

BY EMAIL

16 February 2012

Dear Sir/Madam

BRECHFA FOREST WEST WIND FARM APPLICATION – NOTICE OF PRELIMINARY MEETING & AVAILABILITY OF RELEVANT REPRESENTATIONS

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 - Notice of availability of relevant representations¹ and of the Preliminary Meeting² regarding an application for development consent for the Brechfa Forest West Wind Farm, Carmarthenshire, Wales (up to maximum of 84 MW capacity)

IPC Reference Number: EN010008

I am writing to you following my appointment by the Chair of the IPC as the Single Commissioner Examining Authority to examine this application for a Development Consent Order. I would like to thank those of you who have taken the time to submit relevant representations. I have considered them and they have influenced my proposals, set out below, for conducting the examination.

1. *Confirmation of your status as an 'Interested Party'*

I can confirm that you are now regarded as an Interested Party and will therefore receive notifications from the Commission about the examination throughout the process³. Your unique reference number is provided in the covering email. All relevant representations submitted are available for you to access on the Commission's website or to inspect at various locations. The details of where and when the representations and application documents can be inspected are provided in **Annex A** to this letter.

2. *Invitation to the Preliminary Meeting*

I am also writing to inform you of the date, time and place of the Preliminary Meeting and to invite you to attend that meeting⁴.

¹ Rule 21 of the Infrastructure Planning (Examination Procedure) Rules 2010

² Planning Act 2008 (PA2008) S88 and Rule 6

³ S102 PA2008

⁴ S88(3) PA2008 and Rule 6

The Preliminary Meeting will take place on 13 March 2012. Registration will start at 9:30am and the meeting is scheduled to start at 10:30am at St. Peter's Civic Hall, Nott Square, Carmarthen, Dyfed, SA31 1PG⁵.

If you wish to attend the Preliminary Meeting please write or email to the Case Leader (Simone Wilding) at the address on the front of this letter by 6 March 2012. It would help us manage the meeting in an efficient way if you are able to:

- confirm your attendance;
- inform us whether you wish to speak at the meeting and to note the agenda items you wish to speak to, listing points you wish to make; and
- inform us if you wish to speak in Welsh at the meeting

3. *The purpose of the Preliminary Meeting*

The purpose of the meeting is to enable views to be expressed about matters set out in the agenda (**Annex B**) and in particular to hear representations about the way in which the application is to be examined.

It is important to recognise that the Preliminary Meeting is about procedure. It is about **how** the examination will be conducted; it is **not** about the merits of the application. If you do not attend this meeting you will still be able to participate during the examination. The merits will be considered when the examination of the application takes place, through the written representations and the programmed hearings. Further information about Preliminary Meetings is given in IPC Advice Note 8.4 which is enclosed with this letter and is also available on the IPC website (<http://infrastructure.independent.gov.uk/wp-content/uploads/2011/02/Advice-note-8.4-web.pdf>).

After the Preliminary Meeting I, as the Examining Authority, must decide how the application is to be examined⁶. You will find my initial view regarding the way in which the examination will be run at **Annex C**; this sets a timetable giving proposed deadlines for information to be submitted to the examination and dates for any hearings⁷ that are arranged. I wish to hear from Interested Parties particularly where they consider issues may need to be examined in a different way from that set out in **Annex C**.

The agenda for the meeting has been set following my initial assessment of the Principal Issues arising on the application. These are set out in the Statement of Principal Issues at **Annex D**. These are the Principal Issues that I, as Examining Authority, have so far identified; I wish to hear from Interested Parties where they consider there may be other significant issues to be examined by me.

Annex E discusses the potential for Statements of Common Ground. These can help clarify areas of agreement and disagreement and assist the examination process. More generally it may be helpful if I remind the applicant and Interested Parties that it is important to use the pre-examination period and the period leading up to any programmed hearings to reach as much consensus as possible.

⁵ Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010. In the event that further time is required to complete the business of the Preliminary Meeting the Preliminary Meeting will resume at the same venue at 10am on Wednesday 14th March 2012

⁶ S89(1) PA 2008

⁷ Rule 8

4. *Arrangements for the Preliminary Meeting*

Please bring this letter with you to the Preliminary Meeting as proof of your identity and status as an Interested Party. On arrival at the venue you will be asked to register your name and unique identity number with IPC staff; you will then be directed to the hall in which the Preliminary Meeting is to take place. Priority will be given to those registered as Interested Parties before any seating is allocated to other members of the public.

