



Nodyn o'r Cyfarfod Rhagarweiniol

Crynodeb o'r Pwyntiau Allweddol a Drafordwyd a'r Cyngor a Roddwyd

Cais	Pŵer Abergelli
Cyfeirnod	EN010069
Dyddiad	10 Hydref 2018
Lleoliad	Gwesty'r Village, Langdon Road, Abertawe SA1 8QY

Nid yw'r nodyn hwn yn drawsgrifiad llawn o'r Cyfarfod Rhagarweiniol. Crynodeb ydyw o'r pwyntiau allweddol a drafordwyd a'r ymatebion a roddwyd. Mae recordiad sain o'r digwyddiad ar gael ar y wefan Cynllunio Seilwaith Cenedlaethol.

1. Croeso a Chyflwyniad

Cyflwynodd yr Arolygydd Archwilio, sef Martin Broderick (**MB**), ei hun a chroesawodd y rhai a oedd yn bresennol i'r Cyfarfod Rhagarweiniol cyn archwilio Prosiect Pŵer Abergelli. Esboniodd ei fod wedi cael ei benodi gan yr Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth Ddiwydiannol (BEIS) i archwilio'r cais hwn.

Yn ogystal, cyflwynodd **MB** aelodau Tîm Achos yr Arolygiaeth Gynllunio a oedd yn bresennol; Hefin Jones, y Rheolwr Achos, a Jake Stephens, Cynllunydd dan Hyfforddiant.

Esboniodd **MB** fod cyfieithydd Cymraeg yn bresennol. Rhoddir statws cydradd i'r Gymraeg a'r Saesneg yng Nghymru ac mae croeso i bobl gymryd rhan yn Gymraeg. Pe byddai unrhyw un eisiau siarad yn Gymraeg, dylid gwisgo'r clustffonau a bydd y cyfieithydd yn cyfieithu ar y pryd.

Esboniodd **MB** y gweithdrefnau mewn argyfwng a gofynnodd i bobl ddiffodd eu ffonau symudol.

Esboniodd **MB** yn ogystal â'r Ymgeisydd a'r Awdurdod Lleol, fod y rhai a oedd yn bresennol naill ai'n cynrychioli cyrff sy'n bartion statudol, neu wedi anfon cynrychiolaeth berthnasol ac felly wedi dod yn barti â buddiant. Gallai pobl fod yn bresennol hefyd nad yw'r disgrifiadau hynny'n berthnasol iddynt. Dywedodd **MB** fod croeso cynnes i bawb.

Esboniodd **MB** mai cyfarfod gweithio yw'r Cyfarfod Rhagarweiniol i ganolbwyntio ar y ffordd y mae'r Awdurdod Archwilio'n bwriadu archwilio'r cais hwn. Dim ond agweddau gweithdrefnol yr Archwiliad hwn fyddai'n cael eu trafod yn y Cyfarfod Rhagarweiniol ac ni fyddai unrhyw dystiolaeth yn ymwneud â rhinweddau'r cynnig yn cael ei chlywed. Ni fydd rhinweddau'r cais yn cael eu hystyried tan i'r Archwiliad ddechrau, sef, yn statudol, y diwrnod ar ôl i'r Cyfarfod Rhagarweiniol orffen.

Pwysleisiodd **MB** bwysigrwydd effeithlonrwydd, gyda thegwch a modd o ganiatáu i bawb leisio'u barn, os yw'n berthnasol, ac i roi gwybod iddo ef, sef yr Awdurdod Archwilio, am bopeth yr oedd angen iddo ei wybod ar y cam hwn. Fodd bynnag, bydd yn ceisio sicrhau bod cyfraniadau'n benodol ac yn canolbwyntio ar y pwynt i'r graddau mwyaf posibl er mwyn gwneud y defnydd gorau o'r amser sydd ar gael a chaniatáu i bawb sy'n dymuno siarad gael cyfle i wneud hynny. Byddai peidio ag ailadrodd pwyntiau a wnaed eisoes o gymorth yn hyn o beth.

Esboniodd **MB** fod nodyn a recordiad sain yn cael eu gwneud o'r cyfarfod hwn ac y byddant ar gael ar dudalen Pŵer Abergelli o'r wefan Seilwaith Cenedlaethol cyn gynted â phosibl (dydd Gwener 12 Hydref 2018).

