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Your Ref:

Our Ref: EN010059

Date: 29 July 2014

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Dear Sir/Madam

## **Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8**

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

#### **Examination timetable and procedure**

I write to tell you about the procedural decisions I have made as the Examining Authority (ExA) following the Preliminary Meeting held on Wednesday 23 July 2014 at the Ty Newydd Country Hotel. This letter provides you with the examination timetable; details of the publication of my first written questions to parties; and other matters.

A note of the Preliminary Meeting will be made available on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and will also be available for online inspection free of charge at the venues listed in Annex A. An audio recording of the Preliminary Meeting has been published on the website.

#### **Procedural decisions and timetable**

I thank those parties who attended and for the points which they made.

All matters raised at the Preliminary Meeting have been carefully considered and I have now made procedural decisions about the way in which the application is to be examined. The timetable setting this out is attached at Annex B. If I consider it necessary to vary the timetable at any time during the examination, full notification will be sent to all registered interested parties.

The items that have changed since we sent out a draft copy of the timetable as part of the Rule 6 letter dated 30 June 2014 are set out in Annex C. Please also refer to the examination timetable itself at Annex B.

The timetable requires that a number of submissions are received by Deadline 1 on

Thursday 21 August 2014. As advised in the Rule 6 letter dated 30 June 2014, all parties are requested to pay particular attention to this deadline of the examination timetable and are encouraged to begin preparing for this deadline immediately.

The applicant has raised the possibility of shortening the examination timetable. This has been noted. The timetable will be reviewed regularly, but at this stage I will not be making any procedural decision to close the examination early.

Please note that any changes to the timetable will be updated on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

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

### **Comments on submissions received before the Preliminary Meeting**

I draw your attention to my request for comments on submissions received prior to the Preliminary Meeting. These include the applicant's additional/revised documents, which appear to correct minor errors to these documents (<http://infrastructure.planningportal.gov.uk/projects/wales/hirwaun-power-station/?ipcsection=docs&stage=4&filter=Other>), and submissions received from parties other than the applicant prior to the Preliminary Meeting (<http://infrastructure.planningportal.gov.uk/projects/wales/hirwaun-power-station/?ipcsection=docs&stage=3&filter=Additional+Representations>) Any comments on these submissions are requested by Deadline 1.

### **Written representations**

I now invite all interested parties to submit written representations and evidence on any matters concerning the application. Comments on the relevant representations already submitted are also invited. All written representations and comments on relevant representations should be received on or before Deadline 1.

Please send your representations to the Planning Inspectorate using the email or postal address at the top of this letter quoting reference EN010059 and your unique reference number, if one is quoted on this letter. Representations can deal with any relevant matter. They are not restricted to the matters set out in my initial assessment of principal issues which was discussed at the Preliminary Meeting, nor restricted to my written questions.

Please note if you are submitting a written representation, you should identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for or provide evidence to support your agreement or disagreement.

There is no prescribed form for written representations. In accordance with DCLG 'Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects' (April 2013), participants should normally provide with their written statements "the data, methodology and assumptions used to support their submissions".

Any written representation that exceeds 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 and must be representative of the submission made.

To assist in the timely processing of written representations submitted by the deadline specified, I request that interested parties send, where practicable, electronic copies of their submissions as email attachments to the email address at the top of this letter.

### **Site visit and notification of wish to speak at hearings**

You will note that the date, time and place of hearings and the accompanied site visit are now confirmed, as set out in the timetable at Annex B.

As such, I now request notifications from interested parties regarding

- any wish to be heard at the open floor hearing
- any wish to be heard at the compulsory acquisition hearing
- any wish to make oral representations at any issue specific hearing, including those on the draft Development Consent Order (DCO) and environmental matters (including Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA))
- any wish to attend my inspection of the site in the company of the applicant and interested parties.

These notifications should be sent separately from written representations, and all other submissions, to be received by Deadline 1, quoting your unique reference number, if one is quoted on this letter.

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

If I consider that a hearing is no longer necessary interested parties will be notified as soon as practicable in advance of the timetabled event. Agendas, if necessary, will be published on our website as early as practicable prior to any hearings.