My aim is to run an efficient and effective Preliminary Meeting and I therefore strongly encourage one representative only to speak on behalf of groups of individuals with similar procedural concerns, and only then if others such as a local authority or statutory consultee have not already made the point. I will consider all relevant issues raised at the meeting before reaching decisions.

If you wish to make any submissions on matters not set out in the agenda and which would enhance the discussion at the Preliminary Meeting, I ask that you write to the Case Leader setting out the submissions that you wish to make at least 7 days before the Preliminary Meeting. I will endeavour to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion regarding the procedure to be applied to the examination of the application.

A note will be taken of the Preliminary Meeting. This will be published on the IPC's website and deposited at the locations listed at Annex A as soon as practicable⁸ after the meeting. Please also note that the meeting will be recorded and an audio recording of the meeting will also be available on the IPC's website as soon as practicable⁹ after the meeting.

Following the meeting, and after considering views submitted, I will take a decision about how the application is to be examined. The IPC will send you a copy of the procedural decision I make about how the application is to be examined¹⁰ as soon as practicable after the meeting.

Please note that you are not required to attend the meeting in order to participate in the examination. You will still be able to make written representations and participate in any hearings that are arranged. Written representations are one of the main types of evidence that I will take into account when considering my recommendation.

Finally, you may wish to read the IPC's policy on the approach to making an award of costs in relation to NSIP applications. That policy is available on the IPC's website¹¹.

⁸ Rule 7 (2)

⁹ Rule 7 (2)

¹⁰ S89 PA 2008 and Rule 9

¹¹ <http://infrastructure.independent.gov.uk/who-we-are/corporate-info/policy/award-of-costs/>

I look forward to engaging with you in examining this application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bob Macey', with a long horizontal flourish extending to the right.

Bob Macey
Commissioner – Examining Authority

For and on behalf of the Infrastructure Planning Commission

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

Before sending information to the IPC, please consider our Openness Policy, which can be viewed on our website or a copy will be provided free of charge on request

Annex A

Availability of relevant representations and application documents

On the Commission's website at www.independent.gov.uk/infrastructure following the links: *Projects – Wales – Brechfa Forest West Wind Farm – View Representations*.

For inspection and copying at:

- Carmarthenshire County Council
3 Spilman Street
Carmarthen
SA31 1LE

Copying Charges: 10p per A4 sheet (black and white); 20p per A4 sheet (colour); 20p per A3 sheet (black and white); 40p per A3 sheet (colour).

Opening Hours: 9.00am to 5.00pm Monday to Friday

- Carmarthen Library
St. Peter's Street
Carmarthen
SA31 1LN

Copying Charges: 15p per A4 sheet (black and white); 65p per A4 sheet (colour); 65p per A3 sheet (black and white); £1 per A3 sheet (colour).

Opening Hours: Monday to Wednesday and Friday 9.30am to 7.00pm; Thursday and Saturday 9.30am to 5.00pm

- Llandeilo Library
Crescent Road
Llandeilo
SA19 6HN

Copying Charges: 15p per A4 sheet (black and white); 64p per A3 sheet (black and white).

Opening Hours: Tuesdays and Fridays 10.00am to 12 noon, 1.30pm to 4.30pm, 5:00pm to 7:00pm; Wednesdays 1.30pm to 5.30pm; Saturdays 10.00am to 12noon

- The Old School Community Centre
Llansawel Road
Llanybydder
SA40 9RN

Copying Charges: 10p per A4 sheet (black and white); Due to constrained facilities only small amounts of photo copying can be undertaken.

Opening Hours: 9.00am to 4.00pm Monday to Friday

- Gwyddgrug Post Office
Delfan Stores
Gwyddgrug
Pencader
SA39 9AX

Please note there are no copying facilities at the Gwyddgrug Post Office

Opening Hours: Monday, Tuesday, Thursday and Friday 9.00am to 3.00pm;
Wednesday and Saturday 9.00am to 12noon

- Infrastructure Planning Commission
Temple Quay House
Bristol
BS1 6PN

Copying Charges: 10p per A4 sheet (black and white) other sizes at additional cost.

Opening Hours: 10.00am to 4.00pm Monday to Friday

(Copying charges quoted are indicative costs as at March 2011.)

Annex B

Agenda for the Preliminary Meeting

Date: 13 March 2012

Time: 10:30 am

Venue: St. Peter's Civic Hall, Nott Square, Carmarthen, Dyfed, SA31 1PG.