Cyn gofyn i'r rhai a oedd yn bresennol gyflwyno'u hunain, gofynnodd **MB** p'un a oedd unrhyw newyddiadurwyr yn bresennol; nid oedd unrhyw rai'n bresennol. Gofynnodd hefyd a oedd unrhyw un yn bwriadu anfon negeseuon trydar am y trafodion neu eu recordio neu eu ffilmio at eu defnydd eu hunain; nid oedd neb yn dymuno gwneud hynny.

Gofynnodd **MB** i'r rhai a oedd yn bresennol gyflwyno'u hunain, gan ddechrau â thîm yr Ymgeisydd. Cyflwynodd Nick McDonald (**NM**) ei hun a'i gydweithiwr Kate Jones (**KJ**) o Pinsent Masons. Cyflwynodd hefyd Kirstin Gardner (**KG**) a Chris McKerrow (**CM**) o Stag Energy.

Cyflwynodd Andrew Ferguson (**AF**) ei hun a'i gydweithiwr Jonathan Wills (**JW**) fel cynrychiolwyr Dinas a Sir Abertawe (**CCS**).

Cyflwynodd Louise Edwards (**LE**) ei hun a'i chydweithiwr Hannah Roberts (**HR**) fel cynrychiolwyr Cyfoeth Naturiol Cymru (**NRW**).

Cyflwynodd Siôn Jones (**SJ**) ei hun fel cynrychiolydd Dŵr Cymru.

Cyflwynodd Richard Price (**RP**) o Gyfreithwyr Loxley ei hun a chadarnhaodd ei fod yn cynrychioli Partïon yr Effeithir Arnynt. Cyflwynodd John Jeremy (**JJ**) ei hun hefyd a chadarnhaodd ei fod yntau'n cynrychioli Partïon yr Effeithir Arnynt yn ogystal.

Atgoffodd **MB** gyrrff statudol ac awdurdodau lleol, oni bai eu bod eisoes wedi cyflwyno Cynrychiolaeth Berthnasol, fod angen iddynt wneud cais am statws Parti â Buddiant os ydynt am ddod yn Partïon â Buddiant a chael y wybodaeth ddiweddaraf am yr Archwiliad neu gymryd rhan ynddo; mae'n rhaid i gais o'r fath gael ei gyflwyno'n ysgrifenedig.

Yna, symudodd **MB** ymlaen i eitem 2 ar yr agenda i sôn am egwyddorion yr Archwiliad a sut yr oedd ef, sef Awdurdod Archwilio, yn bwriadu cynnal yr Archwiliad.

Atgoffodd **MB** y rhai a oedd yn bresennol fod y ddeddfwriaeth berthnasol ar gyfer y system hon, sef Deddf Cynllunio 2008, yn datgan: ***Yr Awdurdod Archwilio sydd i benderfynu sut i archwilio'r cais (a.87(1)).***

Esboniodd **MB** ei fod yn credu bod gan y system hon chwe phriodwedd ac y bydd yn canolbwyntio ar y rhain i ddisgrifio'r system a'r ffyrdd y mae ef, sef yr Awdurdod Archwilio, yn bwriadu ei gweithredu yn yr achos hwn.

Y rhain yw:

1. Annibyniaeth a didueddrwydd
2. Manylrwydd
3. Pwyslais ar dystiolaeth a chyfiawnhad
4. Bod yn agored
5. Tegwch

Annibyniaeth a didueddrwydd

Esboniodd **MB** fod Arolygwyr Archwilio'n cael eu cyflogi gan yr Arolygiaeth Gynllunio. Mae'r Arolygiaeth Gynllunio'n Asiantaeth Weithredol ar y cyd o'r Adran Cymunedau a Llywodraeth Leol (DCLG) a Llywodraeth Cymru.

Er mwyn archwilio Prosiectau Seilwaith o Arwyddocâd Cenedlaethol, mae'r Awdurdod Archwilio'n cynhyrchu adroddiad annibynnol a diduedd gydag argymhelliad i'r Ysgrifennydd Gwladol perthnasol. Yn achos y prosiect hwn, yr Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth Ddiwydiannol (BEIS) yw hwnnw. Yr Ysgrifennydd Gwladol sy'n gwneud y penderfyniad am y cais.

Wrth wneud y penderfyniad hwn, mae'n ofynnol i'r Ysgrifennydd Gwladol, yn ôl statud, benderfynu ar gais yn unol ag unrhyw ddatganiad polisi cenedlaethol perthnasol - ond dim ond os yw hynny'n gyfreithlon ac yn unol â'n rhwymedigaethau rhyngwladol ac, yn bwysig, os byddai effaith niweidiol y datblygiad arfaethedig yn drech na'i fuddion.

