

## **Procedural Decision**

### **Planning Act 2008**

#### **Application to make changes to the North Wales Wind Farms Connection Project**

**Ref: EN20014**

**Date: 2 October 2015**

#### **1. BACKGROUND**

- 1.1 On 16 September 2015 the Applicant submitted a request for 16 proposed changes to the North Wales Wind Farms Connection Project (NWWFC) to be considered as Option B to the original application.
- 1.2 In its request the Applicant states that the changes have arisen from requests made by those with an interest in the land affected by the scheme.

#### **2. THE CHANGES**

- 2.1 The details of the proposed changes are summarised in Table 1 of para 3.4 of Option B Compulsory Acquisition Document 1. This indicates that the 16 changes include 7 movements of poles within the existing limits of deviation; 8 movements of poles which would result in changes to the order limits which would require the need for the Applicant to acquire additional land; 1 reduction to the proposed order limits and the insertion of 4 additional pole positions.

#### **Proposed changes within existing limits of deviation**

- 2.2 The Applicant has submitted information as to why the proposed changes within the existing limits of deviation have arisen, these include:
- To move closer to or on field boundaries and/or hedgerows;
  - To change positions in relation to hedgerows;
  - To relocate pole positions within individual fields; and
  - To allow stays to be removed from poles.

#### **Proposed changes which would result in changes to the order limits**

- 2.3 The Applicant has submitted information as to why the proposed changes which would require changes to the order limits and would require the Applicant to acquire additional land have arisen, these include:
- To relocate poles within fields;
  - To allow access;
  - To allow for potential future development;
  - To move closer to or on field boundaries and/or hedgerows;
  - To change positions in relation to hedges; and

- To reduce order limits to accommodate changes to mitigation planting.

### **Additional Poles**

2.4 The Applicant has submitted proposals to insert 4 additional pole positions for the following reasons:

- To allow stays to be removed from other poles;
- To allow the proposed route to be moved; and
- To relocate poles within fields/field boundaries.

### **Consultation**

2.5 It is noted that the Applicant has not submitted any evidence to demonstrate to the satisfaction of the Examining Authority (ExA) that they have undertaken sufficient consultation on the proposed changes.

## **3. PROCEDURAL DECISION**

3.1 In considering this request the ExA has read and had regard to Guidance for the Examination of Applications for Development Consent (para 109 to 115) and Advice Note 16: How to request a change which may be material issued by the Planning Inspectorate in July 2015 having particular regard to para 2.1 and para 2.3.

3.2 The ExA is satisfied that the changes that are requested would not result in a materially different project from that which was consulted upon and submitted for examination.

3.3 While no consultation, excepting with individual landowners and users, has been undertaken to date, the ExA is satisfied that it is possible for such consultation to be undertaken within the remaining period of the examination.

3.4 Having reviewed the submitted Environmental Report against the original Environmental Statement, the ExA is satisfied that the environmental effects of the proposed change lie within the envelope of the original Environmental Statement.

## **4. CONCLUSION**

4.1 The ExA agrees to accept Option B as part of the examination and requires that consultation on the proposed changes is undertaken.

4.2 The alternatives proposed in Option B will be considered alongside the original application version of the project. Option B will be considered both as a whole and as potential alternatives to individual sections of the alignment.

- 4.3 Existing interested parties in the examination will be invited to make submissions about Option B and the ExA will make provision for this in a revised timetable which will be published shortly.
- 4.4 Any persons not currently party to the examination are invited to make relevant representations on the proposed provision for the compulsory acquisition of additional land using the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 procedure. The ExA on behalf of the Secretary of State will interpret Regulation 10(a) widely to accept any representation on Option B as relating to the proposed provision and thus relevant.
- 4.5 The applicant is therefore instructed by the ExA to promptly notify of and publicise the proposed provision, to include the entirety of Option B, in accordance with Regulations 7 and 8 to allow parties to participate in the examination.

*Lillian Harrison*

**Lillian Harrison**  
**Lead Member of the Panel**