9:30	Registration and Orientation
10:30	Welcome and Introductions
10:45	Principal Issues, Statements of Common Ground and other matters to be examined – see Annex D and E
11:45	Methods of Examination, including the need for hearings
12:30	Break
13:30	Timetable for the Examination – see Annex C
	Deadline for submissions: <ul style="list-style-type: none">• Comments on Relevant Representations• Written Representations• Local Impact Report• Responses to the Examining Authority's written questions• Comments on Written Representations• Comments on Local Impact Report• Comments on Responses to the Examining Authority's written questions• Statements of Common Ground• Notifications relating to hearings

Hearings and Accompanied Site Visit:

- Time period reserved for accompanied site visit to application site and surrounding area
- Time period reserved for Open-Floor Hearing(s)
- Time period reserved for Issue-Specific Hearing(s)
- Time period reserved for any additional hearings (if required)

Please note: The timings above are only indicative. Should the consideration of the issues take less time than anticipated, the Examining Authority may conclude the meeting as soon as all relevant contributions have been made.

Annex C

Draft Timetable for Examination of the Application

The Examining Authority is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the start day (s98 PA 2008).

	Matters	Due Dates
	<p>Preliminary Meeting and start day of the Examination</p> <p>If the Preliminary Meeting is held on two or more days the start day is the later or latest of those days</p>	<p>Tuesday 13th March 2012</p>
	<p>Issue of:</p> <p><input type="checkbox"/> Procedural timetable¹²</p> <p><input type="checkbox"/> Examining Authority's written questions¹³</p>	<p>Thursday 22nd March 2012</p>
	<p>Deadline for receipt by the Examining Authority of:</p> <p><input type="checkbox"/> Responses to the Examining Authority's written questions¹⁴</p> <p><input type="checkbox"/> Comments on relevant representations¹⁵</p> <p><input type="checkbox"/> Written Representations (including summaries of any Written Representations of more than 1500 words)¹⁶</p> <p><input type="checkbox"/> Local Impact Report (LIR) from relevant local authorities¹⁷</p> <p><input type="checkbox"/> Statements of Common Ground¹⁸</p> <p><input type="checkbox"/> Notification of wish to be heard at an Open-Floor Hearing by Interested Parties¹⁹</p> <p><input type="checkbox"/> Notification by Interested Parties of wish to make oral representations at any Issue-</p>	<p>Wednesday 18th April 2012</p>

¹² Rule 8(1) and(2)

¹³ Rule 8(1)(b)(i) and(iii)

¹⁴ Rule 8 (1)(b)

¹⁵ Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b)

¹⁶ Rule 8(1)(a) and Rule 10(1) and (2)

¹⁷ Rule 8(1)(j)

¹⁸ Rule 8(1)(e)

¹⁹ S93(1)PA 2008 Rule 8(1)(f) and Rule 13(1)

	Specific Hearings ²⁰	
	<p>Notification by Examining Authority of date time and place for:</p> <p><input type="checkbox"/> Open-Floor Hearing²¹</p> <p><input type="checkbox"/> Issue-Specific Hearing(s)²² if required</p> <p><input type="checkbox"/> Accompanied site visit²³</p>	Friday 4th May 2012
	<p>Deadline for receipt by the Examining Authority of any written comments that any Interested Party wishes to make on:</p> <p><input type="checkbox"/> Responses to the Examining Authority's written questions²⁴</p> <p><input type="checkbox"/> Written Representations²⁵</p> <p><input type="checkbox"/> Statements of Common Ground²⁶</p> <p><input type="checkbox"/> Local Impact Reports²⁷</p> <p><input type="checkbox"/> Responses to comments on relevant representations²⁸</p>	Friday 18th May 2012
	Examining Authority's site inspection in the company of Interested Parties ²⁹	10:00 on Thursday 7th June 2012
	Reserve dates for accompanied site visit should weather conditions on 5 th June prevent a meaningful site inspection to take place	10:00 am on Friday 8th June 2012, Monday 11th June 2012
	Reserve dates for Open Floor Hearing(s) and Issues Specific Hearing(s) if required.	Tuesday 12th June 2012 to Friday 15th June 2012
	Reserve session for any additional hearing that may be required.	Wednesday 20th June

²⁰ S91 PA 2008 and Rule 8(1)(k)

²¹ S93 PA 2008 and Rule 13(3)(a)

