



3D
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: nienquiries@pins.gsi.gov.uk

Ms J Fenn
National Grid

Issued via e-mail

Date: 7 September 2016

Dear Ms Fenn

Proposed North Wales Connection Project

Section 51 of the Planning Act 2008 (as amended)

I refer to the draft Development Consent Order (DCO), draft Explanatory Memorandum (EM) and draft sample plans received on 8 August 2016 regarding the above project. The Planning Inspectorate welcomes the opportunity to offer advice under section 51 of the Planning Act 2008 (as amended), however please note that the advice is given without prejudice to the Secretary of State's eventual decisions on applications.

The Planning Inspectorate's advice has been categorised under each document type below for ease of reference, please note that we may have further advice on the above documents and novel issues identified by National Grid (NG), at our meeting on 23 September 2016.

Draft DCO

Interpretation - 'CEMP' - is there a reason for not including 'the findings' and recommendations of the Environmental Statement? See Hinkley Connection DCO.

Interpretation - 'DNO works' refers to 'associated development', currently such development cannot be granted through a DCO for an electric line proposal in Wales.

Article 6(b) Limits of deviation - where flexibility is sought, it will need to have been assessed within the Environmental Statement. Regarding 6(b)(iv), this appears to allow a large degree of flexibility, for example it should be explained how NG proposes to control or prevent potential impacts when it has unconstrained ability to deviate downwards.

Article 9 Application of the 1990 Act and Article 10 Application of the Community Infrastructure Levy Regulations 2010 - NG is advised to consult with

the relevant local authorities on the inclusion of these articles. Further justification in paragraph 6.26 of the EM will be required to explain why works may be necessary outside of the order limits regarding Article 9.

Work no 1C(a) regarding the foundations and steelwork to construct 20 new pylons - will the design drawings specify further detail including the maximum heights, depths and size of the foundations?

Work no 1D(c) and (d) regarding the modification of existing pylon 4AP023 - will the design drawings clearly show what is meant by 'modification'?

Work 1H(g) regarding the Menai Strait underground cable and cable crossing - the external diameter of the tunnel should also be provided.

Works 3(d) regarding Construction works - the Environmental Statement should identify and assess any impacts to watercourses.

Schedule 4 Discharge of Requirements - interpretation of "relevant authority" within schedule 4 refers to the 'Environment Agency and Countryside Council for Wales' and should be replaced by 'Natural Resources Wales'.

We note that draft requirements have not been provided within this draft DCO.

Explanatory Memorandum (EM):

In regard to a period after which consent will be deemed to have been given, a justification for the specific time period (for example 28 or 14 days) should be provided in relation to each relevant Article.

In many Articles within the draft DCO the following wording is used: 'for the purposes of carrying out the authorised development **or for the purposes ancillary to it [or required to facilitate it]**', the wording in bold requires thorough justification within the EM for each relevant Article.

An explanation of the interpretation of the '**order land**' should be provided in the EM.

Paragraphs 2.6 – 2.11 'Works integral to the NSIP' - these paragraphs require further detail, justification and explanation. For example a clear explanation as to why NG consider that the works described in the authorised development are all capable of being consented under the PA2008 should be provided. Although the DCLG Guidance on Associated Development is not directly applicable for projects in Wales, justification with reference to this Guidance is advised, in addition to an explanation as to whether certain works may not (or may be) considered permitted development.

Paragraphs 5.7 and 5.15 'operational use' appear to be contradictory, one referring to 400kV only and the other to both 132kV and 400kV.

Paragraphs 6.6 and 6.7 'Authorisation of use' - further detail is required to explain why this provision is necessary. Although reference to the Thames Tideway Tunnel DCO has been provided, no reason as to why it is specifically appropriate for this project been provided.

Paragraph 7.6 regarding Article 13(2) Power to alter layout, etc of streets - a detailed explanation will be required in the EM to justify why the broader powers are

sought and are considered necessary.

Paragraph 8.2 regarding Article 19 Discharge of water - it is not clear whether the relevant bodies will be contacted and consulted on such provisions prior to the submission of the application.

Paragraph 8.6 regarding Article 20 Protective works - justification is required to explain why the extended powers are appropriate and necessary.

Novel issues identified by NG

Safeguarding

We note that this provision (Article 52) has precedent in the Thames Tideway Tunnel DCO, however NG are advised to consult with the relevant local authorities and Welsh Government on the inclusion of this Article.

Flexibility within the Authorised Development

The Planning Inspectorate would wish to discuss NGs proposals for flexibility further at the meeting on 23 September, for example to discuss the level of detail NG intends to provide in the final plans and draft DCO. In addition, where certain works to mitigate impacts are identified within the Environmental Statement, the wording within the authorised development should be more certain in relation to its delivery, as opposed to being listed as works which 'may' be undertaken.

Sample plans

Land plans

In accordance with regulation 5(2)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), land plans must identify:

- (i) the land required for, or affected by, the proposed development;
- (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any right to use land;
- (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and
- (iv) where the land includes special category land and replacement land, that special category and replacement land;

Please can NG confirm if it is intending to include points (i)-(iv) on the land plans or if the above information will be represented on separate plans, for example land affected plans and special category plans where relevant.

Land plans should include plot numbers and boundaries to enable the Examining Authority and others to understand what form of rights and/or land are being sought for each plot. The legend on the plans should also detail the relevant class of works.

Is it correct that the land/rights at the Wylfa substation will only be temporarily 'acquired' where construction works are taking place and will limits of deviation be provided for the substation works?

Please confirm what is meant by 'temporary acquisition of land and rights' on the land plans, for example the correct terminology should be used as it is not possible to

'acquire' land temporarily.

Works plans

Regulation 5(2)(j) of the APFP Regulations states that works plans must show, in relation to existing features:

- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and
- (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;

Although the draft DCO refers to Order Limits, as shown on the land and works plans, the plans currently show the limits of deviation and the 'proposed project boundary'. We understand that National Grid has chosen the 'proposed project boundary' wording for the purposes of consultation, however this terminology on the plans must be consistent with the draft DCO and the APFP regulations upon submission.

We note that the works plans show existing lines to be modified (for example: 03-15180-324), however it is unclear whether the green dashed line refers to the existing line or the proposed modification. The same applies for the lattice pylons to be modified. Will limits of deviation be provided for the modification works? We note this is a point for discussion at the meeting on 23 September.

Will all works identified in work 1A be located within the 'proposed project boundary', for example including attenuation ponds, construction compound and other works identified in Works 1A(q)?

Plan 03-15180-325 shows 4AP023 (Works 1D) as an existing pylon not affected, however work 1D(c) states that this pylon will be modified.

The wording of Work 1D(g) refers to a new OHL from 4AP024, however on the plans this appears to commence at 4AP023.

General advice

NG is advised to submit a draft of the CEMP (and any subsidiary plans) with the application, this will be particularly important if the Environmental Statement relies upon mitigation that will be provided for within the CEMP.

NG should ensure that all Limits of Deviation within the draft DCO and plans accord with those presented within the Environmental Statement.

If you have any queries on the above matters please do not hesitate to contact us.

Yours sincerely

Kathryn Dunne

Kathryn Dunne
Infrastructure Planning Lead
0303 444 5065

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.