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Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: hirwaun@infrastructure.gsi.gov.uk

To all interested parties

Your Ref:

Our Ref: EN010059

Date: 30 June 2014

Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended)**

**Application by Hirwaun Power Limited for an Order Granting Development
Consent for the Hirwaun Power Station**

Notice of Preliminary Meeting and availability of relevant representations

I write to you following my appointment by the Secretary of State as the Examining Authority for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

Date of meeting: Wednesday 23 July 2014

Seating available from: 9.30am

Meeting begins: 10am

Venue: Ty Newydd Country Hotel, Penderyn Road,
Hirwaun, Aberdare, CF44 9SX

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. It is important to appreciate that this meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure pages of the Planning Portal website at:

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

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in Annex B. This has been set following my initial assessment of the principal issues arising on the application. That assessment is set out in Annex C. As a result of this assessment I wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider changes may be needed from the proposals set out in Annex D.

All parties are requested to pay particular attention to Deadline 1 of the examination timetable on Thursday 21 August 2014 (see Annex D to this letter) and are encouraged to begin preparing for this deadline immediately.

Please note that an agenda for each hearing during the examination will be published on the Planning Inspectorate's website as soon as is practicable before commencement of the hearing.

Attending the Preliminary Meeting

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Iwan Davies, Case Manager. We need to receive your confirmation **by 5pm, Wednesday 16 July 2014**. Please also refer to Annex A for administrative arrangements for this meeting.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Bring this letter with you as proof of your identity and unique reference number

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 an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

After the Preliminary Meeting

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

The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the hearings. 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.

Procedural decisions

The Examining Authority has made procedural decisions about how the application is to be examined under s89 (3) and requests an update from the applicant and other interested parties on progress on procedures associated with the application and on resolving issues raised within relevant representations. Please see Annex B and Annex G of this letter for further information regarding this matter.

Award of costs

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The "Awards of costs; examinations of applications for development consent orders" is available on the National Infrastructure pages of the Planning Portal website:

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

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

Yours faithfully

Martin Broderick

Martin Broderick
Examining Authority

Annexes

- A** Administrative arrangements for the Preliminary Meeting
- B** Agenda for the Preliminary Meeting
- C** Initial assessment of principal issues
- D** Draft timetable for examination of the application
- E** Availability of relevant representations and application documents
- F** Notice of appointment of Examining Authority
- G** Procedural decisions made by the 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.

Administrative arrangements for the Preliminary Meeting

On arrival at the venue you may be asked to register your name and unique reference number with staff of the Planning Inspectorate. Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

If you wish to make any submissions on matters not set out in the agenda, please write to Iwan Davies, Case Manager, setting out the submissions that you wish to make **by 5pm, Wednesday 16 July 2014**. I will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and made available at the locations listed in Annex E as soon as practicable after the meeting. Please note that an audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

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

Agenda for the Preliminary Meeting

Date: Wednesday 23 July 2014

Meeting Start Time: 10am (Doors open at 9.30am)

(If required, there will be a lunch break approximately 1pm until 1.30pm)

Venue: Ty Newydd Country Hotel, Penderyn Road, Hirwaun, Aberdare, CF44 9SX

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| 9.30am | Doors open |
| 10am | 1. Welcome and Introductions |
| | 2. The ExA's introduction to the principles of the examination and how the ExA proposes to conduct the examination |
| | 3. Any submissions on matters not set out in the agenda, that have been submitted to the Planning Inspectorate by 5pm on 16 July 2014 as specified in Annex A. |
| | 4. Initial Assessment of Principal Issues – Please see Annex C |
| | 5. The Examining Authority has made procedural decisions about how the application is to be examined under s89(3) of the Planning Act 2008 and requests an update from the applicant and other interested parties on progress on procedures associated with the application and on resolving issues raised within relevant representations. These include: <ul style="list-style-type: none"> (a) Late representation from Hirwaun and Penderyn Community Council procedural decision; (b) The preparation and submission of an application for a permit under the Environmental Permitting (England and Wales) Regulations 2010. The attention of the applicant and interested parties is drawn to the advice within NPS EN-1 and PINS Advice Note 11 on applying for an environmental permit in parallel with the DCO application; (c) The drawing up of protective provisions with the relevant statutory undertakers and other relevant parties; (d) The provision of wireframe photomontages; (e) The preparation of statements of common ground with Rhondda Cynon Taf County Borough Council (RCT), Brecon Beacons National Park Authority (BBNPA), Natural Resources Wales, Dwr Cymru Cyfyngedig, National Grid Electricity Transmission Plc and National Grid Gas Plc, Coal Authority, Network Rail, Tower |

