

Meeting Note

File reference	Energy infrastructure applications in Powys
Status	FINAL
Author	Eleri Davies

Meeting with	Powys County Council (PCC), Department of Energy and Climate Change (DECC), Welsh Government (WG), Wales Office (WO)
Meeting date	1 February 2012
Attendees (IPC)	Ian Gambles Susannah Guest Eleri Davies
Attendees (non IPC)	Alan Southerby (PCC) Lynne Coughlan (PCC) Trystan Mabbitt (PCC) Giles Scott (DECC) Jayne Redrup (DECC) Ron Loveland (WG) Gill Lambert (WO)
Location	IPC Board Room, Temple Quay House, Bristol

Meeting purpose	To discuss issues relevant to the efficient and timely processing of applications to different authorities relating to proposed energy infrastructure in Powys, and to consider any appropriate actions.
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Summary of key points discussed and advice given	<p>The IPC advised attendees of its openness policy and that a note would be taken of the meeting and published on the IPC's website. Under s.51 of the Planning Act 2008 (PA 2008), the IPC is not able to discuss the merits of individual applications or matters of UK or WG policy. Advice given under s.51 of the Act does not constitute legal advice upon which the applicant or others can rely.</p> <p><u>Applications</u></p> <p>At present in the PCC administrative area the following applications have been made or are expected:</p> <ul style="list-style-type: none"> • 10 Town and Country Planning Act 1990 (TCPA) applications for wind farms below 50MW (PCC); • 6 Electricity Act 1989 (EA 1989) applications for wind farms over 50MW and 1 (EA 1989) application for a 132kV overhead line with (DECC); and • 5 Planning Act 2008 (PA 2008) applications (IPC). <p>PCC have written to DECC setting out their proposed timetable</p>
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for reporting outstanding DECC applications to PCC Cabinet meetings. Due to local government elections in May 2012, PCC decision-making will be affected by the purdah period.

PCC asked for further information on the legislative framework for IPC decision-making IPC explained that sections 104 and 105 of the PA 2008 set out the matters which the decision-maker must have regard to when deciding applications. This will be amended by the Localism Act 2011 when the Secretary of State will be the decision-maker in all cases.

Issues and Concerns

A draft Strategic Transport Management Plan is being prepared by Grontmij on behalf of Renewable UK (a renewable energy trade association) covering the strategic trunk road network. Project-specific transport management plans will also be relevant where local road networks are affected.

PCC officers have authority from Cabinet to negotiate Planning Performance Agreements (PPAs) with developers. None are in place at present for energy infrastructure applications in PCC as there are concerns among some elected Members with the principle of the authority receiving developer funding under a PPA.

WG advised that in mid-March 2012, the WG First Minister will make a major energy statement. There are, however, no plans to review WG Technical Advice Note 8 'Renewable Energy' (2005).

There was discussion of s106 agreements and community benefit. The PCC regeneration team negotiates (on a without prejudice basis) with developers and communities on an approved PCC community benefit policy, at arms length from the planning application process. IPC and DECC noted that section 106 agreements can be entered into as part of an application for a development consent order (DCO) under the PA 2008 process; and consent under the EA 1989 process. Community benefit, however, would not be a consideration in the decision whether or not to grant consent under either regime.

Identification of Possible Actions

There was discussion of the potential complexities, both for applicants and for other parties including local communities and the general public, arising from the relationship between different consenting processes for elements of proposed energy infrastructure which were related or perceived as related. DECC noted that there was a precedent for combining multiple (EA 1989) applications and (TCPA) appeals into a single public inquiry, and it was agreed to look into this and other possible

	<p>approaches further.</p> <p><u>Other</u></p> <p>There was a brief discussion of the status of the Electricity Transmission Costing Study (January 2012) by Parsons Brinkerhoff. DECC and the IPC confirmed that the independent report was likely to be relevant evidence in electricity network applications.</p>
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Specific decisions/ follow up required?	<p>PCC:</p> <ul style="list-style-type: none"> • provide up-to-date list of energy infrastructure projects in their area • provide DECC with 'traffic light' updates on DECC projects <p>DECC:</p> <ul style="list-style-type: none"> • seek an update on the draft Strategic Transport Management Plan being prepared by Grontmij on behalf of Renewable UK <p>IPC:</p> <ul style="list-style-type: none"> • consider further, after integration with the Planning Inspectorate in April 2012, the opportunities for achieving greater clarity and efficiency in relation to the handling of different applications under different regimes • arrange next meeting to consider this issue and any further issues and updates in June 2012 (following local elections and abolition of IPC)
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Circulation List	Attendees