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Your Ref:

To all Interested Parties

Our Ref: EN010020

Date: 24 April 2015

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended)¹ – Rule 17**

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

Notification of procedural decision and request for further information

In accordance with the examination timetable, I have now issued the [Report on Implications for European Sites \(RIES\)](#) and a [draft Development Consent Order \(DCO\)](#). These can be found on the project page of the National Infrastructure pages of the Planning Portal.

I should stress that at this point in the proceedings I have not come to any view as to whether to recommend the application for approval or refusal. The suggested changes within the draft DCO are to ensure that the draft Order is refined as far as is practicable before preparation of my Examining Authority report and recommendation.

In addition, I consider that parties should be given the opportunity to comment on the submissions received for Deadline VII, VIII and IX, and I have also decided to issue a request for further information, as set out below.

The deadline for comments on these documents, and responses to the requests set out in this letter, is **Thursday 14 May 2015** (Deadline X) as set out in the examination timetable.

This is the last deadline in the examination timetable. To assist me, comments made on any of the deadline submissions, i.e. VII – IX, are requested to clearly state to which deadline and representations they relate. In light of this deadline, I may close the examination shortly thereafter if no further information is required. In any event, I am under duty to complete the examination of the application by the Wednesday 20 May 2015.

¹ <http://www.legislation.gov.uk/ukxi/2010/103/contents/made>

Request for further information

The Applicant is requested to ensure that they submit the following versions of the DCO:

- Word version showing track changes from the original application version of the DCO to the DCO submitted for Deadline VII;
- PDF version showing track changes from the original application version of the DCO to the DCO submitted for Deadline VII;
- Applicant's final preferred word version showing track changes from the DCO submitted for Deadline VII; and
- Applicant's final preferred word version, clean but with track changes accepted, in the form of the current Statutory Instrument template, together with a SI Validation report.

Applicant/NRW

1. Article 12 (5) of the applicant's latest version of the draft DCO (Deadline VII, 16 April) refers to an undefined area. Could the parties confirm how this area is to be defined e.g. by reference to a plan or OS Grid Reference or can either party provide a suitable paragraph for this article?
2. The main update to the HRA Screening Report appears to be the deletion of references to new and existing settlement ponds. However, while some references have been deleted in the draft CEMP and SWMP some remain, e.g. paragraph 48 in the CEMP, and paragraph 8 in the SWMP. Therefore, there appear to be inconsistencies between the documents, and it is not clear whether settlement ponds will be used. The deleted paragraph 18 of the CEMP stated that a new settlement pond (near Turbine 27) would be used to reduce the risk of sediment entering a watercourse, however it is not clear if alternative measures have been proposed in the absence of a pond to prevent sedimentation occurring.

Applicant

3. In paragraph 14 of the applicant's Deadline VII comments on Deadline VI submissions in relation to red kite, it is stated in respect of NRW's comments that 'The comment in relation to Grid Connection Option 1 is no longer pertinent as this option has been withdrawn from the scheme.' Please could the applicant clarify what is meant by this, and provide an update on the Mynydd y Gwynt grid connection route and whether any agreement has been reached regarding routing which would mean that Option 1 is no longer to be considered?
4. The header in Version 5 of the HRA Screening Report suggests that this version is an updated version of Version 3, although Version 4 was submitted for Deadline VI. Please could the applicant clarify whether Version 5 incorporates the changes included in Version 4?
5. Article 2 of the applicant's latest version of the draft DCO refers to interpretation. Should the updated Land Plan submitted for Deadline V (4 March 2015), include the reference "MYG-AD-LANDPLAN" to take into consideration the applicant's interpretation of a "land plan" i.e. means the land plan submitted with the application (reference MYG-AD-LANDPLAN) and certified as the land plan?

Applicant/Other parties

6. The applicant's summary of their position regarding progress on Statements of Common Ground (SoCGs) (submitted for Deadline VIII (20 April)) shows that a considerable number remain to be agreed. The parties are urged to progress these as quickly as possible and are reminded that finalised/updated SoCGs should be submitted no later than Deadline X (14 May).
7. The ExA version of the DCO, dated 24 April 2015 and published on the National Infrastructure pages of the Planning Portal, has deleted Requirement 41 relating to a Section 106 agreement (s106) and the associated interpretation section in Requirement 1. This is on the basis that the terms of the S106 would in themselves be enforceable and the requirement would not therefore be necessary. However, the applicant is urged to ensure that if a S106 obligation is to be relied upon this must be completed and signed before the close of the examination and should be submitted by Deadline X (14 May) at the latest.

In this regard, attention is drawn to the fact that in the draft S106 (submitted at Appendix 8 to the applicant's comments on responses to the ExA's second written questions) in Schedule 1 reference should be "to complete the works needed to secure the provision of Off-Site Obligation Land before the First Export Date".

8. There are currently no draft submission plans relating to species protection, bat protection or access management, and it is understood that the relevant parties are working on these. Could the relevant parties please ensure that these are submitted no later than Thursday 14 May (Deadline X)?

NRW

9. In light of the updated HRA Screening Report, draft DCO and further information provided by Deadline VII, please could NRW specify for which European sites (if any) and which features of those European sites, outstanding issues remain?
10. Is NRW satisfied that the mitigation measures proposed by the applicant to avoid effects alone and in combination on the Afon Gwy SAC and Elenydd Mallaen SPA are now secured in the draft DCO?
11. Does NRW remain of the view that further information is required to inform appropriate assessments in respect of the Afon Gwy SAC and the Elenydd Mallaen SPA?

Yours faithfully

Philip Asquith

Philip Asquith
Examining Authority

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.