



Meeting note

File reference	EN010020
Status	Final
Author	Kate Mignano
Date	8 August 2013
Meeting with	Mynydd y Gwynt Ltd and Renewable Energy Holdings (REH)
Venue	Telephone conference
Attendees	David Harries, Clive Callister, Keith McKinney, William Little (REH and the Developer) Susannah Guest, Laura Allen and Kate Mignano (PINS)
Meeting objectives	Project update and to discuss submission of draft documents
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (PINS) advised on its openness policy, that any advice given would be recorded and placed on the National Infrastructure Planning Portal website under section 51 of the Planning Act 2008 as amended (the 2008 Act). Any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

Project Update

REH provided an overview of the project explaining how the proposal had developed over time. REH explained that a small area of land, south of the main site off the A44, had been identified in earlier plans as it was originally intended as a turning circle for vehicles. It has since been deemed unnecessary and no longer forms part of the proposal. Proposed off-site road improvements would not form part of the Development Consent Order and would be subject to a separate agreement with Powys County Council under s.278 of the Highways Act (1980).

REH explained that a suite of draft documents would be submitted to PINS shortly. PINS suggested to the applicant that a draft Consultation Report and draft HRA report could also be submitted at that time. PINS also noted that some of the most recently made Development Consent Orders (Statutory Instruments) had been amended to reflect more modern drafting.

In respect of the Consultation Report and consultation responses, PINS advised that all responses to statutory consultation can be requested by PINS during the acceptance period. It was suggested that if likely submission was close, work could be undertaken to ensure these responses were quickly and easily available.

PINS encouraged REH to continue working closely with Powys County Council and other statutory consultees regarding Statements of Common Ground and draft documents. It was also advised that it may be helpful for the developer to engage in discussions with Powys County Council regarding any provisions in the DCO Requirements that placed responsibility with the County Council to discharge or enforce certain requirements.

The developer asked if a Design and Access Statement was necessary and PINS agreed to look into this.

Consultation (s.42, 47 and 48)

PINS sought clarification on the consultation process undertaken by the developer and advised of the importance of demonstrating that regard had been had to responses made during the formal stages of Pre-Application consultation. It was also noted that new pre-application guidance had been recently published by the Department for Communities and Local Government (DCLG).

In response to PINS' query regarding responses received in Welsh, REH confirmed that no responses had been submitted in Welsh to their pre-application consultation.

PINS advised REH to check the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and subsequent amendments against the consultation undertaken and to explain the reasons for consulting or not consulting all the listed parties under Schedule 1. PINS advised that it would be helpful if this information could be provided in a Table format appended to the Consultation Report.

Compulsory Acquisition

PINS enquired as to whether REH needed to undertake compulsory acquisition to remove certain interests from the land to effectively clean the title. REH confirmed there were no statutory consultee assets on the site and therefore this was not thought necessary. REH confirmed that the site is owned wholly by the developer. REH indicated that a draft Book of Reference may be submitted as part of the draft documents.

Environmental Impact Assessment

REH explained that they had undertaken scoping independently; a scoping request to Powys County Council in 2004 had not been responded to.

PINS suggested that REH may find it helpful to produce a table setting out each proposed mitigation method identified in the Environmental Statement (ES) and how the developer intended to secure this mitigation through the draft Development Consent Order (DCO), but cross-referring to the relevant requirement. It would be helpful if such a table could be provided within the ES.

PINS noted the progress of the environmental survey work. REH confirmed that the latest environmental survey was carried out in 2012 and that the statutory consultees were content with their relevance and that REH considered the surveys to be robust and appropriate to inform the baseline.

Habitat Regulations Assessment (HRA)

PINS confirmed that the Competent Authority under the HRA Regulations is the relevant Secretary of State as the decision-maker. PINS drew the developer's attention to the checklists contained in the appendices attached to Advice Note 10 (Guidance on HRA) which it encouraged the developer to provide in draft format with the draft HRA Report for PINS to review and provide procedural advice on, prior to submission of the DCO application. PINS encouraged REH to share the draft HRA Report with Natural Resources Wales and any other relevant body, for comment as early as possible.

Specific decisions / follow up required?

PINS would provide advice on the status of a Design and Access Statement.