



*BY EMAIL*

The Examining Authority c/o Nicholas  
Coombes  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref EN020014  
Our Ref: AREAACC01

17 September 2015

Dear Sirs

## **PLANNING ACT 2008**

### **APPLICATION BY SP MANWEB FOR DEVELOPMENT CONSENT FOR THE NORTH WALES WIND FARMS CONNECTION**

I am writing in response to the Rule 8 letter published by the Planning Inspectorate on 4 August 2015, and the requirements of Deadline 2.

## **ENCLOSURE OF RELEVANT DOCUMENTS**

In accordance with the timetable set by the Examining Authority, I enclose the following documents submitted for the applicant, SP Manweb Plc:

1. Responses to written representations received (**Document reference: SPM NWWFC Comments on WRs**);
2. Responses to written representations and Local Impact Report received from Conwy County Borough Council (**Document reference: SPM NWWFC CCBC LiR & WR**);
3. Responses to written representations and Local Impact Report received from Denbighshire County Council (**Document reference: SPM NWWFC DCC LiR & WR**);
4. Comments on responses to ExA's written questions (**Document reference: SPM NWWFC Comments on FWQs**);
5. Revised draft of the DCO (Version 2) (Document reference 3.1 (v.2));
6. Tracked change version of the DCO showing amendments made between version 1 and version 2 of the draft DCO;

7. Schedule of mitigation (**Document reference: SPM NWWFC SoM**);
8. Further photomontages submitted in accordance with the commitment contained in respect to FWQ 8.15 (**Document reference: SPM NWWFC Additional Photomontages**);
9. Key Plans for Viewpoints in Technical Appendix 7.3 Parts A, B and C in response to the Examining Authority First Written Question 8.5 (**Document reference: SPM NWWFC 7.3 Key Plan Part A, SPM NWWFC 7.3 Key Plan Part B, SPM NWWFC 7.3 Part C**).
10. Statement of Common Ground between SP Manweb and the Local Health Board of North Wales; and
11. Addendum to Book of Reference (version 2) August 2015, (Document reference 4.3 v.2)

As the documents at numbers 1, 4, 8 and 9 contain pages of A3 or larger, I can confirm that I have also sent three hard copies of these documents by post.

#### **AMENDMENTS TO THE DRAFT DCO**

To assist the Ex A, an explanation of the main amendments to the DCO are explained in table 1 below.

**Table 1: Amendments to the DCO submitted for Deadline 2**

DCO reference	Reason for change
Article 2 Interpretation	<p>Various amendments have been made to the definitions. The main amendments are as follows:</p> <ol style="list-style-type: none"> <li>1. A definition of 'operate' as been inserted in response to FWQ 12.3. This has a consequential requirement for a definition of 'distribution';</li> <li>2. The insertion of version numbers for documents referred to in the definitions;</li> <li>3. The definition of 'building' has been deleted and a definition of 'structure' has been included in response to FWQ 11.26; and</li> <li>4. The definition of 'Order Land' has been amended so as to include the words 'or required to facilitate or is incidental to' as the 'Order Land' includes land under section 122(2)(b).</li> </ol>