²² S91 PA 2008, Rule 13(3)(a) and Rule 8(1)(h)

²³ Rule 16(3)

²⁴ Rule 8(c)(ii) and (d)(ii)

²⁵ Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b)

²⁶ Rule 8(b)(k)

²⁷ Rule 8(b)(j)

²⁸ Rule 8(1)(c) and (d)

²⁹ Rule 16(3)

	<p>Deadline for receipt by the Examining Authority of:</p> <p>Written summaries of any case put at any Hearing³⁰ during period 12th to 15th June</p>	<p>Friday 22nd of June 2012</p>
	<p>Deadline for receipt by the Examining Authority of:</p> <p><input type="checkbox"/> Written summaries of any case put at Hearing³¹ of 20th June</p>	<p>Wednesday 27th June</p>
	<p>Deadline by which the Examining Authority will:</p> <p><input type="checkbox"/> Issue a final draft Development Consent Order (including requirements etc) for comment³²</p>	<p>Monday 2nd July 2012</p>
	<p>Deadline for receipt by the Examining Authority of:</p> <p><input type="checkbox"/> Any written comments on the final draft Development Consent Order (including requirements etc) that any Interested Party wishes to make³³</p>	<p>Monday 16th July 2012</p>

³⁰ Rule 8(1)(k)

³¹ Rule 8(1)(k)

³² Rules 17 and 8(1)(k). The issue of a final draft Development Consent Order should not be taken to indicate that the Examining Authority has concluded that consent should be granted. The Examining Authority's recommendation to the Secretary of State will depend upon the outcome of the examination. The issue of a final draft Development Consent Order is simply to ensure that a fully considered Development Consent Order is available in the event that the Secretary of State decides that consent should be given, having regard to the Examining Authority's report and recommendation and all the circumstances of the case.

³³ Rules 17 and 8(1)(k)

Annex D

Initial Assessment of Principal Issues

This is the initial assessment of the Principal Issues arising from consideration by the Examining Authority of the application documents and relevant representations received concerning the Brechfa Forest West Wind Farm. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a decision after the examination is concluded.

Bob Macey

Examining Authority
14 February 2012

The identified Principal Issues are set out under headings organised in alphabetical order, as follows:

ACCESS, including:

Transport to the site: The impact of HGVs transporting material to the site particularly during the periods of peak construction. The adequacy of the local & trunk road network to cope with the forecast traffic volumes.

Local access from the A485: The impact on traffic and road safety; impact on habitat, including compensatory habitat under a S106 agreement for Alltwalis and the loss of hedgerow and trees. The landscape and visual impact of the proposed access. The extent and adequacy of mitigation of any of the above.

AMENITY, including:

The impact on walkers, cyclists and horseriders during construction and operation.

DEVELOPMENT CONSENT ORDER (DCO), including

The need for and appropriateness of the provisions within the DCO, and the need for and adequacy of the identified requirements, including consideration of consistency with other application documents.

Whether all elements of the project are "development for which development consent is required" (section 115 Planning Act 2008) (e.g. the substation)

ECOLOGY, including:

Habitats Regulations Assessment (HRA). The adequacy of the HRA, including water quality, cumulative effects including with other windfarms, wider forestry operations and the grid connection.

Avian . The species at risk, the extent of risk and the likely efficacy of mitigation/compensation measures, particularly in relation to nightjars. The role the Habitats Management Plan can and should play in addressing these issues.

Non avian . The species at risk, the extent of risk and the likely efficacy of mitigation/compensation measures, particularly in relation to bats. The adequacy of monitoring, particularly where the knowledge base of impacts is relatively low (eg collision in relation to bats.) The role the Habitats Management Plan can and should play in addressing these issues.

Forestry. The scale and nature of woodland lost and adequacy of the proposed compensation/mitigation measures.

GRID CONNECTION, including:

Consideration of potential impact on any EU sites, the assessment requirements of the EIA Directive and whether cumulative effects have been adequately accounted for. Consideration of whether there are obvious reasons why a subsequent application for a grid connection is likely to be refused.

HYDROLOGY, including:

Flooding. The adequacy of the proposed mitigation measures and the extent of any residual risk

Water quality. The adequacy of the proposed mitigation measures, the extent of any residual risk and the need for assessment of baseline conditions and subsequent monitoring.

Private Water Supplies. The potential for adverse impact taking account of the mitigation measures for surface water and water quality.

