

Meeting Note – Mynydd y Gwynt

File reference	EN010020
Status	Final
Author	Tom Carpen

Meeting with	Renewable Energy Holdings (REH)
Meeting date	26 March 2010
Attendees (IPC)	Simon Butler, Lynne Franklin, Laura Allen, Tom Carpen
Attendees (non IPC)	Clive Callister, Sir John Baker, William Little
Location	Renewable Energy Holdings offices, London

Meeting purpose	Meeting to discuss potential submission of an application for development consent under transitional matters
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Summary of outcomes and record of any advice given	<p>Discussion topics:</p> <p><u>Project background</u></p> <p>REH gave an introduction to the project – a proposal for 23 wind turbines to generate approximately 69 megawatts of electricity.</p> <p><u>Environmental Impact Assessment (EIA)</u></p> <p>REH had sent the IPC a copy of its draft Environmental Statement dated March 2010. A scoping request was issued to Powys Council in 2003-2004, but no response was received.</p> <p>IPC advised that REH must either notify the Commission of its intention to provide an environmental statement or request the IPC to adopt a screening opinion. A scoping opinion is the Commission's formal opinion on the information to be included in the Environmental Statement. It is not mandatory to request a scoping opinion.</p> <p>The ability of the IPC to comment on the adequacy of any draft Environmental Statement was discussed. The IPC cannot comment on the merits of the application and therefore cannot comment on the acceptability of the development's impacts and the proposed mitigation contained in the draft ES. However, it is able to consider</p>
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issues of clarity and where further information may be necessary in the draft to allow effective consideration when a scoping request is made.

Consultation to date

REH advised that it had been undertaking ongoing consultation since 2004, and that this consultation had led to specific changes in the scheme. The IPC advised that the transitional matters (set out in Regulation 12 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure Regulations 2009) set out specific criteria that REH would have to meet before the pre application consultation requirements could be deemed to have been met. This is just one part of the consideration at the acceptance stage, if seeking to submit the application under transitional matters. IPC advised REH to do an audit of its consultation against the transitional matters and to seek its own legal advice.

REH advised that it would consider further.

Application process

The IPC gave an overview of the application process, explaining the duties on applicants to undertake consultation at the pre-application stage and the timescales involved for the examination of an application.

The IPC advised that alternatives may need to be considered if there are impacts on a European site (for the purposes of an appropriate assessment under the Habitats Directive). The ES should also provide an outline of main alternatives studied.

The IPC advised that the application fee is not calculated in relation to the site area. When deciding how to scope the application and the extent of the “red line” REH should consider what land was required to deliver the scheme.

Associated development

REH requested more detail on how to reasonably establish the red line boundary for an Nationally Significant Infrastructure Project (NSIP) in relation to associated development, in particular grid connections. The IPC does not have the power to grant development consent for associated development in Wales. It advised that it was the applicant’s responsibility to determine what formed part of its NSIP and that REH should identify what was integral to the project and what was associated as defined in the legislation and guidance.

	<p><u>Grid connection</u></p> <p>REH explained that it was in discussion with district (electricity) network operators on the location of a substation and infrastructure to handle a number of proposed wind farms in the area.</p> <p>Until there is confirmation on these proposals, REH had to plan alternative locations for their own substation.</p> <p>REH asked about how the impact of grid connections would be handled. IPC advised that the (draft) National Policy Statements provided guidance on the approach that the IPC should take where grid connections are not finalised at the time an application is submitted and that for the purposes of this specific application, cumulative impacts should be addressed in the Environmental Statement.</p> <p><u>Commissioner role</u></p> <p>REH asked for more detail on the role of Commissioners in the interrogation of an application. The IPC explained that the examining commissioner is not involved with the scheme at the pre-application stage and that the examination would consider evidence primarily through written representations unless an open floor hearing was caused, a specific issue hearing was considered necessary and/or a compulsory purchasing hearing was caused by an affected party with a land interest.</p> <p><u>Amendments to applications</u></p> <p>IPC advised that the Planning Act provides the IPC with no specific powers to vary an application after it has been submitted (except amendments to include additional land for compulsory purchase.) The IPC has powers to make changes to a development consent order (DCO) after it has been made – the procedure for doing so would depend on whether the changes were material or non material. Therefore it is important to ensure there is a focus on developing a robust scheme before the application is submitted.</p>
Specific decisions/follow up required?	REH to set out its view, following legal advice on how the proposal meets the transitional arrangements.
Circulation List	All attendees
	Stewart Wiles (IPC Communications)