The site visit is to be held on **Monday 22 September 2014**. Those having notified me of their wish to attend should meet at 10.30am at the Ty Newydd Country Hotel Car Park, Penderyn Road, Hirwaun, Aberdare, CF44 9SX.

I also invite submissions from interested parties recommending to me locations or items for the site visit itinerary. To allow for the event to be effectively programmed, these recommendations must also be received on or before Deadline 1 and should also be sent separately from any written representations, and other submissions and notifications.

I will consider any timely recommendations provided and the locations to be visited will be published on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website, in advance of the date of the site visit.

### **Statutory parties – notification of wish to be interested parties**

Statutory parties and other consultees are no longer automatically Interested Parties in the examination. If they wish to participate further in the examination and receive correspondence about it, they will need to notify me accordingly. Notifications should be received by the Case Manager by Deadline 1. If anyone is in any doubt about their status, please contact the Case Manager.

### **Guidance for all submissions and notifications**

All parties are requested to include the numbering system used in the examination timetable (see Annex B) for any submissions and notifications.

Electronic attachments should be clearly labelled with their subject and title and should not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to us, by post, one additional full paper copy of their submission.

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

### **ExA's first round of written questions**

I now ask written questions and request information about important matters considered relevant to the application; as provided for and at the times set out in the timetable at Annex B.

The first round of questions has been issued simultaneously with this letter but is not annexed to it. The questions can be found on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010059/2.%20Post-Submission/Procedural%20Decisions/Examining%20Authority's%20First%20Round%20of%20Written%20Questions.pdf>

I have directed questions at particular parties. If a question is directed to you or your organisation, please answer it. If a question is not directed to you or your organisation, you may nevertheless choose to answer it if an answer would be relevant to the issues that concern you. Parties are asked to provide full and clear answers to all questions relevant to their circumstances and I will be most grateful for your commitment in this regard.

Where questions can be fully addressed within a Statement of Common Ground (SoCG) then a reference to the relevant SoCG, with specific reference to the relevant part of that SoCG where appropriate, will be sufficient.

The answers to the first round of written questions must be provided by Deadline 1 following which the timetable provides opportunities and deadlines for comments on answers to be submitted.

Should it become necessary for me to write to interested parties again as the

examination progresses with further questions or requests for more information that are not set out in the approved timetable, I am able to do so.

### **Other procedural decisions**

Annex C contains my other procedural decisions in relation to correspondence received before the Preliminary Meeting.

### **Statements of Common Ground and Local Impact Reports (LIR)**

All LIRs should be submitted to the examination by Deadline 1.

All SoCGs should now be submitted to the examination by Deadline 2 (Wednesday 10 September 2014).

### **Availability and inspection of representations and documents**

Written representations and documents sent to the Planning Inspectorate in the examination period will be made available on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website as soon as practicable. There will also be an opportunity for online inspection and copying at the locations in the vicinity of the application site as indicated at Annex A.

### **Importance of deadlines for receipt of documents**

It is important to note that if any submissions or notifications throughout the examination, including written representations; comments on relevant representations; responses to written questions; LIRs; SoCGs; further information; or wish to be heard at hearings, are not received by the dates specified in the timetable, I am entitled to disregard them in accordance with the Infrastructure Planning (Examination Procedure) Rules 2010, Rule 10(8).

### **Award of costs**

Your attention is drawn 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:

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

### **Future notifications**

If you are a registered interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process.

As mentioned above, if you are a statutory party (with a reference number starting

with HIRW-SP and not HIRW-AFP) or a local authority who has not made a relevant representation but wishes to become an interested party, you should email or write to the address at the top of the letter by **Friday 22 August 2014 at 10am**.

**Statutory parties (with a reference number starting with HIRW-SP) who have not made a relevant representation and do not notify me of their wish to become an interested party will not receive any further correspondence.**

I look forward to working with all those who will be involved in the examination.

