



Preliminary Meeting Note

Summary of Key Points Discussed

Application	North Wales Wind Farms Connection
Reference	EN020014
Date	29 July 2015
Venue	Denbigh Town Hall, Denbigh.

Contents

1.	Welcome and introductions.....	2
2.	Purpose of the Examination Process	3
3.	Draft Timetable for the Examination.....	5
4.	Hearings and Accompanied Site Inspections	7
5.	Initial Assessment of Principal Issues.....	8
6.	Any Other Business.....	8



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1. Welcome and introductions

The Panel welcomed all interested parties to the Preliminary Meeting (PM) and thanked all of those present for attending. The Panel explained that the PM was being held under the Infrastructure Planning (Examination Procedure) Rules 2010 of the Planning Act 2008 (as amended), in relation to the application for the proposed North Wales Wind Farm Connection Project. The meeting would be following the Agenda set out in Annex B of the Rule 6 Letter, issued 2 July 2015.

Before the start of the main meeting, the Panel informed all interested parties present of the simultaneous Welsh to English translation services available during the meeting through headsets.

The Panel introduced themselves as Lillian Harrison, Examining Inspector for National Infrastructure and Lead Member of the panel for this project, who is an environmental scientist and chartered town planner. Jo Dowling is an Examining Inspector for National Infrastructure and a chartered town planner. John Lloyd-Jones is an Examining Inspector for National Infrastructure and felt it important in the interest of transparency to state his background; he was chairman of the Countryside Council for Wales for 10 years between 2000 and 2010, the independent member on the Forestry Commission's National Committee for Wales between 2009 and 2013 and chairman for the National Farmers Union Wales between 1994 and 1998. Mr John Lloyd-Jones is also in receipt of an annual wayleave payment of £49.50 from Scottish Power. These declarations were made to the Planning Inspectorate before Mr John Lloyd-Jones' appointment as a member of the ExA.

It was explained that the Panel was appointed by the Secretary of State for Energy and Climate Change (SoS) to be the Examining Authority for this examination and report to the SoS with a recommendation as to whether the North Wales Wind Farm Connection Development Consent Order should be granted consent.

The Planning Inspectorate case team was introduced as Mr Nicholas Coombes (Case Manager) Mr Steffan Jones (Case Officer) and Miss Lowri Thomas (Assistant Case Officer). Any inquiries or issues on process matters should be directed to Nicholas Coombes, who was available throughout the meeting.



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It was declared that an audio recording and a written note of the meeting was being taken, both of which would be published on the Planning Inspectorate's North Wales Wind Farm Connection project page as soon as practicably possible after the meeting. Anyone speaking was advised to speak clearly into the microphones provided so that any comments could be recorded and translated where applicable.

The attendees were reminded that any individual, group or organisation intending to report, film or use social media, during any hearing are free to do so, however should do without inconveniencing any members or other parties and should be discreet and not disturb the meeting by doing so.

The Panel thanked all those who had taken the time to prepare and submit relevant representations which will assist them in examining this application.

All Interested Parties (including the Applicant, anyone who successfully submitted a Relevant Representation on the prescribed form and any Affected Person in relation to the compulsory acquisition aspects of the proposed development) were invited to the PM. Should further Affected Persons be identified during the Examination, that person is permitted to make an application under s102A of the Planning Act 2008 (as amended) (PA2008) to seek to become an interested party. In addition, the Panel has invited two 'Other Persons' to attend and participate in this meeting which were identified later in the meeting.

Statutory Parties were invited to the PM; however Statutory Parties will only gain the status of being an Interested Party if they submit a request to the Examining Authority. Any statutory parties are therefore urged to notify the ExA that they do wish to become an interested party, by the first deadline set in the draft agenda if they wish to do so.

The ExA asked the participating parties to introduce themselves and the organisation they were representing and if any other interested parties in attendance wished to speak (please see Appendix A to this note). The following organisations had, prior to the meeting, indicated that they were unable to attend the PM; Rhyl and St Asaph Angling Association, Natural Resources Wales and Mr Eifion Bibby of David Meade Property Consultants.

2. Purpose of the Examination Process



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It was explained that the purpose of the meeting was to discuss procedural matters only, relating to the way in which the application is to be examined and the examination timetable for that examination. There would be no discussion of the merits of the application at the PM, and the focus should be on how the application should be examined, as set out in section 88 of the PA2008.

It was explained that the examination would commence on the day after the PM closes and would run for a maximum of six months.

The Panel advised that it did not propose to make or announce any procedural decisions at the meeting.

The purpose of the examination is to enable the ExA to make a recommendation to the SoS as to whether this proposal should receive consent in the form of a Development Consent Order (DCO) under the PA2008.