Manylrwydd

Esboniodd **MB** fod y system ar gyfer ymdrin â Phrosiectau Seilwaith o Arwyddocâd Cenedlaethol (NSIPs) o dan Ddeddf Cynllunio 2008 yn dibynnu'n bennaf ar dystiolaeth ysgrifenedig. Ceir y dystiolaeth hon trwy broses drylwyr o:

- bartion â buddiant yn darparu cynrychiolaethau ysgrifenedig;
- yr Awdurdod Archwilio'n gofyn ystod eang o gwestiynau â phwyslais penodol;
- mynnu ymatebion digonol i'r rhain; a

- phartïon â buddiant yn gwneud sylwadau ar ymatebion partïon eraill. Yn ogystal, bydd yr Awdurdod Archwilio'n gofyn am adroddiadau penodol a gwybodaeth arall, gan gynnwys Adroddiadau ar yr Effaith Leol a baratoir gan Awdurdodau Lleol a matricesau a baratoir gan yr Ymgeisydd i ddechrau sy'n angenrheidiol er mwyn i ni allu llunio adroddiad ar y Goblygiadau i Safleoedd Ewropeaidd (RIES).

Ategir y dystiolaeth ysgrifenedig hon, lle y bo'r angen, gan wrandawiadau. Bydd tri math gwahanol o wrandawiad.

1. Ceir '**Gwrandawiad Llwr Agored**' lle y bydd yr holl bartïon â buddiant yn cael cyfle i siarad. Cynhelir gwrandawiad o'r fath os bydd unrhyw barti â buddiant yn gofyn amdano. Fodd bynnag, yn yr achos hwn, mae'r Awdurdod Archwilio wedi penderfynu cynnal Gwrandawiad Llwr Agored ac wedi ei gynnwys yn amserlen yr Archwiliad.
2. Ceir yr hyn a elwir yn '**Wrandawiad Materion Penodol**'. Gall hwn ymdrin â rhai neu bob un o'r materion allweddol sy'n berthnasol i'r Archwiliad o'r cais. Yn bwysig, gallai'r gwrandawiadau hyn gynnwys un neu fwy ar natur y cynllun ei hun, gan ganolbwyntio ar y Gorchymyn Caniatâd Datblygu. Eglurodd **MB** pe byddai ef, sef yr Awdurdod Archwilio, yn penderfynu peidio â chynnal gwrandawiad ar fater penodol, nad yw hyn yn golygu na fydd y mater hwnnw'n cael ei ystyried yn llawn wrth baratoi ei adroddiad a'i argymhellion. Bydd gwrandawiad Caffael Gorfodol.

Tystiolaeth a chyfiawnhad

Rhybuddiodd **MB** na fydd, fel Awdurdod Archwilio, yn derbyn honiadau di-sail gan unrhyw barti, ac y bydd yn mynnu'r dystiolaeth sy'n ategu unrhyw werthusiad neu asesiad os nad yw wedi'i chynnwys yn glir yn y dystiolaeth; mae hyn yn bwysig iawn yn ei farn ef.

Dyweddodd **MB** fod Deddf Cynllunio 2008 yn caniatáu i'r Awdurdod Archwilio ddiystyru cynrychiolaethau os ystyrir eu bod yn flinderus neu'n wacsw, yn ymwneud â rhinweddau polisi a amlinellir mewn Datganiad Polisi Cenedlaethol. (a.87(3)).

Bod yn agored

Esboniodd **MB** fod holl ddeunydd yr Archwiliad sy'n ymwneud â'r cais hwn yn cael ei gyhoeddi ar dudalen y prosiect ar y wefan Seilwaith Cenedlaethol; mae hyn yn cynnwys cyngor y mae'r Arolygiaeth Gynllunio wedi'i roi i'r Ymgeisydd ac eraill ers mis Gorffennaf 2014, gan gynnwys nodiadau cyfarfodydd a sgysiau ffôn.

Bydd yr ymrwymiad i fod yn agored yn parhau pan fydd yr Archwiliad yn dechrau. Yn wir, mae'r drefn ar gyfer cynnal yr Archwiliad yn briodol yn mynnu bod:

- yr holl gwestiynau y mae'r Awdurdod Archwilio'n eu gofyn,
- yr holl dystiolaeth y mae partïon yn ei rhoi,

- yr holl ymatebion i'r dystiolaeth honno
- a'r holl ddeunydd arall yn cael eu rhoi ar y wefan i bawb eu gweld.

