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To interested parties and statutory parties

Your Ref:

Our Ref: EN010055

Date: 2 August 2016

Dear Sir/Madam

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

Application by Wrexham Power Limited for an Order Granting Development Consent for the Wrexham Energy Centre;

Examination timetable and procedure

I write to tell you about the procedural decisions following the Preliminary Meeting held on **Tuesday 19 July 2016** at Redwither Tower, First Avenue, Redwither Business Park, Wrexham Industrial Estate, Wrexham LL13 9XT.

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.

Annex A sets out arrangements for the availability of representations and application documents. All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/Wales/Wrexham-Energy-Centre/>

Procedural decisions

I have made my procedural decisions about the way in which the application is to be examined. The examination timetable is attached as **Annex B** and includes the deadlines by which certain information should be submitted.

If I consider it necessary to vary the timetable as set out in **Annex B**, I will notify interested parties and any other persons invited to the Preliminary Meeting and publish the changes on the Wrexham Energy Centre project page of the National

Infrastructure Planning website.

I have made some further procedural decisions which relate to matters discussed at the Preliminary Meeting but are not set out in the timetable. These are set out in **Annex C**. In summary, these confirm the need for participants in the Issue Specific hearing held on 19 July 2016 to reduce their oral submissions to writing and provide copies of these by 26 July 2016, and for the Applicant to produce an updated draft Development Consent Order (DCO) taking account of the issues discussed by the same date. I have also decided to seek a Statement of Common Ground (SoCG) between the Applicant and Cadw. You should note that the procedural decisions notified to you in Annex E to my letter of 24 June 2016 (the Rule 6 Letter) remain applicable to the examination.

Deadlines for receipt of submissions

It is important to note that if you do not submit the information by the dates specified in the timetable, I may disregard them.

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

All written deadlines are 11.59pm on the date stated. I request that interested parties send, where practicable, electronic copies of their submissions as email attachments, to wrexhamenergy@pins.gsi.gov.uk on or before the applicable deadline. 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. Providing links to websites where your submissions can be viewed is not acceptable. All documents, once accepted into the examination by myself as the Examining Authority (ExA), must be able to be viewed in full on our website. Timely submissions in advance of the deadlines set in the timetable are encouraged. If interested parties prefer to issue submissions in hard copy by post, please ensure they arrive by the deadline.

If no written requests are received for Open Floor hearings or Compulsory Acquisition hearings by the deadline of **Tuesday 23 August 2016** as specified in **Annex B**, I am not required to hold any such hearings. I may nevertheless choose to do so.

The time, date and place of any confirmed hearings will be notified in writing to all interested parties, providing at least 21 days' notice. This matter was raised at the Preliminary Meeting, where the Applicant requested a change to the proposed dates for public notice of hearings, to enable individual publication copy deadlines for newspaper notices to be met. Having given consideration to this matter, I have asked the Planning Inspectorate case team to provide all advance information necessary to enable individual publication copy deadlines to be met and newspaper notices to be published in a legally compliant manner. However, the dates on which notice needs to be provided to all interested parties and published on the website do not need to be changed in order to meet this requirement.

I explain below some of the submissions requested in the timetable in greater detail for your information; however, please refer to Annex B for all submission deadlines for this application.

Examining Authority'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 Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/Wales/Wrexham-Energy-Centre/>

The deadline for responses to these questions is **Tuesday 23 August 2016** as listed in the examination timetable in **Annex B**.

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

I now formally invite the submission of completed SoCGs by the same deadline of **Tuesday 23 August 2016**.

Local authorities defined in s56A of the PA 2008 are also invited to submit, or update, LIRs by the deadline of **Tuesday 23 August 2016**.

Written representations

I also invite all interested parties, and particularly the Applicant, to submit comments on relevant representations already submitted by the deadline of **Tuesday 23 August 2016**.

Written representations from all interested parties are invited by the deadline of **Tuesday 23 August 2016**. 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 my initial assessment of issues which was discussed at the Preliminary Meeting, nor restricted to the questions I have asked. 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 proposal with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement.

Furthermore, in accordance with DCLG '[Planning Act 2008 \(PA 2008\): Guidance for the examination of applications for development consent for nationally significant infrastructure projects \(April 2013\)](#)', participants should provide 'the data, methodology and assumptions used to support their submissions' with their written statements.

