

Ein cyf/Our ref: DH/RN/011
Eich cyf/Your ref: EN020014/ NWWFC-002

The Planning Inspectorate
Temple Square House
2 The Square
Temple Quay
Bristol
BS1 6PN

Natural Resources Wales
Ffordd Penlan
Parc Menai
Bangor
Gwynedd
LL57 4DE

By email only to:
nwwfconnection@pins.gsi.gov.uk

Ebost/Email: david.hatcher@naturalresourceswales.gov.uk
Ffôn/Phone: 03000 65 5239

20th October 2015

Dear Sir/Mdm

North Wales Wind Farms Connection Project Proposed Development Consent Order

Natural Resources Wales' Deadline 4 Response to Action Point 11 from the Issue Specific Hearing held on 29th of September, explaining why there is no conflict between NRW's role as land agent for the Welsh Government and the role of NRW as Statutory and Interested Party.

CONFLICT OF INTEREST

1. NRW have been asked whether there could be any conflict of interest between the role of NRW as land agent for Welsh Government (WG) and the role of NRW as Statutory Party and Interested Party (see Agenda item 4.1) for Thursday 24th September 2015 and question from Examining Authority (ExA) on 29th October 2015).
2. This issue has been addressed by NRW in its written representation, dated 1st September 2015 at paragraph 3.12.
3. NRW would make three (brief) points in response to this concern:
 - (i) NRW does not accept that there would be any conflict of interest as a matter of fact; and/or
 - (ii) The two roles of NRW will be discharged independently of each other; and/or
 - (iii) Jurisdiction of the Examining Authority.

(i) No Conflict of Interest

4. NRW is not a landowner which is affected by the proposed development.
5. NRW acts on behalf of the WG as Estate Manager. NRW receives a payment for such management. Whilst WG is a landowner which is affected by the proposed development, this has no impact on the payments made to NRW for management.
6. Simply put: NRW does not have any financial interest in the outcome of the DCO. Accordingly, NRW does not accept that there is any conflict of interest (real or perceived) as a matter of fact.
7. Any income generated by the wind farm at Clocaenog will accrue to WG, less any costs incurred by NRW on their behalf. There is no financial benefit to NRW from the wind farm itself.
8. If the DCO is granted, the grid connection will be (on the basis of current negotiations) covered by a Wayleave Master Agreement. The agreement will not provide NRW with any financial incentive to support the DCO. Rather, the agreement will provide appropriate levels of compensation for the loss of the use of land for forestry purposes.
9. On that basis, NRW do not accept that there is any conflict of interest as a matter of fact.

(ii) Independent Discharge of Functions

10. NRW's agency function for the WG derives (originally) from the Forestry Act 1967. Any issues affecting WG's estate will be addressed by NRW's Energy Delivery Team.

11. For the purposes of the DCO, NRW is both a Statutory Party and an Independent Party. It has (as has been debated at the issue specific hearings) the role of consultee in the agreement of *inter alia* the CEMP and EcMP. The consultee responses on such documents will be provided by the Development Planning Advisory Service.
12. The two functions of NRW are separate and independent.

(iii) Jurisdiction of the Examining Authority

13. The role of the ExA is (of course) to examine the DCO. It is not to examine the decision-making procedures of NRW, which lie outside the scope of the examination.

Please contact David Hatcher (david.hatcher@cyfoethnaturiolcymru.gov.uk) should you wish to discuss this matter further.

Yours faithfully,



Richard Ninnes
Head of Ecosystems, Planning and Partnerships
North and Mid Wales

Ein cyf/Our ref: DH/RN/012
Eich cyf/Your ref: EN020014/ NWWFC-002

The Planning Inspectorate
Temple Square House
2 The Square
Temple Quay
Bristol
BS1 6PN

Natural Resources Wales
Ffordd Penlan
Parc Menai
Bangor
Gwynedd
LL57 4DE

By email only to:
nwwfconnection@pins.gsi.gov.uk

Ebost/Email: david.hatcher@naturalresourceswales.gov.uk
Ffôn/Phone: 03000 65 5239

2nd November 2015

Dear Sir/Mdm

North Wales Wind Farms Connection Project Proposed Development Consent Order

Action Points from Issue Specific Hearings

Following the Issue Specific Hearings from the 29th of September to the 2nd of October NRW was tasked with a number of action points. Responses to these are provided below.

Hearing Held on Tuesday 29 September 2015

Action Point 11 – NRW was requested to provide details explaining why there is no conflict between NRW's role as land agent for the Welsh Government and the role of NRW as Statutory and Interested Party.

NRW explained this in a letter sent separately to the Planning Inspectorate on the 20th of October 2015.

Action Point 18 – NRW are requested to explain their role in relation to reviewing site waste management plans.

NRW does not have a statutory role in reviewing Site Waste Management Plans (SWMP). If the Competent Authority attaches a requirement for a SWMP on the DCO, it would be the role of the enforcing authority i.e. the Local Planning Authority to ensure that its requirements are met. The onus is upon the operator to ensure that any reasonably foreseeable event that might affect the environment is planned for and managed.

Hearing Held on Wednesday 30 September 2015.

Action Point 17 – NRW asked to investigate whether the grounds of Eriviat Hall were ever designated as parkland.

Our understanding is that this concerns how the land in question was classified under the Tir Goval agri-environment scheme. Until 2009 the scheme was administered by the Countryside Council for Wales (CCW), one of the legacy bodies that merged with others to form NRW. This responsibility was then passed to the

Welsh Government. CCW's records for the scheme were passed to the Welsh Government at that time and therefore NRW now holds no records for Tir Goval.

Action Point 20 – NRW are to provide details of any proposed tree felling/proposed planting that they are proposing along the proposed route.

The only felling that would take place on NRW controlled land associated with the development, is at the southern end of the scheme, between indicative pole locations 1 and 7. Most of the crop associated with this area (that largely to the north and west of the watercourse crossing between indicative pole locations 2 and 3) is scheduled for felling between 2032 and 2036. Sections to the south and east of this even will be felled at a later, as yet un-defined date.

However, some felling will need to take place earlier than scheduled to allow for the construction of the line. This is as specified in the DCO. The intention in the location concerned would not be to replant because of the health and safety restrictions to forestry works adjacent to powerlines. NRW's Energy Delivery Team is currently in negotiation with SP Manweb over the exact area of this felling because a wider buffer area may be required for operational reasons. Any additional felling not covered by the DCO would be dealt with as an amendment to the Forest Resource Plan (FRP) for Clocaenog Forest.

Action Points 26 and 27– The Applicant in conjunction with NRW is to provide an update as to where discussions with NRW are with regards to licensing

NRW has provided its comments on version three of the Statement of Common Ground (SoCG) to the applicant's solicitor. These include our views on the proposed mitigation strategy for dormice, the draft dormouse species licence application and on species licencing matters generally.

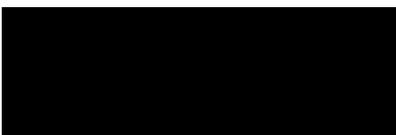
Hearing Held on Friday 2nd October 2015

Action Point 3 – NRW and the Applicant to consider the drafting of Article 19 in relation to Section 135(1). If necessary the Applicant to redraft and to circulate to NRW for agreement and for both parties to submit an agreed note to the Panel.

This matter is being considered separately by NRW's land management function.

Please contact David Hatcher (david.hatcher@cyfoethnaturiolcymru.gov.uk) should you wish to discuss this matter further.

Yours faithfully,



Richard Nines
Head of Ecosystems, Planning and Partnerships: North and Mid Wales