The PA2008 has brought in a distinct regime for the consideration of proposed Nationally Significant Infrastructure Projects (NSIPs). It is an inquisitorial process, in which the ExA takes the lead in establishing what is important and relevant to the decision which the SoS needs to take. The examination looks for evidence of what is important and relevant, and tests the evidence put forward to see how robust it is. Interested Parties were reminded that the process is primarily a written one with provision for certain hearings.

The ExA then stated that as soon as possible after the close of the meeting, under Examination Procedure Rule 8, a procedural letter would be sent to all interested parties confirming, with whatever modifications, the examination timetable. The ExA stated it will be issuing their written questions to a range of parties with the Rule 8 letter; these will be wide-ranging - some of them addressed to quite fundamental issues, some of them addressed to quite detailed points. Any document that any party wishes the ExA to consider must be or become an examination document; therefore it must be formally submitted to the examination process and available to all parties for examination.

There will also be a number of hearings, but these should be understood as building on the foundations of the written representations, questions and comments. Therefore Interested Parties should seek to engage fully



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throughout the written processes rather than think that they can wait for a particular hearing as their opportunity to influence the proceedings

There are three different sorts of hearing under the PA2008, they are as follows:

- Open Floor Hearings, which must be held if requested by any Interested Party;
- Compulsory Acquisition hearings, which must be held if requested by any Affected Person; and
- Issue Specific hearings, which are held if the ExA decides that they are necessary to ensure adequate examination of the issue in question, or to ensure that an interested party has a fair chance to put their case.

The ExA confirmed that the report which goes to the Secretary of State will have as its core their recommendation as to whether the draft Development Consent Order, either in its current form or more likely as amended during the examination, should be approved. Even if they do not recommend that consent should be given, the ExA will still put forward what they consider would be the most appropriate DCO if the Secretary of State goes against that recommendation. The important point is that all matters relating to the draft DCO are integral parts of this examination.

Councillor Meirick Davies enquired as to whether written representations from interested parties needed to be completed on a prescribed form available on the Planning Inspectorate or not. The ExA confirmed that this was not the case and interested parties could submit written representations in or attached an email or write in to the case team at the appropriate address.

3. Draft Timetable for the Examination

The draft timetable, including the ExA's proposals for deadlines for submission and dates reserved for possible hearings and an accompanied site inspection are set out in Annex D to the Rule 6 letter, these were discussed. The Applicant and Interested Parties were invited to suggest any specific topics they hoped or intended to produce Statements of Common Ground (SoCG) on.



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The Applicant explained that it did not intend to produce any additional SoCG, however it did advise the ExA that a SoCG with Public Health England (PHE) Centre for Radiation, Chemical and Environmental Hazards (Wales) was not necessary as the health issues were adequately addressed in earlier correspondence and suitable mitigation had been proposed. PHE do not intend to register as an interested party in the examination. The ExA was also informed by the Applicant that a further SoCG with North Wales Wildlife Trust (NWWT) would not be prepared. The Wildlife Trust had been notified of the Applicant's pre-application consultation but no response was received; the NWWT manages a reserve approximately 4 km away from the proposed route alignment. The Applicant confirmed the reserve was adjacent to Llyn Brenig and has a variety of habitats including bird interests.

All other SoCGs are being prepared with the organisations concerned.

Conwy County Borough Council (CCBC) confirmed that a report will be taken to their planning committee during the second week of August seeking authority for a number of matters including authority to enter into a SoCG with the Applicant.

Denbighshire County Council (DCC) confirmed it had already been to committee and has authority to discuss producing a SoCG with the Applicant; the council are now in discussions with the Applicant.

The Applicant requested that they provide a schedule of mitigation to the ExA at Deadline 2 rather than at Deadline 1 as identified in the draft timetable.

The Applicant referenced its letter of 22 July 2015 which has been published to the project page of the National infrastructure website. The Applicant did not suggest any additional amendments to the timetable other than those suggested in the letter however the Applicant did provide an overview of the letter for the purpose of those in attendance.

Mr John Hopkinson requested that the ExA consider moving Deadline 1 further back in September; this would allow Interested Parties more time to prepare written representations as many people have family commitments during the school holiday period.

Ms Sheila Harman requested the ExA consider holding an open floor hearing later on in the examination to allow interested parties the



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opportunity to see how the examination is progressing and this would help inform representations made at hearings. All interested parties were reminded to engage fully throughout the written processes rather than think that they can wait for a particular hearing as their opportunity to influence the proceedings.

4. Hearings and Accompanied Site Inspections

Interested parties were reminded that if they would like to attend and/or suggest locations for the Accompanied Site Inspection they should do by deadline 1. If demand is high, the Panel may not be able to include all requests to attend, or include all the suggested locations, but will consider all responses on these matters before coming to any decisions and will publish a detailed itinerary before the site inspection.

In any event the Panel will also undertake unaccompanied site inspections to the application site and locations near the application site which are accessible by car or on foot from public roads or footpaths. The ExA declared that on the day prior to the PM they inspected various locations along the route of the application area.