Notification of a wish to attend a hearing

I now request notifications by **Tuesday 23 August 2016**:

(a) of any interested party who wishes to speak at an the **second Issue Specific hearing** on the draft Development Consent Order to be held on **Wednesday 28 September 2016**.

(b) of any affected persons of their wish to speak at a **Compulsory Acquisition hearing**;

(c) of any interested party who wishes to speak at an **Open Floor hearing**;

If an interested party wishes to make an oral representation at an Open Floor or Issue Specific hearing they should indicate which topics they wish to address at the hearing. Similarly, any affected person wishing to make an oral representation at a Compulsory Acquisition hearing should identify clearly the plots of land about which they wish to speak.

Agendas for each hearing will be published on the project page of our website at least seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Procedure at hearings and notification of wish to speak at hearings

The procedure to be followed at hearings is set out in Rule 14 of the [Examination Procedure Rules](#). 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 am 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.

My examination will be principally undertaken through a written process, and I will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

Site inspections

As I indicated at the Preliminary Meeting I undertook an Unaccompanied Site Inspection (USI) on 25 and 26 May 2016. A note of the USI can be found here:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010055-000948>

An Accompanied Site Inspection (ASI) has been fixed for **Tuesday 27 September 2016**. I have asked the Applicant to facilitate inspections within the application site for the proposed generating station and at Maelor gasworks. Any requests from interested parties for me to inspect any other particular locations or features must be received by **Tuesday 23 August 2016** and should include reasons.

Please note that the ASI is not an opportunity to make any oral representations on the proposal. However, I may invite participants to indicate specific features or sites of interest.

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 PA 2008 you may find it helpful to read the Government guidance: '[Awards of costs: examinations of applications for development consent orders \(July 2013\)](#)' which can be found on the National Infrastructure Planning website.

Future notifications

If you are an interested party (numerical reference numbers starting with 10032 or reference numbers beginning with WREX-AFP or WREX-S57) you will continue to receive correspondence 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 Planning website to stay informed of the progress of the examination.

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 (reference number beginning with WREX-SP), then you should inform the Case Manager if you wish to become a registered interested party by **Tuesday 23 August 2016**. **Statutory consultees who have not made a relevant representation and do not notify the Case Manager of their wish to become an interested party will not receive any further correspondence.**

If I require further information or written comments (a Rule 17 request) on the dates specified within **Annex B**, this will be sent to only those persons I consider it is applicable to; however it will be published on the National Infrastructure Planning Website.

Management of Information

The Planning Inspectorate has a commitment to information transparency. Therefore, all information submitted for this project (if accepted) and a record of advice which the Planning Inspectorate have given can be found 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 has been protected in accordance with our Information Charter.

Yours faithfully

Rynd Smith

Rynd Smith, Examining Inspector

Annexes:

- A. Availability of representations and application documents
- B. Timetable for examination of the application
- C. Procedural Decisions

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.

Availability of Examination Documents

All application documents including relevant representations and application documents are available on the National Infrastructure Planning website:

<http://infrastructure.planninginspectorate.gov.uk/projects/wales/wrexham-energy-centre/>

For ease of access, please refer to the Examination Library. This index lists each document that has been submitted to the examination by any party and any documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided to each. The Examination Library contains references to documents from the point the application was submitted and is updated periodically as the examination progresses. A button providing access to the latest version of the Examination Library is provided on the documents tab on the National Infrastructure Planning website.

Documents can also be viewed electronically at the following location close to the application site. Please note that you may need to bring a form of ID to use the computer at this location. If you have difficulty accessing any documentation please contact the Case Team using the contact details provided at the top of this letter.

Electronic Deposit Location:

Library/ Address	Opening Hours
Wrexham Library Rhosddu Road Wrexham LL11 1AU	Monday to Friday 09:30- 18:00 Saturday 09:30-16:00 Sunday - closed
Printing Costs	
Black and White- 20p per A4 Sheet Colour- 40p per A4 Sheet	There are currently no A3 printing facilities however the library does provide A3 photocopying.
Link to Library Location	
http://www.wrexham.gov.uk/english/community/libraries/wrexham_library.htm http://www.wrexham.gov.uk/welsh/community_w/libraries/wrexham_library.htm	

Timetable for examination of the application

The Examining Authority (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.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at the hearings.