Tegwch

Esboniodd **MB** fod y weithdrefn ar gyfer archwilio ceisiadau am Brosiectau Seilwaith o Arwyddocâd Cenedlaethol wedi'i chynllunio i roi cyfle cyfartal i'r holl bartïon â buddiant a phartïon yr effeithir arnynt gyflwyno eu barn a thystiolaeth a chael mynediad cyfartal ar yr holl wybodaeth sy'n ymwneud â'r cais.

Bydd croesholi'n digwydd trwy eithriad mewn unrhyw wrandawiadau. Esboniodd **MB** fod Awdurdodau Archwilio'n cael eu galw'n Arolygwyr Archwilio oherwydd eu bod nhw'n defnyddio dull holgar o osod cwestiynau ysgrifenedig a gofyn cwestiynau mewn gwrandawiadau. Esboniodd **MB** ei fod yn bwriadu i'r archwiliad y mae ar fin ei gychwyn fod mor adeiladol â phosibl ac na fydd yn dychryn unrhyw un sy'n cymryd rhan.

Amseroldeb

Esboniodd **MB** fod y ddeddfwriaeth yn gosod terfyn amser absoliwt ar gyfer archwilio'r cais hwn a bod rhaid iddo gwblhau'r archwiliad erbyn diwedd cyfnod o chwe mis, yn dechrau'r diwrnod ar ôl i'r Archwiliad ddechrau. Pwysleisiodd fod effeithiolrwydd y broses yn dibynnu ar y ffaith bod yr holl bartïon yn cadw at y terfyn amser a roddir yn yr amserlen honno.

Yna, cyfeiriodd **MB** at y broses ar gyfer dyfarnu costau. Roedd y llythyr Rheol 6, dyddiedig 12 Medi 2018, yn tynnu sylw'r holl bartïon at y canllawiau diwygiedig ar gostau (*Dyfarnu costau: Archwiliadau o geisiadau am orchmynion caniatâd datblygu*) a gyhoeddwyd gan yr Adran Cymunedau a Llywodraeth Leol ym mis Gorffennaf 2013. Mae'r canllawiau'n rhoi manylion dau faes lle y gellid dyfarnu costau:

1. Y cyntaf, yn gryno, yw pan fydd y parti y ceisir y dyfarniad yn ei erbyn wedi gweithredu'n afresymol; ac mae'r ymddygiad afresymol wedi achosi i'r parti sy'n gwneud cais am ddyfarnu costau fynd i draul ddiangen neu wastraff yn ystod yr Archwiliad.
2. Yn ail, mae darpariaethau ar wahân yn berthnasol i ddyfarnu costau mewn perthynas â chais am gaffael yn orfodol. Gorffennodd **MB** eitem 2 ar yr agenda drwy ofyn a oedd unrhyw gwestiynau ynglŷn â'i weithdrefn arfaethedig ar gyfer archwilio'r cais hwn; ni dderbyniwyd unrhyw rai.

Yna, trodd **MB** at eitem 3 ar yr agenda, sef yr Asesiad Cychwynnol o'r Prif Faterion, a amlinellwyd yn Atodiad B y llythyr a gyhoeddwyd ar 12 Medi 2018. Gofynnodd **MB** a oedd gan unrhyw un sylwadau ar yr Asesiad Cychwynnol; ni dderbyniwyd unrhyw rai.

Yna, trodd **MB** at yr eitem nesaf ar yr agenda – Amserlen Ddrafft ar gyfer yr Archwiliad, a gynhwyswyd yn Atodiad C y llythyr Rheol 6 dyddiedig 12

Medi 2018. Gofynnodd **MB** a oedd unrhyw un eisiau gwneud sylwadau ar y mater.

Esboniodd **NM** fod yr Ymgeisydd wedi rhoi ymateb ysgrifenedig i'r amserlen ddrafft yn ddiweddar, a gyhoeddwyd ar dudalen y prosiect ar y wefan Seilwaith Cenedlaethol. Y prif awgrymiadau oedd:

Terfyn Amser 1: Awgrymodd **NM** ei fod yn cael ei ymestyn i ddydd Mercher 7 Tachwedd i ganiatáu digon o amser i ddarparu'r holl wybodaeth.