Yours faithfully

*Martin Broderick*

**Martin Broderick  
Examining Authority**

**Annexes:**

- A.** Availability of all submissions and application documents
- B.** Timetable for the examination of the application
- C.** Other procedural decisions made by the ExA

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 all submissions and application documents

On the National Infrastructure pages of the Planning Portal website at:

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

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

**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

### Timetable for the examination of the application

Item	Matters	Due Dates
1	Preliminary Meeting	<b>Wednesday 23 July 2014</b>
2	Issue by ExA of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• ExA's first written questions</li> </ul>	<b>As soon as practicable following the Preliminary Meeting</b>
3	<p><b>Deadline 1</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>(i) Local impact reports (LIR) from any local authorities (see s60 of the Planning Act 2008)</li> <li>(ii) Responses to ExA's first written questions</li> <li>(iii) Comments on relevant representations (RRs)</li> <li>(iv) Summaries of all RR's exceeding 1500 words</li> <li>(v) Written representations (WRs) by all interested parties</li> <li>(vi) Summaries of all WRs exceeding 1500 words</li> <li>(vii) Comments on any submissions received prior to the preliminary meeting (see Annex C to this letter)</li> <li>(viii) Submissions from interested parties recommending locations or items for the itinerary for the accompanied site visit</li> <li>(ix) Comments on whether the applicant's additional/replacement documents submitted before the preliminary meeting constitutes a material change to the application (see Annex C)</li> <li>(x) Any further information requested by the ExA for this deadline</li> </ul> <p><b>Notifications</b></p> <ul style="list-style-type: none"> <li>(xi) Notification by interested parties of wish to be heard at an open floor hearing</li> <li>(xii) Notification of wish to be heard at a compulsory acquisition hearing</li> <li>(xiii) Notification by interested parties of wish to attend and/or make oral representations at all hearings scheduled in the timetable</li> <li>(xiv) Notification by interested parties of their intention to attend the accompanied site visit</li> <li>(xv) Notification by statutory parties of wish to be considered an interested party</li> </ul>	<b>Thursday 21 August 2014</b>

4	<p><b>Deadline 2</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>(i) Comments on responses to ExA's first written questions</li> <li>(ii) Responses to comments on RRs</li> <li>(iii) Comments on WRs</li> <li>(iv) Responses to comments on any additional representations and submissions received prior to the preliminary meeting</li> <li>(v) Responses to comments on whether the applicant's additional/replacement documents submitted before the preliminary meeting constitutes a material change to the application</li> <li>(vi) Any revised draft DCO from applicant</li> <li>(vii) Any further information requested by the ExA for this deadline</li> <li>(viii) Statements of Common Ground (SoCG) requested by the ExA – see note of Preliminary Meeting</li> </ul>	<p><b>Wednesday 10 September 2014</b></p>
5	<p><b>Deadline 3</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>(i) Comments on LIRs</li> <li>(ii) Responses to comments on WRs</li> </ul>	<p><b>Tuesday 16 September 2014</b></p>
6	<p>Accompanied site visit - Meet at 10.30am at the Ty Newydd Country Hotel Car Park Open floor hearing - 6.30pm at Ty Newydd Country Hotel (doors open at 6pm)</p>	<p><b>Monday 22 September 2014</b></p>
7	<p>Issue specific hearing on draft DCO - 10am at Ty Newydd Country Hotel (doors open at 9.30am)</p>	<p><b>Tuesday 23 September 2014</b></p>
8	<p>Compulsory acquisition hearing - 10am at Ty Newydd Country Hotel (doors open at 9.30am) Issue specific hearing on environmental matters (including Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA)) - 2pm at Ty Newydd Country Hotel (doors open at 1.30pm)</p>	<p><b>Wednesday 24 September 2014</b></p>
9	<p>Reserved for continuation of issue specific hearing on environmental matters (including EIA and HRA) if required - 10am at Ty Newydd Country Hotel (doors open at 9.30am)</p>	<p><b>Thursday 25 September 2014</b></p>
10	<p><b>Deadline 4</b> Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>(i) Applicant's final preferred draft DCO</li> <li>(ii) Updated SoCGs</li> <li>(iii) Any information requested by the ExA at the</li> </ul>	<p><b>Tuesday 7 October 2014</b></p>

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

## Other procedural decisions made by the ExA

The ExA has also made the following procedural decisions under Section 89(1) of the Planning Act 2008.