Item	Matters	Due Dates
1	Preliminary Meeting	10.00am Tuesday 19 July 2016
2	<p>Issue Specific Hearing:</p> <ul style="list-style-type: none"> • Project definition and the development consent order (DCO) <p><i>Participants at this hearing are referred to Rule 8 Letter Annex C for procedural decision 5, relating to the documentation of matters discussed at the hearing.</i></p>	2.00pm Tuesday 19 July 2016
4	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Examination timetable • ExA's first written questions 	Tuesday 2 August 2016
5	<p>Deadline 1</p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> • Summaries of all relevant representations (RR) exceeding 1500 words • Comments by the applicant and any other interested parties on RRs • Written representations (WRs) by all interested parties <p><i>All parties must submit their full written case</i></p>	Tuesday 23 August 2016

	<p><i>and supporting evidence at this stage, as any representations to be heard at a hearing need to be based on RRs or WRs</i></p> <ul style="list-style-type: none"> • Summaries of all WRs exceeding 1500 words • Responses to ExA's first written questions • Local Impact Reports (LIR) from local authorities • Statements of Common Ground (SoCG) requested by ExA • Notification by statutory parties of wish to be considered as an interested party • Notification by persons within certain categories of interests in land of their wish to become an interested party • Notification by interested parties of their wish to speak at an issue specific hearing on the DCO • Notification by affected persons of their wish to speak at a compulsory acquisition hearing • Notification by interested parties of their wish to speak at an open floor hearing • Submissions from interested parties or affected persons recommending locations or items for the itinerary for an accompanied site inspection and reasons for their inclusion • Any further information requested by the ExA for this deadline 	
5	<p>Issue by ExA of notification of date, time and place for further hearings and accompanied site inspection(s) at timetable items 7, 8 and 9 (if required)</p> <p><i>A banner on the Wrexham Energy Centre Project webpage will be updated on this day to detail the arrangements made. If accompanied sites inspections are not required, the banner will note this. PINS case team will contact the</i></p>	<p>Tuesday 6 September 2016</p>

	<i>applicant by 2 September 2016 to ensure that press notices meet the local newspaper deadline.</i>	
6	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and any responses to comments on RRs • Comments on LIR • Comments on responses to ExA's first written questions • Any further information requested by the ExA for this deadline 	Tuesday 20 September 2016
7	<p>Date reserved for:</p> <ul style="list-style-type: none"> • Accompanied site inspection 	Tuesday 27 September 2016
8	<p>Date reserved for:</p> <ul style="list-style-type: none"> • Issue Specific Hearing - The draft DCO, environmental and other issues • Open-floor Hearing if requested (evening) <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but will not otherwise be published or circulated. The actual agenda on the day of each hearing is subject to change at the discretion of the ExA.</i></p>	Wednesday 28 September 2016
9	<p>Date reserved for:</p> <ul style="list-style-type: none"> • Compulsory Acquisition Hearing - Compulsory Acquisition and Temporary Possession proposals • Issue Specific Hearing -environmental and other issues <p><i>Agendas for each hearing will be published on the project page of our website seven calendar days before the hearing is due to take place but</i></p>	Thursday 29 September 2016

	<i>will not otherwise be published or circulated. The actual agenda on the day of each hearing is subject to change at the discretion of the ExA.</i>	
10	<p>Deadline 3</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held between 27 and 29 September 2016 • Comments on any other documents submitted at Deadline 2 and not previously responded to • Applicant's revised draft DCO responding to matters and issues arising at hearings • Any further information requested by the ExA for this deadline 	Thursday 6 October 2016
11	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Second written questions (if required) <p><i>A banner on the Wrexham Energy Centre Project webpage will be updated on this day to detail the documents published. If second questions are not required the banner will be updated to note this.</i></p>	Friday 21 October 2016
12	<p>Issue by ExA of notification of date, time and place for any further hearings and accompanied site inspections(s) (if required)</p> <p><i>A banner on the Wrexham Energy Centre Project webpage will be updated on this day to detail the arrangements made. PINS case team will contact the applicant by 28 October 2016 to ensure that press notices meet the local newspaper deadline. If further hearings and / or accompanied sites inspections are not required, the banner will note this.</i></p>	Monday 31 October 2016