LANDSCAPE & VISUAL IMPACT, including:

The extent to which the design minimises visual impacts, including consideration of the existing Alltwalis site and proposed Brechfa Forest East. The adequacy of the assessment of impact on individual local communities and users of the countryside.

NOISE, including:

The impact of noise on the local community and on species, both in isolation and in association with other developments. The extent to which the applicant has followed an appropriate methodology in assessing noise impacts. The adequacy of requirements within the DCO to ensure appropriate limits are not breached, including issues relating to the lack of certainty of types of wind turbines/hubs it is planned to use.

POLICY CONTEXT, including:

Energy policy: the Overarching National Policy Statement for Energy (EN-1, 2011) and National Policy Statement for Renewable Energy Infrastructure (EN-3, 2011) published by the Department of Energy and Climate Change.

Planning policy: the Welsh Government's planning policies, primarily as set out in Technical Advice Note 8, Planning for Renewable Energy (2005), and Carmarthenshire County Council's Unitary Development Plan (2006).

SAFETY, including:

For forest users during and after construction.

Fire risk in the forest from operation of the proposed wind farm.

TOURISM, including:

The significance of tourism to the local economy and the extent to which the proposed development may impact on tourism levels.

Annex E

Statements of Common Ground

In relation to some of the Principal Issues identified in Annex D, the Examining Authority will be assisted by the preparation of Statements of Common Ground (SOCGs) between the applicant and Interested Parties. The draft timetable for the examination therefore provides a period for the preparation and submission of SOCGs.

The aim of a SOCG is to agree factual information and to inform the Examining Authority and all other parties by identifying where there is agreement and where the differences lie at an early stage of the examination process. It should provide a focus and save time by identifying matters which need not be in dispute or the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. For example, the parties might agree that a certain measurement is relevant and is a key part of the case and also agree what is the difference in the measurements (X for the applicant and Y for the interested party). The reasons for the differences and the interpretation of the implications of a difference can then be expanded in the evidence.

Unless otherwise stated or agreed, the SOCG should be agreed between the applicant and the other relevant interested party(ies), and submitted by the applicant.

SOCGs will formally be requested when the procedural timetable is issued in parallel with questions from the Examining Authority (see Annex C). At this stage it appears there is scope for the applicant and relevant interested parties to be continuing to work together in a number of areas to clarify areas of agreement and disagreement and where SOCGs may be helpful. These include:

Habitats Regulations Assessment. The Countryside Council for Wales (CCW) has noted it does not in principle disagree with the overall conclusion of the applicant that a full Appropriate Assessment is not required. It identifies a number of areas where additional information would help confirm, or otherwise, that judgement.

Draft Development Consent Order (DCO): Requirements. Carmarthenshire County Council and the Countryside Council for Wales identify a number of perceived deficiencies in the requirements associated with the DCO.

Habitats Management: The draft DCO requires a Habitats Management Plan to be approved by the Local Planning Authority and to be implemented as approved. CCW has identified a number of concerns about habitat management.

Transport: The draft DCO requires a Construction Traffic Management Plan to be agreed by the Local Planning Authority, and that it will be prepared in accordance with Welsh Government guidance. Carmarthenshire County Council and the Welsh Government identify a significant number of issues and potential concerns.

Site Access: the proposed site access is considered to be unacceptable to Carmarthenshire County Council given the visual, ecological and environmental impacts

Noise: the proposed DCO proposes noise limits for each property, with these limits reflecting the cumulative noise from all turbines. Carmarthenshire County Council has indicated concerns relating to this.

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

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To all Interested Parties

IPC Reference: EN010008

16 February 2012

Dear Sir/Madam,

Notice of Appointment of Examining Authority

Application for a Development Consent Order by RWE Npower Renewables Limited for development consent for the Brechfa Forest West Wind Farm Proposal in Carmarthenshire (up to maximum capacity of 84 MW)

I am writing to notify you that I have appointed a *single Commissioner* to hold the examination of this application. The Commissioner ("the Examining Authority") is as follows.

- Bob Macey

Further information about the Commissioner can be found on the IPC website. The Commissioner, Bob Macey, is writing to you separately with details of the forthcoming Preliminary Meeting and providing details of the Examining Authority's initial assessment of the issues for this application.

Yours sincerely



Sir Michael Pitt
Chair

Switchboard: 0303 444 5000

Email: Brechfawest@infrastructure.gsi.gov.uk

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