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| | <p>Regeneration Ltd and other relevant parties;</p> <p>(f) The preparation of local impact reports.</p> |
| | <p>6. Draft Timetable for the examination – see Annex D</p> <p>(a) Deadlines for submissions of:</p> <p>All written summaries;</p> <p>Local impact reports;</p> <p>Responses to Examining Authority’s written questions;</p> <p>Statements of common ground;</p> <p>Comments on written representations and relevant representations;</p> <p>Notifications relating to hearings;</p> <p>Comments on the Report on the Implications for European Sites (RIES);</p> <p>Written summaries of the cases put orally at hearings.</p> <p>(b) Hearings</p> <p>Date of issue specific hearing on draft Development Consent Order (DCO);</p> <p>Date of issue specific hearing(s) on environmental matters;</p> <p>Date of compulsory acquisition hearing;</p> <p>Date of open floor hearing;</p> <p>Time period reserved for any other site visits and hearings.</p> <p>(c) Accompanied site visit</p> <p>Date of accompanied site visit to application site and surrounding area.</p> |
| | <p>7. Any other matters</p> |
| | <p>8. Close of the Preliminary Meeting</p> |

Please note: The timings above are only indicative; please be available from the start and throughout the meeting. If the discussion takes less time than anticipated, 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

The principal issues arising from consideration by the Examining Authority of the application documents and relevant representations received concerning the Hirwaun Power Station project are listed below.

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 writes its recommendation to the Secretary of State after the examination has concluded.

The issues are in alphabetic order and should not be taken to imply an order of importance.

Compulsory Acquisition, including issues related to:

- The requirement for the powers sought
- The need to establish a compelling case in the public interest
- Financial arrangements

Design, Layout and Visibility, including issues related to:

- The design concept and process
- Visibility and visual effects
- Landscaping and screening
- Brecon Beacons National Park, including heritage assets and Dark Sky status

The Development Consent Order (DCO), including issues related to:

- The description of the development and definitions used
- Protective provisions
- Consistency with that which has been applied for

Economic and Social impacts, including issues related to:

- The impact on the local economy
- The impact on local services and facilities

Environmental Impact Assessment, including issues related to:

- The adequacy of the assessment of its potential impacts
- Cumulative effects
- Climate change

Other Environmental Issues, including issues related to:

- Airborne emissions and air quality
- Land stability risk

- Flooding
- Noise, lighting, dust and vibration
- Water quality and supply
- Health Impact Assessment
- Coal reserves sterilisation

Habitats, Ecology and Nature Conservation, including issues related to:

- The information provided and whether this enables the competent authority to reach a view as to whether or not the project will adversely affect the integrity of any European site
- Nutrient nitrogen deposition
- The impact on European and other protected sites and species
- Impacts on habitats and on biodiversity
- Mitigation and compensatory measures

The Historic and Archaeological Environment, including issues related to:

- The effects of the project on the settings of heritage assets
- The effects of the project on archaeological remains

Operational, including issues related to:

- The operational mechanisms to not exceed 299Mw output
- Environmental Permitting

Transport and Traffic, including issues related to:

- Rail
- Construction traffic movement and routeing
- The local and national road network
- Aviation

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 | Due Dates |
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| 1 | Preliminary Meeting | Wednesday 23 July 2014 |
| 2 | Issue by ExA of: <ul style="list-style-type: none"> • Examination timetable • ExA's first written questions | As soon as practicable following the Preliminary Meeting |
| 3 | <p>Deadline 1</p> <p>Deadline for receipt of:</p> <p><u>Submissions</u></p> <ul style="list-style-type: none"> (i) Statements of Common Ground (SoCG) requested by the ExA – see Annex G (ii) Local impact reports (LIR) from any local authorities (see s60 of the Planning Act 2008) (iii) Responses to ExA's first written questions (iv) Comments on relevant representations (RRs) (v) Summaries of all RR's exceeding 1500 words (vi) Written representations (WRs) by all interested parties (vii) Summaries of all WRs exceeding 1500 words (viii) Comments on any additional representations and submissions received prior to the examination (ix) Submissions from interested parties recommending itinerary items for the accompanied site visit (x) Any further information requested by the ExA for this deadline <p><u>Notifications</u></p> <ul style="list-style-type: none"> (xi) Notification by interested parties of wish to be heard at an open floor hearing (xii) Notification of wish to be heard at a compulsory acquisition hearing (xiii) Notification by interested parties of wish to make oral representations at any issue specific hearing, including those on the draft Development Consent Order (DCO) and environmental matters (including Environmental | Thursday 21 August 2014 |