Interested Parties were invited to make general observations and ask any questions on the proposed accompanied site visit and hearings timetabled at Annex D of the Rule 6 letter.

The Applicant summarised points set out in their letter of 22 July 2015. The ExA was asked to consider reserving a second half day, immediately after the date proposed for the accompanied site visit, to allow time to complete the site visit in case it could not be completed in one day, with the Open Floor Hearing held during the late afternoon or early evening of the same day.

The ExA requested that the Applicant confirm when the publications it will use to publish hearing notices would require the relevant information; the Applicant confirmed that it would need to provide the publication with the information by the Monday afternoon to meet its deadline.

The ExA confirmed the site inspection prior to the PM was an unaccompanied one; a note will be made of the unaccompanied site inspection and published to the project page of the National Infrastructure website. Interested Parties were reminded that representations cannot be



made at an accompanied site inspection; the purpose of it is for the ExA to view certain points only.

5. Initial Assessment of Principal Issues

The ExA's initial assessment of principal issues was circulated as Annex C of the Rule 6 letter; amongst the Principal Issues identified was the issue of Compulsory Acquisition. The Development Consent Order, if approved, would not only grant consent for the works associated with the electricity wood pole line, but could also authorise the acquisition of rights and impose restrictions over land. There are a number of tests to be satisfied, which are set out in legislation, which would need to be satisfied for such Compulsory Acquisition powers to be granted.

Interested Parties were invited to raise any additional issues which may or should affect the structure of the examination.

Mr John Hopkinson requested that the issue of 'costs' be added to the list of the principal issues. Ms Sheila Harman questioned whether the nature of development and relationship with Clocaenog Wind Farm and other 3 wind farms should be listed in the same context; it currently reads confusingly and implies that other wind farms are already in operation when they are not. Both points were noted by the ExA.

6. Any Other Business

Two 'Other Persons' were invited to the PM by the ExA, they are as follows:

- Mr M Williams
- The Ministry of Defence

Following the issue of the Rule 6 letter, the ExA has also decided to accept into the examination a set of documents provided by the Applicant following advice from the Planning Inspectorate at the same time as the acceptance of the application and as a consequence of on-going discussions with affected persons and others.

Submissions were also received from Natural Resources Wales, Rhyl and St. Asaph Angling Society and Davis Meade Property Consultants (who represent some of the affected landowners and tenants).



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The Applicant was asked by the ExA whether it intended to update any other parts of its application documents, including any further versions of the Book of Reference.

The Applicant confirmed that it has written to the ExA, declaring its intention to submit an application to make amendments to the submitted application. The Applicant informed the ExA it has been liaising with landowners and other interested parties in order to come to an agreement on the necessary land rights for the development; landowners have suggested that the Applicant consider altering the position of poles; therefore the Applicant has been carrying out exercises to determine where pole locations can be possibly moved.

This exercise is nearing completion and will involve some changes to the application which can be separated into 3 broad categories.

The first would be to amend some of the locations of poles within the limits of deviation; this would not require a change to application but would result in the amendments of some drawings.

The second would be an amendment to the limits of deviation; result in an amendment to the land rights the Applicant is seeking. The extent of the order land in which the Applicant is seeking Compulsory Acquisition over doesn't extend, however it does affect the extent of the class of rights over the land as only set out in the Book of Reference.

The third change does involve a change to the order limits and land; new land added has been identified in addition to those in the application documents. Therefore in this instance, the Applicant may well be triggering the Compulsory Acquisition Regulations. The Applicant reaffirmed its belief that it does not believe the changes are 'material'. The submission incorporating the above should be considered as an option B, with the original application as option A. Submission is expected on 28 August 2015.

The ExA reminded the Applicant and Interested Parties that the Planning Inspectorate has recently published Advice Note 16: How to request a change which may be material. Interested parties were advised to view this advice note to provide context as to how the application for changes can be dealt with. The Applicant should also pay close attention to the advice notes when producing its revised submission.



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- Meeting close: 11:12 am -



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Appendix A - List of Participants who introduced themselves at the Preliminary Meeting

Applicant

Richard Griffiths – Solicitor, Pinsent Masons

Tom Edwards – Solicitor, Pinsent Masons

Emma Warby – Trainee, Pinsent Masons

Claire Duffy – Environmental Planner, SP Manweb

Huw Thomas – Programme Manager, SP Manweb

Conwy County Borough Council

Ceri Thomas – Planning Department Team Leader

Denbighshire County Council

Paul Mead - Development Manager

Joe Welch

Pylon the Pressure Group

Robin Barlow

Councillor Meirick Davies

Other Interested Parties

John Hopkinson

Sheila Harman

Councillor Joe Welch on behalf of Denbighshire County Council and as a ward member for part of the proposed route.