



MEETING NOTE

File reference	Brechfa Forest Grid Connection
Status	Final
Author	Steffan Jones

Meeting with	Western Power Distribution (WPD)
Meeting date	23 January 2013
Attendees (Planning Inspectorate)	Kathryn Powell – Senior Case Manager Jan Bessell – Examining Inspector Steffan Jones – Case Officer Patrycja Pikniczka- Assistant Case Officer Andrew Luke – Senior EIA Advisor
Attendees (non Planning Inspectorate)	Andrew Hubbard - WPD Geraint Griffith – WPD Victoria Postle – RSK Jason Pacey – 3G Neil Bromwich – Osborne Clarke Isabelle Guyot – Dialogue by Design Linda Taylor – 3G David Kenyon - AMEC
Location	Conference Room 4, Temple Quay House, Bristol

Meeting purpose	Introduction to the Brechfa Forest Grid Connection Proposal and to the process under Planning Act 2008 (as amended).
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Summary of key points discussed and advice given	<p>The Planning Inspectorate explained the openness policy (that any advice given will be recorded and placed on the planning portal website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which applicants (or others) can rely). Also that any Examining Inspector providing pre-application advice would not be appointed to examine the case.</p> <p>Where this note refers to 'the applicant' it includes WPD, RSK, 3G, Osborne Clarke, Dialogue by Design and AMEC.</p> <p><u>Introduction to NSIP Process</u> Following introductions, the Planning Inspectorate delivered a PowerPoint presentation on the PA 2008 process for Nationally Significant Infrastructure Projects (NSIPs); the role of Environmental Services within the Inspectorate was also explained. A copy of the presentation can be accessed here.</p> <p>The Planning Inspectorate advised the applicant to provide advance warning with regard to submission of a scoping request and to provide a GIS shape file of the boundary two weeks in advance of submitting a request for a scoping</p>
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opinion.

Introduction to the Scheme

WPD is the distribution network operator for South Wales. The applicant explained the range of options which they are considering at this early stage. The applicant's intention is to provide connections to and from three proposed wind farms including Brechfa West, Brechfa East and Bryn Llywelyn. The proposed connection is a 132kV single circuit overhead electricity power line standing on wooden H poles.

The applicant is keen to stress the flexibility in their proposal at this early stage, being mindful that two of the wind farm decisions are yet to be made and Bryn Llywelyn was refused by Carmarthenshire County Council (this decision has now been appealed).

The Planning Inspectorate advised that if the applicant intends to consider one or more options within their Development Consent Order (DCO), then all options would need to be assessed within the Environmental Impact Assessment (EIA). If flexibility was to be sought then the EIA should include an assessment of the worst case scenario. The applicant was advised that no substantial changes can be made to a proposal once the application has been submitted.

Work Undertaken to Date

The applicant has mapped constraints including landscape and visual, and heritage and ecology. The Planning Inspectorate asked if this included land use and landscape designation, the applicant confirmed this was the case. After compiling the constraints maps, the applicant undertook site visits to come to a decision on possible route corridors, which have not yet been defined.

Consultation Undertaken to Date

The applicant informed the Planning Inspectorate that they have held discussions with Carmarthenshire County Council and Swansea City Council to introduce the scheme. Stakeholder meetings were held in order to discuss methodology and possible route corridors; this feedback has been used in developing options. The Planning Inspectorate advised that this information should be captured within the consultation report and it should also be detailed within the Environmental Statement in the section that addresses alternatives.

To date the applicant has consulted Countryside Council for Wales, Environment Agency Wales and Cadw and recorded feedback.

The Planning Inspectorate advised the applicant of the new DCLG Guidance on the pre-application process and that any departure from any guidance should be explained within the

application. The applicant was advised that statutory consultation under s42 can only be carried out if a s46 notification has been submitted to the Planning Inspectorate at the same time or before commencing the s42 consultation.

The applicant was advised on the importance of the scheme being defined enough so that all parties can understand what is being proposed during consultation.

Consultation

The applicant confirmed they are undertaking a 3 stage consultation approach, the second stage is proposed to be statutory consultation (s47 SOCC and s42). The s48 publicity will be undertaken at the third stage.

The applicant explained that it will consult on different project options during statutory consultation (stage 2) and that it is unlikely to consult further on the option chosen after completion of this stage. The Planning Inspectorate advised the applicant to consider whether this approach would generate detailed comments on the option which is later chosen. The applicant confirmed that it would consult again at stage 3 if the chosen option differs from those which were consulted on at stage 2.