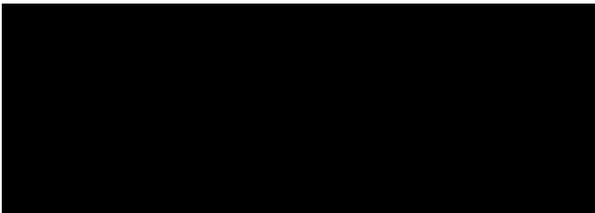
Article 7	Article 7(2) has been inserted in accordance with SP Manweb's response to FWQ 12.4.
Article 13	Article 13 has been amended following a request from Denbighshire County Council that it was given a two week notice prior to the alteration, diversion, prohibition or restriction of a public right of way.
Article 14	Amendments have been made to clarify that traffic regulation orders may only be made under the terms of the article as they apply to public highways.
Article 19	Minor amendments have been made to clarify that the undertaker may create rights required for the authorised development.
Article 21	The title has been amended to reflect the position that the undertaker will be acquiring rights over land, rather than the land itself.
Article 22	The amendment has been made to reflect the position that the undertaker will not be acquiring land; rather it may create rights (easements) over land to construct, install and keep installed the overhead line.  Reference to personal covenants has been included in sub-article (8) as the Book of Reference includes reference to personal covenants.
Article 26	Amendment made so that it is clear the undertaker may carry out both temporary and permanent works on land it uses under article 26. It is likely that the undertaker would exercise its right under article 18 to survey the Order land and then exercise its right under article 26 to assist in identifying the area of land within the Limits of Deviation that it requires to the easement. As article 26 applies to all the Order land, the undertaker would have the ability to commence permanent works on the land that is to be the subject of the easement whilst it is serving the notice of entry or making a declaration so as to ensure the construction programme continues without impediment. This is envisaged under article 26(4).
Article 38	The deletion of article 38(3) has been undertaken as it was possible to consolidate the requirements of sub-paragraph (2) and (3) into one paragraph.
Schedule 1	Amendments have been made to the description of numbered Work 2A and 2B as per FWQs

Schedule 2	<p>The amendments to Schedule 2 have arisen as a result of First Written Questions, Written Representations and the LiRs. An explanation as to the amendments are included in SP Manweb's documentation submitted for Deadlines 1 and 2.</p> <p>It should be noted that the requirement which relates to decommissioning has been amended since the Deadline 1 submission and has evolved by the inclusion of a monitoring requirement which requires the undertaker to report to the local planning authorities in respect of whether the authorised development is in use or is likely to be in use for the preceding 12 months. This amendment is considered beneficial to the relevant planning authorities, to assist in monitoring compliance.</p>
Schedule 7	Amendments made to expressly refer to the imposition of restrictions.
Schedule 8	The description of the land in column 1 has been amended to reflect the description included in the latest version of the book of reference for Option A (version 2 submitted for Deadline 1).
Schedule 9	<p>The protective provisions for operators of electronic communications code networks and Dwr Cymru Cyfyngedig remain as per the application version of the development consent order.</p> <p>Discussions in respect of the protective provisions for Dwr Cymru Cyfyngedig are at an advanced stage. Dwr Cymru Cyfyngedig has requested amendments to the protective provisions and SP Manweb hope to be able to agree these amendments shortly. SP Manweb will provide an update in due course and provided that the protective provisions are agreed, will update Schedule 9 accordingly.</p> <p>SP Manweb has included the draft protective provisions for the benefit of NRW, in the context of the disapplication of legislation provisions included in draft article 32. At the time of writing SP Manweb has not received any written feedback from NRW on the draft. It is hoped that the draft provisions can be agreed during the course of the examination.</p>
Schedule 10	<p>The amendments, in part, have been made to reflect the comments of Denbighshire County Council in its Local Impact Report.</p> <p>The amendments require the undertaker to submit information which is required to be submitted to discharge a requirement to NRW at the same time as it is submitted to the relevant planning authorities. There is then a requirement for NRW to provide consultation feedback to the relevant planning authorities within</p>

	<p>a period of 21 days. If received beyond that 21 day period then there is no need for the relevant planning authority to take it into account.</p> <p>The schedule has also been amended so that it is clear that the 8 week period to determine an application to discharge a requirement commences either when the application has been made or where the relevant planning authority has requested further information, from the date of receipt of that further information.</p> <p>Additional amendments have also been made to make the procedure in the schedule clearer.</p>
--	--

If you have any queries in relation to this submission, then please do not hesitate to contact me.

Yours sincerely



**Charlotte Clinton**  
Environmental Planner  
SP Energy Networks, for and on behalf of SP Manweb