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| | <p>Impact Assessment (EIA) and Habitats Regulations Assessment (HRA))</p> <p>(xiv) Notification by interested parties of their intention to attend the accompanied site visit</p> <p>(xv) Notification by statutory parties of wish to be considered an interest party</p> | |
| 4 | <p>Deadline 2</p> <p>Deadline for receipt of:</p> <p>(i) Responses to comments on RRs</p> <p>(ii) Responses to comments on any additional representations and submissions received prior to the examination</p> <p>(iii) Comments on responses to ExA's first written questions</p> <p>(iv) Comments on WRs</p> <p>(v) Any revised draft DCO from applicant</p> <p>(vi) Any further information requested by the ExA for this deadline</p> | <p>Wednesday 10 September 2014</p> |
| 5 | <p>Deadline 3</p> <p>Deadline for receipt of:</p> <p>(i) Comments on LIRs</p> <p>(ii) Responses to comments on WRs</p> | <p>Tuesday 16 September 2014</p> |
| 6 | <p>Accompanied site visit - Meet at 10.30am at the Ty Newydd Country Hotel Car Park</p> <p>Open floor hearing - 6.30pm at Ty Newydd Country Hotel (doors open at 6pm)</p> | <p>Monday 22 September 2014</p> |
| 7 | <p>Issue specific hearing on draft DCO - 10am at Ty Newydd Country Hotel (doors open at 9.30am)</p> | <p>Tuesday 23 September 2014</p> |
| 8 | <p>Compulsory acquisition hearing - 10am at Ty Newydd Country Hotel (doors open at 9.30am)</p> <p>Issue specific hearing on environmental matters (including EIA and HRA) - 2pm at Ty Newydd Country Hotel (doors open at 1.30pm)</p> | <p>Wednesday 24 September 2014</p> |
| 9 | <p>Continuation of issue specific hearing on environmental matters (including EIA and HRA) - 10am at Ty Newydd Country Hotel (doors open at 9.30am)</p> | <p>Thursday 25 September 2014</p> |
| 10 | <p>Deadline 4</p> <p>Deadline for receipt of:</p> <p>(i) Applicant's final preferred draft DCO</p> <p>(ii) Updated SoCGs</p> <p>(iii) Any information requested by the ExA at the hearings</p> | <p>Tuesday 7 October 2014</p> |

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| | <p>(iv) Written summaries of oral cases put at hearings</p> <p>(v) Any further information requested by the ExA for this deadline</p> <ul style="list-style-type: none"> • Issue by the ExA of the Report on Implications for European Sites (RIES) | |
| 11 | <p>Deadline 5</p> <p>Deadline for receipt of:</p> <p>(i) Comments on applicant's final preferred draft DCO</p> <p>(ii) Comments on RIES</p> <p>(iii) Any further information requested by the ExA for this deadline</p> | <p>Thursday 30 October 2014</p> |
| 12 | <p>Dates reserved for possible compulsory acquisition hearing and any issue specific hearings</p> | <p>Tuesday 11 – Thursday 13 November 2014</p> |
| 13 | <p>Deadline 6</p> <p>Deadline for receipt of:</p> <p>(i) Any further information requested by the ExA for this deadline</p> | <p>Tuesday 25 November 2014</p> |
| 14 | <p>Deadline for close of examination</p> <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> | <p>Friday 23 January 2015</p> |

Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/projects/wales/hirwaun-power-station/>

For inspection and copying:

Rhondda Cynon Taf County Borough Council

Sardis House
Sardis Road
Pontypridd
CF37 1DU

Opening times: Monday – Friday 8:30am – 5pm

Copying charges: Printing available – costs available from staff

Hirwaun Library

High Street
Hirwaun
CF44 9SW

Opening times: Monday: CLOSED
Tuesday: 9am – 1pm and 2pm – 7pm
Wednesday: 9am – 1pm and 2pm – 5pm
Thursday: 9am – 1pm and 2pm – 5pm
Friday: 9am – 1pm and 2pm – 5pm
Saturday: 9am – 1pm

