

Note of PINS Advice

Status	Final
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Date	19 January 2017
Meeting with	The Rt Hon Alun Cairns MP, Ken Skates AM, Welsh Government, National Grid, Horizon Nuclear Power, Ofgem
Venue	Secretary of State for Wales' office Caspian Way, Cardiff Bay

The Planning Inspectorate attended a meeting called by the Secretary of State for Wales. The meeting agenda was concerned with the relationship between a potential third bridge crossing of the Menai Strait (the bridge) and the proposed North Wales Grid Connection project (the connector) which is in turn related to the Wylfa Newydd Nuclear Power Station Project (the power station).

A query was raised regarding the likely consent route for the three projects and the requirements with regard to consultation and examination. The Planning Inspectorate confirmed that the development necessary to deliver the connector and power station would (for the most part) be subject to an application made in accordance with the Planning Act (PA 2008) for a Development Consent Order (DCO). The Planning Inspectorate confirmed that the PA 2008 prescribes the requirements of the pre-application consultation process for DCO applications. Welsh Government confirmed that the bridge would require permission for development in accordance with the Highways Act 1980. The Planning Inspectorate confirmed that it does not (as a matter of course) have a role in administering projects under this legislation. However, if a project progressing under the Highways Act 1980 requires a Public Inquiry then Planning Inspectorate Wales would be responsible for the process.

The relative complexity of multiple large scale developments progressing independently but to similar timescales was discussed. The Planning Inspectorate emphasised the importance of ensuring that relevant legislative measures are followed. Adherence to these procedures will ensure that all interested parties are fully informed, and have access to information on the environmental effects of the proposed developments.

A query was raised regarding the status of the bridge proposal and the approach to the environmental assessment. The Planning Inspectorate advised that the EIA Regulations specify that the Environmental Statement includes an assessment of effects applicable to the proposed development including those that occur cumulatively with other proposed development. The Planning Inspectorate advised the attendees to consider advice contained within the Planning Inspectorate's *Advice Note 17: Cumulative Effects Assessment* which is available on the National Infrastructure Planning website. This advice note proposes a tiered approach to cumulative effects assessment (CEA) for Nationally Significant Infrastructure projects and includes templates for documenting the CEA within an Applicant's Environmental Statement.

The Planning Inspectorate also advised National Grid that they would need to carefully consider their consenting strategy and assessment approach in order to appropriately accommodate any future bridge development. National Grid are currently proposing a Development Consent Order (DCO) with a tunnel crossing of the Menai Strait. The Planning Inspectorate advised them to also consider how consenting powers would be positioned if any potential future option involved the bridge proposal as an alternative to the cable crossing. It was advised that it is a matter for National Grid as Applicant for the connector to determine what they include in their DCO powers at application. The fact that alternative crossing arrangements might exist did not make them duty bound to pursue them if they believed that their preferred crossing arrangement met the tests in relation to acceptability in planning and policy terms in its own right. However, particular attention was drawn to additional specific considerations such as those in respect of the Habitats Regulations and or in relation to persons affected by compulsory acquisition or other land powers.

Careful consideration would also need to be given to the timing of these various consents and the timescales for the construction. If an option for the bridge as the cable crossing was put forward within the National Grid Development Consent Order (DCO) application, alongside a tunnel option, all options would require adequate assessment, and public consultation carried out in accordance with the PA 2008.

The Planning Inspectorate gave a brief explanation of the DCO change procedures. The theoretical applicability of the change procedures in respect to a DCO for the connector with the tunnel cable crossing as the only option was discussed. In particular how National Grid could put forward a change to their application allowing for the bridge development. It was agreed in principle that an application, to augment or delete elements of works or powers within the DCO as necessary is possible for example, if they then wished to move to utilising the bridge for the cable crossing. However, any such change would

require to be accompanied by an appropriate level of supporting environmental information. A change application would be dealt with by way of procedures outlined in the PA 2008 and regulations all of which are available on the Planning Inspectorate's website and to which Advice Note sixteen refers alongside Government guidance (Examination of Applications for Development Consent).

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.