### Timetable

The following changes have been made to the examination timetable since the draft examination timetable was issued (as annexed to my letter dated 30 June 2014):

- 'Deadline for the submission of Statements of Common Ground (SoCG) requested by the ExA' has been moved to Deadline 2 (Wednesday 10 September 2014)
- Item 3 (ix) has been added to Deadline 1 which requests 'Comments on whether the applicant's additional/replacement documents submitted before the preliminary meeting constitutes a material change to the application'
- Item 3 (xiii) under Deadline 1 ('Notification by interested parties of wish to attend and/or make oral representations at all hearings scheduled in the timetable') has been reworded
- Items under Deadline 2 have been reordered.

### Additional documents

Submissions received prior to the Preliminary Meeting

I confirm that the following documents submitted by the applicant (Hirwaun Power Limited) have been accepted to the examination:

- Letter from Hirwaun Power Limited relating to the arrangements for the Preliminary Meeting and updated documents (Dated 16 July 2014)
- 3.1 Draft Development Consent Order (Rev 1) (Dated 16 July 2014)
- 3.1 Draft Development Consent Order - Comparison document (Dated 16 July 2014)
- 4.1 Statement of Reasons (Rev 1) (Dated 16 July 2014)
- 4.1 Statement of Reasons - Comparison document (Dated 16 July 2014)
- 4.3 Book of Reference (Rev 1) (Dated 16 July 2014)
- 4.3 Book of Reference - Comparison document (Dated 16 July 2014)
- 6.1.0 Environmental Statement Errata (Dated 16 July 2014)
- 6.1.1 Environmental Mitigation Roadmap (Dated 16 July 2014)
- 9.1 Grid Connection Statement (Rev 1) (Dated 16 July 2014)
- 9.1 Grid Connection - Comparison document (Dated 16 July 2014)
- Hirwaun Power Limited's response to the Planning Inspectorates 'section 51' advice following the issue of acceptance decision (Dated 16 July 2014)

These have been published on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website (<http://infrastructure.planningportal.gov.uk/projects/wales/hirwaun-power-station/?ipcsection=docs&stage=4&filter=Other>) and are available electronically at the deposit locations listed in Annex A.

I also confirm that I have made a procedural decision to accept submissions received prior to the Preliminary Meeting by the following parties:

- Energetics (1 July 2014)
- McGough Planning on behalf of Ashtenne Industrial Fund (1 July 2014 and 21 July 2014)
- Equality and Human Rights Commission (4 July 2014)
- Fulcrum (8 July 2014)
- GTC on behalf of: The Electricity Network Company Limited; Utility Grid Installations Limited; Quadrant Pipelines Limited; Independent Pipelines Limited; The Electricity Network Company; GTC Pipelines Limited (9 July 2014)
- GTC on behalf of Independent Power Networks Limited (9 July 2014)
- GTC on behalf of The Gas Transportation Company Limited (9 July 2014)
- Hirwaun and Penderyn Community Council (15 July 2014)
- Tower Regeneration Ltd (16 July 2014)
- Yohanna Weber (Eversheds) on behalf of National Grid Gas Plc and National Grid Electricity Transmission plc ("National Grid") (17 July 2014)

These have been published on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and are available electronically at the deposit locations listed in Annex A.

<http://infrastructure.planningportal.gov.uk/projects/wales/hirwaun-power-station/?ipcsection=docs&stage=3&filter=Additional+Representations>

The ExA will accept comments on the above material on or before Deadline 1. Any responses received will be made available in the prescribed manner, as above. The ExA will then allow responses on any comments received on or before Deadline 2.

### **Other documents**

The Planning Inspectorate's post acceptance Transboundary Screening Matrix has been published on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and are available electronically at the deposit locations listed in Annex A.

### **First round of ExA's written questions**

The first round of written questions has been published simultaneously with this letter but is not annexed to it. The questions can be found on the Hirwaun Power Station project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/projects/EN010059/2.%20Post-Submission/Procedural%20Decisions/Examining%20Authority's%20First%20Round%20of%20Written%20Questions.pdf>