Copying charges: A4 B/W – 10p per sheet

Aberdare Library

Green Street
Aberdare
CF44 7AG

Opening times: Monday: 9am – 6pm
Tuesday: 9am – 7pm
Wednesday: 9am – 6pm
Thursday: 9am – 6pm
Friday: 9am – 5pm
Saturday: 9am – 1pm

Copying charges: A4 B/W – 10p per sheet
A4 Colour – 50p per sheet

Treorchy Library

Station Road
Treorchy
CF42 6NN

Opening times: Monday: 9am – 6pm
Tuesday: 9am – 7pm
Wednesday: 9am – 6pm
Thursday: 9am – 6pm
Friday: 9am – 5pm
Saturday: 9am – 1pm

Copying charges: A4 B/W – 10p per sheet
A4 Colour – 50p per sheet

N.B. the statement of common consultation was displayed at Treherbert Library. This library has now closed.

Glynneath Library

Park Avenue
Glynneath
Neath
SA11 5DW

Opening times: Monday: 10am – 1pm & 2pm – 6.30pm
Tuesday: 10am – 1pm & 2pm – 5.30pm
Wednesday: CLOSED
Thursday: 10am – 1pm & 2pm – 5.30pm
Friday: 10am – 1pm & 2pm – 5.30pm
Saturday: 10am – 1pm

Copying charges: A4 B/W – 10p per sheet
A4 Colour – 60p per sheet

Merthyr Tydfil Central Library

High Street
Merthyr Tydfil
CF47 8AF

Opening times: Monday - Friday: 8.30am – 6pm
Saturday: 8.30am – 2pm

Copying charges: A4 B/W – 5p per sheet
A4 Colour – 40p per sheet

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

Application by Hirwaun Power Limited for an Order Granting Development Consent for the Hirwaun Power Station

Notice of appointment of Examining Authority

On 11 June 2014 a single examining inspector was appointed to hold the examination of the above application under Section 79 of the Planning Act 2008 (as amended).

The single examining inspector is:

- Martin Broderick

Pauleen Lane

**Dr Pauleen Lane CBE FICE MBA
Group Manager, National Infrastructure
On behalf of the Secretary of State**

Procedural decisions made by the Examining Authority (ExA)

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

1. Statements of common ground (SoCGs)

In relation to some of the principal issues identified in Annex C, the ExA would be assisted by the preparation of SoCGs between the applicant and certain interested parties. The draft timetable for the examination therefore provides a deadline for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the applicant and the other relevant interested party or parties, and submitted by the applicant.

SoCGs are requested to be prepared by:

- **Rhondda Cynon Taf County Borough Council (RCT)**
- **Brecon Beacons National Park Authority (BBNPA)**
- **Natural Resources Wales (NRW)**
- **Dwr Cymru Cyfyngedig (DCC)**
- **National Grid Electricity Transmission Plc**
- **National Grid Gas Plc**
- **Coal Authority**
- **Network Rail**
- **Tower Regeneration Ltd**

The ExA's advice is that the SoCGs should cover the following topics where relevant:

- Methodology for environmental impact assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact

- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO

2. Habitats Regulations 2010 (as amended)

The examination must include a process that provides sufficient information to enable the Secretary of State for Energy and Climate Change to meet his statutory duties as the competent authority under the Habitats Regulations 2010 (as amended) relating to European protected sites. In order to inform the ExA's report and recommendation to the Secretary of State on this application and to provide stand-alone information for the Secretary of State, the applicant is requested to complete two matrices, to:

- Summarise the screening likely significant effects for each European protected site assessed, and
- Summarise the implications for the integrity of each European protected site assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified

These two matrices are available to download from the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/09/Advice-note-10-HRA.pdf>

The date by which the completed matrices must be received from the applicant will be discussed at the Preliminary Meeting.

3. Additional representation

I write to give notice that I have made a procedural decision to accept a late representation from Hirwaun and Penderyn Community Council dated 30 May 2014 and to accept their request to become an interested party.

This late representation has now been made available on the project pages of the Hirwaun Power Station section of the National Infrastructure pages of the Planning Portal website and electronically at the deposit locations.

The ExA will accept comments on the above material by **11.59pm on Thursday 21 August 2014**. Any responses received will be made available in the prescribed manner, as above. The ExA will then allow responses on any comments received by **11.59pm on Tuesday 16 September 2014**.

All parties are reminded that the ExA is required to complete this examination within a statutory period and the achievement of this in an effective and efficient way depends on all parties providing

representations and other material on or before the deadlines set out in the examination timetable as provided.