Terfyn Amser 2: Awgrymodd **NM** pe byddai Terfyn Amser 1 yn cael ei ymestyn, y dylai Terfyn Amser 2 gael ei ymestyn hefyd, ac awgrymodd ei fod yn cael ei newid i ddydd Gwener 23 Tachwedd neu ddydd Mercher 28 Tachwedd.

Nid oedd y rhai a oedd yn bresennol yn y cyfarfod yn gwrthwynebu diwygiadau awgrymedig yr Ymgeisydd i Derfynau Amser 1 a 2.

Yn ogystal â'r uchod, awgrymodd **NM**, pe deuai'n amlwg nad oes angen gwrandawiadau mis Chwefror, y dylai'r terfynau amser dilynol gael eu dwyn ymlaen.

Diolchodd **MB** iddynt am eu hawgrymiadau defnyddiol a chadarnhaodd y byddai'n eu hystyried wrth gwblhau'r amserlen derfynol.

Gofynnodd **MB** am ddiweddariad gan yr Ymgeisydd a Phartïon â Buddiant ar y cynnydd a wnaed ar Ddatganiadau o Dir Cyffredin (SoCG). Rhoddodd **NM** ddiweddariad ar y SoCG canlynol:

SoCG gyda CCS: Mae'r Ymgeisydd yn fodlon ar y cynnydd yn yr ystyr ei fod wedi cyrraedd cam datblygedig a'i fod yn ddrafft sydd wedi'i gwblhau i raddau helaeth. Fe'i cyflwynir erbyn Terfyn Amser 1. Roedd **AF** yn cytuno.

SoCG gyda NRW: Mae hwn mewn sefyllfa debyg i CCS; fe'i cyflwynir erbyn Terfyn Amser 1 hefyd.

SoCG gyda Dŵr Cymru: Cynhaliwyd cyfarfod cadarnhaol yn ddiweddar ac mae'r SoCG wedi cyrraedd cam drafftio datblygedig; fe'i cyflwynir erbyn Terfyn Amser 1.

SoCGs gyda Thrawsyrru Trydan y Grid Cenedlaethol a Nwy y Grid Cenedlaethol: Mae'r rhain i gyd yn parhau i fynd rhagdynt.

Gofynnodd **RP** a oedd yn bosibl i'r Ymgeisydd lunio SoCG â Phartïon yr Effeithir Arnynt; cadarnhaodd **NM** y byddent yn cynnal trafodaethau ag **RP** ac yn cyflwyno erbyn Terfyn Amser 1.

Yna, gofynnodd **MB** am ddiweddariadau ar y canlynol:

- **Adroddiad ar yr Effaith Leol (LIR)**

Cadarnhaodd **AF** fod CCS wedi cael grymoedd dirprwyedig yn ddiweddar i baratoi LIR; mae'r gwaith yn mynd rhagddo ac fe'i cyflwynir erbyn Terfyn Amser 1.

- **Darpariaethau Amddiffynnol**

Cadarnhaodd **NM** fod trafodaethau'n parhau i gael eu cynnal ar y mater hwn, ond nad yw'r Ymgeisydd yn disgwyl unrhyw anawsterau.

- **Trwydded Amgylcheddol**

Cadarnhaodd **LE** fod y cais am Drwydded Amgylcheddol wedi cael ei gyflwyno ar 22 Mai 2018 (a wnaed yn briodol ar 29 Mai 2018) a'u bod yn ystyried y cais. Gofynnodd Cyfoeth Naturiol Cymru i'r Ymgeisydd am wybodaeth ychwanegol o dan Atodlen 5; mae'r wybodaeth hon wedi'i darparu bellach. Heb ddylanwadu ar eu penderfyniad terfynol, mae Cyfoeth Naturiol Cymru wedi anfon Trwydded Amgylcheddol Ddrafft at yr Ymgeisydd ar gyfer sylwadau.

- **Cysylltiadau Nwy a Thrydan (ceisiadau o dan y Ddeddf Cynllunio Gwlad a Thref)**

Cadarnhaodd **AF** fod y ceisiadau wedi cael eu cyflwyno ar 25 Medi 2018. Mae'r cyfnod ymgynghori'n mynd rhagddo ar hyn o bryd. O ganlyniad i'w graddfa, bydd angen adrodd ar y ceisiadau i'r Pwyllgor Cynllunio (ym mis Rhagfyr 2018 o bosibl).

