.

The applicant also requested at the Preliminary Meeting that the week commencing 23 March should also be set aside for any further ISHs. This would be in addition to the previous week set aside for this purpose. At this early stage in the Examination it is too early for me to determine what further ISH(s) may be required although, as suggested on behalf of the Cambrian Mountains Society, an ISH on policy issues is a likely candidate. Nevertheless, I consider the week commencing 16 March should be adequate for the holding of any ISH I consider to be necessary to assist the Examination.

I have noted the suggestion made by the applicant at the Preliminary Meeting requesting a submission date of 12 January for a SoCG with Powys County Council on 'contentious issues' in order to assist the applicant in its ability to make responses at Deadline III. However, I have decided to retain the two deadlines for SoCG set out in the draft timetable - Deadline I 18 December and Deadline II 19 January, the latter being intended for final versions of any draft SoCGs.

Nevertheless, these deadlines do not mean that parties should not aim to produce SoCGs as expeditiously as possible and submit them before the deadlines and I would therefore urge that this is done in respect of a 'contentious issues' SoCG with Powys County Council.

A letter of 13 November 2014 from the Welsh Government has been accepted and published as an additional submission. Comments on additional submissions are required by Deadline II, 18 December 2014.

Other than reaffirming the next major deadline of Thursday 18 December 2014 for the submission of, amongst other matters, Local Impact Reports from local authorities, Statements Of Common Ground, responses to my first written questions, written representations by interested parties and comments on the draft DCO, I do not intend to issue reminders of subsequent deadlines for submission of comments and responses. It is important therefore for all interested parties to make sure they note the various stages of the confirmed Examination timetable accordingly.

There is provision in the Infrastructure Planning (Examination Procedure) Rules 2010 for me to amend the timetable if required, but no power for me to change the date for the closure of the Examination.

The Examination will close on or before Wednesday 20 May 2015.

Statements of Common Ground (SoCG)

A SoCG should identify the areas of agreement between the interested parties and where differences lie. It should identify those matters which need not be in dispute or the subject of further evidence, and state where and why there may be disagreement about the interpretation and relevance of information. The reasons for the differences and the interpretation of the implications of a difference can then be expanded in evidence.

The SoCG should be agreed between the applicant and other relevant interested party(ies), and submitted by the applicant.

As set out in my Rule 6 letter of 27 October 2014, the following SoCG will be helpful in the Examination process:

- i) SoCG with the local highways 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 Wales

The list is not exhaustive. If the applicant and other parties consider it would be beneficial to set out points of agreement and disagreement within a SoCG then these would be welcomed. In this regard, I note and welcome the indication at the Preliminary Meeting that a SoCG between the applicant and the Cambrian Mountains Society is likely.

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 13

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

Notification of hearing

An issue specific hearing relating to the submitted draft Development Consent Order will be held on **Wednesday 4 February 2015**. Registration will begin at **09:30** and the meeting is scheduled to start **at 10:00** at **Llanidloes Community Centre, Mount Lane, Llanidloes, Powys, SY18 6EY**.

Those interested parties who wish to speak at the hearing should notify Emré Williams, the Case Manager, at the postal or email address above by **Thursday 18 December 2014**. I should be grateful if you would inform us if you plan to attend the hearing even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (eg disabled access, hearing loop etc). Please ensure that you include your interested party reference number in your correspondence.

The agenda for the hearing is outlined below, however a final agenda for the issue-specific hearing will be published on the Planning Portal website: <http://infrastructure.planningportal.gov.uk/projects/Wales/Mynydd-y-Gwynt-Wind-Farm/> **on or before Friday 30 January 2015**. If you have any further queries, please do not hesitate to contact the case team via the contact details provided at the top of this letter.

Agenda

1. ExA's welcome and introduction
2. Explanation of the nature of the draft Development Consent Order
3. Consideration of the Articles and Requirements of the Order