



23 May 2016  
Our ref: EN020014

Dear Sir/Madam,

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by SP Manweb plc (“the Applicant”) for an Order granting Development Consent for the North Wales Wind Farms Connection**

**REQUEST FOR COMMENTS ON THE APPLICATION FOR THE PROPOSED NORTH WALES WIND FARMS CONNECTION – FROM THE APPLICANT, NATURAL RESOURCES WALES, CONWY COUNTY BOROUGH COUNCIL, DENBIGHSHIRE COUNTY COUNCIL, AND WARDELL ARMSTRONG LLP (ON BEHALF OF THE CROWN ESTATE)**

Following the completion of the examination on 28 January 2016, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Energy and Climate Change (“the Secretary of State”) on 28 April 2016. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are several issues on which the Secretary of State would be grateful if parties identified in bold could provide an update or further clarification. The issues are grouped by topic heading:

**1. Update on planning appeals under the Town and Country Planning Act 1990**

The Secretary of State notes that by the close of the examination, the Applicant had advised the ExA that the decisions on the planning appeals for the North Wales Wind Farms collection substation near Clocaenog Forest and the revision to the Brenig Wind Farm were pending.

The Secretary of State requests that the **Applicant** provides an update on these planning appeals.

**2. Decommissioning Environmental Management Plan (“DEMP”)**

The Secretary of State notes that Requirement 17 in the Applicant’s draft Development Consent Order (“DCO”) [REP11-018 and REP11-020] contains a number of provisions that the decommissioning and site restoration plan must include. However, it does not list a DEMP.

The Secretary of State requests that the **Applicant, Conwy County Borough Council and Denbighshire County Council** provide their views on whether a DEMP is required, and whether the DEMP, where relevant to the proposed works, should be substantially in accordance with the Construction Environmental Management Plan (“CEMP”) approved in accordance with Requirement 13 of the Applicant’s draft DCO (at Deadline 11).

**3. Purpose of the proposed development**

The Secretary of States notes that by the close of examination, the Applicant had advised the ExA that the Nant Bach Wind Farm and Derwydd Bach Wind Farm were not proceeding. The Secretary of State also notes that the Applicant had advised the ExA that construction had commenced for the Clocaenog Forest Wind Farm and Brenig Wind Farm, and that these connection agreements were still in place between the Applicant and the developers of these wind farms. Please can the **Applicant** confirm that these positions have not changed?

#### **4. Consideration of in combination effects in the Applicant's Habitats Regulations Assessment (HRA)**

The Secretary of State notes the Applicant's conclusion of no Likely Significant Effect on any European Site both alone and in combination. Can the **Applicant** confirm whether an HRA for Brenig Wind Farm was required as part of that application and whether the in combination effects with both Clocaenog Forest Wind Farm and Brenig Wind Farm have been considered in this application?

#### **5. Crown Land (Welsh Ministers)**

The Secretary of State notes that the Welsh Ministers are the appropriate Crown Authority in relation to Plots 1, 1A, 1B, 3 and 3A. The Secretary of State notes that by the close of examination, the Applicant advised the ExA that the lease that is to be obtained from Natural Resources Wales ("NRW"), acting as land agent on behalf of the Welsh Ministers, is agreed in principle and that the Applicant was in the process of agreeing the terms with NRW [REP9-024, paragraph 6.17 and REP11-013].

The Secretary of State requests that the **Applicant** and **NRW**, provide an update on whether the lease has now been signed. The Secretary of State also requests that the **Applicant** confirms whether the terms of the lease provide the Applicant with sufficient rights as sought in relation to the Crown land for which the Welsh Ministers are the appropriate Crown Authority.

#### **6. Crown Land (Crown Estate Commissioners)**

The Secretary of States notes that The Crown Estate Commissioners ("The Crown Estate") are the appropriate Crown authority in respect of plots: 1, 1A, 1B, 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 8B, 9,9 A, 9B, 10, 10A, 11, 11A, 12, 12A, 13, 13A, 13B, 14, 14A, 19, 19A, 19B, 19C, 21A and 21B for option A and for option B, as option A, together with additional land plot 5B [REP11-016]. The Secretary of States notes that by the close of examination, Wardell Armstrong LLP, acting on behalf of The Crown Estate, had advised the ExA that Heads of Terms for an agreement between The Crown Estate and the Applicant, allowing the Applicant, to install and retain those structures (poles) on the land for the lifetime of the development and agreeing that Her Majesty's minerals lying beneath and adjacent to those structures will remain in their natural state and unworked for the lifetime of the development, had been agreed [REP11-016].

The Secretary of State requests that the **Applicant** and **Wardell Armstrong LLP** (on behalf of The Crown Estate) provide an update on whether the agreement has now been signed.

**The deadline for a response is Friday 3 June 2016.**

The response should be submitted by email to [NWWFConnection@pins.gsi.gov.uk](mailto:NWWFConnection@pins.gsi.gov.uk). Please send any hard copy response to North Wales Wind Farms Connection Project Team, Secretary of State for Energy and Climate Change, c/o the Planning Inspectorate, Eagle 3D, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the North Wales Wind Farms Connection project page of the National Infrastructure Planning website as soon as possible after 3 June 2016.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the North Wales Wind Farms Connection project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

***Giles Scott***

Giles Scott  
Head of National Infrastructure Consents