- **Cytundeb Adran 106**

Cadarnhaodd **AF** fod drafft datblygedig ar waith sydd wedi bod yn destun sawl rownd o sylwadau rhwng yr Ymgeisydd a CCS. Mae'r Ymgeisydd o'r farn y dylent allu dod i gytundeb ar egwyddorion yn ystod yr wythnosau i ddod.

Cadarnhaodd **MB** fod yr holl faterion ar yr agenda wedi cael eu trafod. Gofynnodd a oedd gan unrhyw un faterion eraill yr oeddent eisiau eu trafod; ni dderbyniwyd unrhyw rai.

Diolchodd **MB** i bawb am gyfrannu at y cyfarfod mewn ffordd mor gyflawn a defnyddiol. Atgoffodd pawb y bydd nodiadau a recordiad sain o'r trafodion ar gael cyn gynted ag y bo'n ymarferol ar adran Pŵer Abergelli o'r wefan Seilwaith Cenedlaethol. Atgoffodd pawb hefyd y bydd yn anfon llythyr ar ôl y cyfarfod yn amlinellu'r amserlen derfynol ac unrhyw benderfyniadau gweithdrefnol eraill y mae wedi'u gwneud o ganlyniad i'r Cyfarfod Rhagarweiniol ac ystyriaeth bellach o'r Archwiliad. Bydd hefyd yn cyhoeddi ei rownd gyntaf o gwestiynau ysgrifenedig ar yr un dyddiad â'r llythyr hwnnw neu'n agos ato.

Yna, cyhoeddodd **MB** fod y Cyfarfod Rhagarweiniol ar ben am 10.38.



Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

Application	Abergelli Power
Reference	EN010069
Date	10 October 2018
Venue	Village Hotel, Langdon Road, Swansea SA1 8QY

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and Introduction

The Examining Inspector (ExA), Martin Broderick (**MB**), introduced himself and welcomed those present to the Preliminary Meeting (PM) preceding the Examination of the Abergelli Power Project. He explained that he had been appointed by the Secretary of State for Business, Energy & Industrial Strategy (BEIS) to Examine this application.

MB also introduced those members of the Case Team from the Planning Inspectorate who were present; Hefin Jones, the Case Manager, and Jake Stephens, Student Planner.

MB explained that a Welsh language translator was present. The Welsh and English languages have equal status in Wales and people are welcome to participate in Welsh. If anyone wished to speak in Welsh, the headsets should be worn and the translator will provide a simultaneous translation.

MB explained the emergency procedures and asked people to turn off mobile phones.

MB explained that as well as the Applicant and Local Authority, those present either represent bodies that are statutory parties; had sent in a relevant representation and, thus, become an interested party. Additionally there may also be people who are not covered by any of those descriptions. **MB** explained that all were very welcome.

MB explained that the PM is a working meeting to focus on the way in which the ExA, intends to Examine this application. Only the procedural

aspects of this Examination would be discussed at the PM and no evidence relating to the merits of the proposal would be heard. The merits of the application will only be considered once the Examination starts which, statutorily, is the day after the PM closes.

MB emphasised the importance of efficiency, with fairness and means to allow all to have their say, if it is relevant, and to inform him, as the ExA, of all he needed to know at this stage. However, he will endeavour to make sure that contributions are as to the point and focussed as possible to make the best use of the time available and allow everyone who wishes to speak an opportunity to do so. Not repeating points others have already made would assist in this regard.

MB explained that a note and an audio recording were being taken of this meeting and these will be made available on the Abergelli Power page of the National Infrastructure website as soon as possible (Friday 12 October 2018).

Before asking those present to introduce themselves, **MB** asked whether any journalists were present; there were none. He also asked if anybody intended to record, tweet or film the proceedings for their own use; none wished to do so.

MB asked for those present to introduce themselves, starting with the Applicant's team. Nick McDonald (**NM**) introduced himself and his colleague Kate Jones (**KJ**) from Pinsent Masons. He also introduced Kirstin Gardner (**KG**) and Chris McKerrow (**CM**) from Stag Energy.

Andrew Ferguson (**AF**) introduced himself and his colleague Jonathan Wills (**JW**) as representatives of the City and County of Swansea Council (**CCS**).

Louise Edwards (**LE**) introduced herself and her colleague Hannah Roberts (**HR**) as representatives of Natural Resources Wales (**NRW**).