13	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Responses to ExA's second written questions • Any further information requested by the ExA for this deadline 	Friday 4 November 2016
14	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Any further hearings (including issue specific, open floor and compulsory acquisition hearings) (if required) • Any further accompanied site inspections (if required) 	22 – 24 November 2016
15	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to ExA's second written questions • Any further information requested by the ExA for this deadline 	Friday 25 November 2016
16	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held between 22 and 24 November 2016 • Comments on any other documents submitted at Deadline 5 • A final preferred draft DCO from the applicant • A final progress summary from the applicant on any commercial agreements or related instruments necessary to support the DCO • Any further information requested by the ExA for this deadline. 	Friday 2 December 2016

17	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on Implications for European Sites (RIES) (if required) • ExA consultation draft and/or commentary on the final DCO • Any further requests for information by the ExA (if required) <p><i>A banner on the Wrexham Energy Centre Project webpage will be updated on this day to detail the documents to be published.</i></p>	Monday 12 December 2016
18	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on the ExA's RIES (if required because a RIES is published) • Comments on the ExA's consultation draft and/or commentary on the DCO • Any further information requested by the ExA for this deadline 	Wednesday 4 January 2017
19	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to the RIES (if required because a RIES is published) • Comments on responses to the ExA's consultation draft and/or commentary on the DCO • Any further information requested by the ExA for this deadline 	Thursday 12 January 2017
20	<p>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.</p>	Thursday 19 January 2017

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions.

<http://infrastructure.planninginspectorate.gov.uk/projects/wales/wrexham-energy-centre/>

Hearing Agendas

The ExA aims to publish a detailed draft agenda for each hearing on the project website at least 5 working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subjected to change at the discretion of the ExA.

Report on the Implications for European Sites (RIES)

Where the applicant has provided a No Significant Effects Report (NSER) or a Habitats Regulations Assessment (HRA) Report with the DCO application, the ExA may decide to issue a RIES during the examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake their HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

Deadline Timing

Unless a different time is specified in the timetable, all deadlines are at 11-59pm on the relevant day. If you intend to make a hard copy submission using the post or another physical delivery method, you must ensure that the delivery has occurred before close of business (5pm) on the relevant day.

Procedural decisions made by the Examining Authority (ExA) after the Preliminary Meeting

Procedural decisions 1 – 4 made under the cover of the Rule 6 letter of 24 June 2016 at Annex E remain in force.

Pursuant to Section 89(3) of the Planning Act 2008, the ExA has amended **Procedural Decision 1 (Statements of Common Ground)** (SoCGs) to reflect discussion at the Preliminary Meeting by providing for the preparation of a further SoCG between the applicant and Cadw and to guide its coverage and content as follows:

In Procedural Decision 1, after SoCG B but before the general requirements for all SoCGs, insert:

C. The Applicant and Cadw to include:

- The provisions of the Development Consent Order (DCO);
- Environmental Impact Assessment (EIA) , including issues related to:
 - the adequacy of the assessment of its potential impacts;
 - cumulative effects;
 - historic built environment assets subject to statutory protection and their settings;
 - known archaeological assets subject to statutory protection;
 - unknown archaeological assets; and
 - any response to the historic use and development of Wrexham Industrial Estate (WIE) as a Royal Ordnance Factory (ROF) location;
- The need for and means of securing mitigation actions including but not limited to:
 - the historic and archaeological environment;
 - landscape and visual impacts with reference to historic assets and their settings and to any historic landscapes; and
 - transport and traffic impacts with reference to historic assets and their settings and to any historic landscapes.

The ExA has made the following new procedural decision under Section 89(3) of the Planning Act 2008:

5. Matters Arising and Actions after the Issue Specific Hearing on 19 July 2016

At the Preliminary Meeting, the need for participants to provide written summaries of oral submissions put at the Issue Specific Hearing held on 19 July 2016 was discussed. It was suggested that such submissions could be provided before deadline 1, and that submission before 11.59pm on Tuesday 26 July would represent normal practice in relation to documents arising from a hearing. No concerns were raised about this proposal.

The Applicant agreed to document changes to the draft Development Consent Order (DCO) consequent on the matters and issues discussed at the Issue Specific Hearing held on 19 July 2016, and it was agreed that this submissions would be provided by 11.59pm on Tuesday 26 July 2016, enabling all interested parties to comment on the proposed changes in their written representations to be submitted as required by the timetable on Tuesday 23 August 2016.

It follows that I have decided that written summaries of oral submissions put at the Issue Specific Hearing held on 19 July 2016 and draft Development Consent Order (DCO) consequent on the matters and issues discussed at that hearing should be provided to the ExA by 11.59pm on Tuesday 26 July 2016.