The applicant was advised to be clear and mindful when explaining the staged statutory and non-statutory approach to consultees and when describing it within the consultation report. The applicant was advised to look at the relationship between the EIA Regulations and s42 of the PA 2008, particularly in relation to timing and notification.

The level of detail that applicants provide in their Preliminary Environmental Information (PEI) will vary according to when they carry out their consultation on this. The PEI should include the information referred to in Part 1 of Schedule 4 of the EIA Regulations but does not have to be a detailed document (such as a draft of the ES) although it could be for example if this consultation was carried out later during the pre-application stage, and the information was being provided to a relevant statutory consultee.

The timing of consultation should be carefully considered so that prescribed bodies are provided with an appropriate level of detail in terms of environmental information, including the conclusions drawn in the EIA and any mitigation proposed, in order to provide an opportunity for stakeholders to inform the assessment and mitigation, and where feasible to resolve any disagreements in advance of submission.

The applicant queried what information local authorities are looking for within the SOCC. The Planning Inspectorate advised the applicant to have regard to any comments on the draft SOCC from the local authorities; these local authorities

will have detailed knowledge of the authority area and will be able to provide advice on how best to consult with the community. These local authorities will also have the opportunity to submit to the Secretary of State any comments on the adequacy of the applicant's consultation at the acceptance stage.

The applicant questioned what they could call the informal part of their consultation. A discussion was held on the use of the phrases 'informal' and 'formal'. The Planning Inspectorate advised that it is for the applicant to determine how they explain their consultation approach; it should be done however in the way that the Planning Inspectorate and consultees can clearly identify which phases are 'statutory' and 'non-statutory' upon submission of the application. It is important to record all pre-application consultation within the consultation report including 'non-statutory' consultation, especially where the 'statutory' consultation only takes place later during the pre-application stage.

The applicant stated that all consultation documents will be produced in English and Welsh. Summaries of any technical documents within the final application will be produced bilingually. The applicant informed that they have Welsh speaking members within the team, who are delegated to deal with any such queries.

Draft Programme

The applicant intends to submit a scoping request in April 2013. The Planning Inspectorate advised that the applicant should carefully consider the timing of the submission of a request for a scoping opinion so that there is sufficient information on the scheme available for consultees to be able to usefully comment on the scope of the EIA. If the request is submitted on the basis of high level route options, the understanding of the project and the environment likely to be affected is limited, and therefore there is a risk that the scoping exercise is of limited value in informing the scope of the EIA.

The Planning Inspectorate advised that the applicant should clearly identify in the Scoping Report where there is intent to scope issues out of the EIA. Where the applicant intends to scope an issue out of the assessment then this should be supported with an appropriate level of evidence in the Scoping Report to justify the proposed approach. Where discussions with prescribed consultees on the scope of the EIA have occurred in advance of submitting a scoping request, then these should be set out in the Scoping Report.

The Planning Inspectorate advised the applicant to consult on its draft DCO.

The Planning Inspectorate advised that draft documents

	<p>should be as complete as possible for the Planning Inspectorate to be able to provide the most useful advice prior to submission.</p> <p>The applicant was advised to reserve as much time as possible at the pre-application stage in preparing the application documents. The Planning Inspectorate advised the applicant to engage effectively with consultees in order to resolve any issues prior to the final submission. The applicant has been advised to familiarise themselves with the structure of the DCO and how it is drafted. It has been recommended to use clear language and to test the documentation prior to submission (for example to check that the DCO complies with all the requirements of the PA 2008) as there is no opportunity to supplement the submission once the acceptance period starts.</p> <p>The applicant was advised that a decision on whether or not to accept an application is taken within 28 days of submission. Therefore, the onus is on the applicant to resolve any issues during the pre-application stage and remove any risk of a non acceptance.</p> <p><u>AOB</u></p> <p>The Planning Inspectorate asked the applicant whether the scheme is wholly in Wales; this was confirmed by the applicant. The Planning Inspectorate also explained that associated development is not prescribed in Wales and that the applicant should take care when defining ancillary development within DCO; advice was given that the applicant thinks carefully regarding devolution arrangements.</p> <p>The applicant was advised to take particular notice of the National Policy Statement for Electricity Networks Infrastructure (EN-5) and para 2.3.6 for further information and review in detail Chapter 2 of the Planning Act 2008.</p> <p>The applicant was advised to look at the Planning Inspectorate's website to view other project documents, advice and meeting notes which may be of relevance to their proposal in particular when completing s55 checklist.</p>
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Specific decisions/ follow up required?	
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Circulation List	Attendees