Siôn Jones (**SJ**) introduced himself as a representative of Dŵr Cymru/ Welsh Water.

Richard Price (**RP**) of Loxley Solicitors introduced himself and confirmed that he was representing Affected Parties. John Jeremy (**JJ**) also introduced himself and confirmed that he was also representing Affected Parties.

MB reminded statutory bodies and local authorities that, unless they had already submitted a Relevant Representation, they do need to request the status of Interested Party if they wish to become Interested Parties and be kept up-to-date with, or take part in, the Examination; such a request must be made in writing.

MB then moved to item 2 on the agenda to talk about the principles of the Examination and how he, as the ExA, proposed to conduct the Examination.

MB reminded those present that the relevant legislation for this system, the 2008 Planning Act, states that: ***It is for the Examining authority to decide how to Examine the application (s.87(1)).***

MB explained that he believe that this system has six attributes and he will focus on these to describe the system and ways in which he, as the ExA, intended to operate it in this case.

These are:

1. Independence and Impartiality
2. Rigour
3. A focus on evidence and justification
4. Openness
5. Fairness

Independence and impartiality

MB explained that Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is a joint Executive Agency of the Department for Communities and Local Government (DCLG) and the Welsh Government.

For the Examination of Nationally Significant Infrastructure Projects the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project, this is the Secretary of State for Business Energy and Industrial Strategy (BEIS). It is the Secretary of State that makes the decision on the application.

In making this decision, the Secretary of State is required by statute to decide an application in accordance with any relevant national policy statement – but only if it is lawful to do so and is in accord with our international obligations and, importantly, if the adverse impact of the proposed development would outweigh its benefits.

Rigour

MB explained that the system for dealing with Nationally Significant Infrastructure Projects (NSIPs) under the 2008 Planning Act relies primarily on written evidence. This is gained through a rigorous process of:

- interested parties providing written representations;
- of the Examining Authority asking a wide range of focussed questions;
- requiring adequate responses to these; and
- of interested parties commenting on the responses of other parties.

In addition, the ExA will ask for specific reports and other information including Local Impact Reports prepared by Local Authorities and matrices prepared initially by the Applicant that are required to enable us to produce a Report on the Implications for European Sites (RIES).

This written evidence is supported, where required, by hearings. There will be three different types of hearing.

1. There is an '**Open Floor Hearing**' in which all interested parties have an opportunity to speak. Such a hearing will be held if any interested party requests this. However, in this instance the ExA has decided to hold an Open Floor Hearing and has included this within the Examination timetable.
2. There is what is called an '**Issue Specific Hearing**'. These may deal with some or all of the key issues that are relevant to the Examination of the application. Importantly, these hearings may include one or more on the nature of the scheme itself focussing on the draft Development Consent Order. **MB** made it clear that, if he, as the ExA, decides not to hold a hearing on a particular issue, this does not mean that this issue will not be fully considered in preparing his report and recommendations. There will be a Compulsory Acquisition hearing.

Evidence and justification

MB warned that as the ExA he will not accept unsubstantiated assertions from any party, and will demand the evidence that supports any evaluation or assessment where this is not clearly contained in evidence; something which he feels is extremely important.

MB pointed out that the 2008 Planning Act does allow the Examining Authority to disregard representations if they are considered that the representations are vexatious or frivolous, relate to the merits of policy set out in a National Policy Statement (s.87(3)).

Openness

MB explained that all the Examination material related to this application is published on the project page of the National Infrastructure website; this includes advice that the Planning Inspectorate has given to the Applicant and others since July 2014, including notes of meetings and of telephone conversations.

The commitment to openness will continue once the Examination starts. Indeed, the proper running of the Examination demands that:

- all the questions that the ExA asks,
- all the evidence that parties provide,
- all the responses to that evidence and
- all other material is placed on the website for all to see.

Fairness

MB explained that the procedure for Examining applications for Nationally Significant Infrastructure Projects is designed to give all interested and affected parties an equal right to put forward their views and evidence and an equal access to all the information related to the application.

It is, for example, the exception that cross Examination will take place at any hearings. **MB** explained that ExA's are called Examining Inspectors because they adopt an inquisitorial approach in putting forward written questions and in asking the questions at hearings. **MB** explained that he intends that the Examination that he is about to begin will be as constructive as possible and will not intimidate anyone taking part.

Timeliness

MB explained that the legislation sets an absolute time limit on the Examination of this application and he is required to complete the Examination by the end of a period of six months beginning with the day after the start of the Examination. He stressed that the effectiveness of the process depended on all parties meeting the deadlines that are set out in that timetable.

MB then raised the issue of the process for an award of costs. The 12 September 2018 Rule 6 letter drew all parties' attention to the revised guidance on costs (*Awards of costs: Examinations of applications for development consent orders*) that was issued by the Department of Communities and Local Government in July 2013. The guidance sets out details of two areas where costs may be awarded:

1. The first, in summary, is where the party against whom the award is sought has acted unreasonably; and the unreasonable behaviour has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination.
2. Secondly, separate provisions apply to the award of costs in relation to an application for compulsory acquisition.

MB finished item 2 on the agenda by asking if there were any questions relating to his proposed procedure for the Examination of this application; none were received.

MB then turned to item 3 on the agenda, Initial Assessment of Principal Issues, which were set out in Annex B of the letter issued on 12 September 2018. **MB** asked if anyone had any comments on the Initial Assessment; none were received.

MB then turned to the next item on the agenda - Draft Timetable for the Examination, which was included in Annex C of the Rule 6 letter of 12 September 2018. **MB** asked if any wished to make any comments on the matter.

NM explained that the Applicant had recently provided a written response to the draft timetable, which has been published on the project page of the National Infrastructure website. The main suggestions were:

Deadline 1: NM suggested that this is extended to Wednesday 7 November to allow for sufficient time to provide all information.

Deadline 2: NM suggested that if Deadline 1 were to be extended, Deadline 2 should be as well, and suggested it is changed to Friday 23 November or Wednesday 28 November.

Those present at the meeting raised no objection to the Applicant's suggested amendments to Deadlines 1 and 2.

In addition to the above **NM** requested that if it becomes apparent that the February hearings are not required, the subsequent deadlines should be brought forward.

MB thanked those for their helpful suggestions and confirmed that he would consider them when finalising the timetable.

MB requested an update from the Applicant and other Interested Parties on the progress that has been made on Statements of Common Ground (SoCG). **NM** provided an update on the following SoCG:

SoCG with CCS: The Applicant is pleased with the progress in that it has reached an advanced stage and is a significantly completed draft. This will be submitted by Deadline 1. **AF** concurred.

SoCG with NRW: This is similar to the position with CCS; this will also be submitted by Deadline 1.

SoCG with Dŵr Cymru: A positive meeting was held recently and the SoCG is at an advanced stage of drafting; it will be submitted by Deadline 1.

SoCGs with National Grid Electricity Transmission and National Grid Gas: These are still in progress.

RP asked whether it was possible for the Applicant to engage in a SoCG with Affected Parties; **NM** confirmed that they would hold discussions with **RP** and would submit by Deadline 1.

MB then asked for updates on the following:

- **Local Impact Report (LIR);**

AF confirmed that CCS has recently been given delegated powers to prepare an LIR, work is in progress and it will be submitted by Deadline 1.

- **Protective Provisions**

NM confirmed that discussions are on-going on this matter but the

Applicant does not envisage any difficulties.

- **Environmental Permit**

LE confirmed that the EP application was submitted on 22 May 2018 (duly made on 29 May 2018) and are considering the application. NRW requested additional information from the Applicant under Schedule 5; this has now been provided. Without prejudice to their final decision, NRW have sent a Draft Environmental Permit to the Applicant for comments.

- **Gas and Electrical Connections (TCPA applications)**

AF confirmed that the applications were submitted 25 September 2018. The consultation period is currently on-going. Due to their scale, the applications will need to be reported to the Planning Committee (potentially December 2018).

- **Section 106 Agreement.**

AF confirmed that an advanced draft is in progress and has been through rounds of comments between the Applicant and the CCS. Applicant views they should be able to reach an agreement on principles in coming weeks. **MB** confirmed that all matters on the agenda had been discussed. He asked if anyone had any other matters they wished to be raised; none were received.

MB thanked everyone for contributing so fully and usefully to the meeting. He reminded everyone that both notes and an audio recording of the proceedings will be made available as soon as is practicable on the Abergelli Power section of the National Infrastructure website. He also reminded everyone that he will be issuing a letter following the meeting setting out the final timetable and any other procedural decisions that he has made as a result of the PM and further consideration of the Examination. He will also be issuing his first round of written questions at or near the same date as that letter.

MB then declared the PM closed at 10.38.