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Your Ref:

Our Ref: EN010036

Date: 10 May 2012

Dear Sir/Madam,

Application for the Brechfa Forest West Wind Farm – Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010:

- **Revision to Examination Timetable under Rule 8 (3)**
- **Further details of likely hearings**
- **Examining Authority's Requests for Further Information and Written Comments under Rule 17**

I would like to thank those of you who submitted responses on a range of issues by 25 April in accordance with the timetable. These have been helpful in informing the next stages of the examination. I attach to this letter:

- Annex A which contains further details on my current intentions for the time, date, location and subject matter of hearings;
- Annex B which sets out a number of additional questions to which I would like responses; and
- Annex C which provides a revised examination timetable.

I comment on each of these issues below.

A. Hearings

I attach as Annex A further details on my current intentions for issue-specific and open-floor hearings, including issue-specific hearings on noise, transport and local access and on ecology. These should assist you in providing notification of your wish to participate in hearings – I remind you that notification from you on these matters is required by 25 May 2012 in accordance with the timetable attached to my letter of 23 March 2012. Please note that formal notification of hearings will now be issued as soon as practicable after the 25 May and in accordance with the revised timetable attached at Annex C.

All interested parties are entitled to attend hearings. My current expectation is that I would particularly like the following organisations to attend issue-specific hearings on the following issues:

Noise

The Applicant
Carmarthenshire County Council
Statkraft
Grwp Blaengwen

Transport and Local Access

The Applicant
Carmarthenshire County Council
Countryside Council for Wales
Welsh Government

Ecology

The Applicant
Countryside Council for Wales
Environment Agency Wales
Carmarthenshire County Council

I have also given consideration to a hearing which might cover the DCO, S106 and any outstanding Local Impact Report issues and have provisionally earmarked the 12 July 2012 for this. Should I decide to hold this hearing I will notify all interested parties of the venue and timing details nearer the time.

It may also assist if I give some advance indication of how I propose to conduct the hearings. If you have asked to speak you will be expected to summarise very briefly the key points you wish to make, with the expectation that these be based on your earlier representations. The method of examination will be inquisitorial in nature. Therefore if you speak at a hearing, particularly an issue specific hearing, you should expect to be questioned on what you say. I propose to allow those at the hearings to comment on responses of other parties where in my view this is likely to add value. I may have to revise this approach if it appears not to be helping the conduct of the examination.

At the open-floor hearings I also propose to set a time limit for each individual who wishes to speak to ensure that all who wish to speak have a chance to do so. Your oral representation should focus on issues in your earlier written representations and not repeat points made by others. Furthermore, you can rely on my having read your relevant and written representations and therefore do not need to repeat what you have already submitted in writing.

Please see Advice Note 8.5 'Participating in the Examination' on the national infrastructure web-site¹ for further information on how hearings are conducted.

B. Further Questions

Annex B sets out the Examining Authority's Requests for further information and written comments issued under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (Examination Rules).

Responses are to be received by the Examining Authority by **25 May 2012**. The Examining Authority will take all responses received by this date into account including those where Interested Parties have chosen to address requests not directed to them. Responses will be published on the Brechfa project page of the national infrastructure web-site as soon as practicable after the 25 May 2012.

C. Revised Timetable

A revised timetable taking account of the above is provided at Annex C.

D. Site Inspection

As indicated in the examination timetable I also intend to make an accompanied site inspection **on 14 June 2012**. Please note that any suggestions for the itinerary of the accompanied site visit must be provided by 25 May 2012 as set out in the timetable attached to my letter of 23 March 2012. To allow me to take all suggestions received from interested parties by this deadline into consideration, further details on the time and place of the site inspection will be notified to all interested parties as soon as practicable after 25 May 2012.

Yours sincerely



Bob Macey
Examining authority

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

¹ <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2012/03/Advice-note-8.5.pdf>

Annex A

Proposed Brechfa Forest West Wind Farm – Carmarthenshire (EN010008)

Current Intentions for the Date, Time and Place for Hearings

ISSUE-SPECIFIC HEARINGS

Proposed Date	Proposed Time	Details
20 June 2012	Start 10:00 am Registration 9:30 am	ISSUE-SPECIFIC HEARING ISSUE: Noise Matters likely to be dealt with under this issue include: <ul style="list-style-type: none">• Concerns of local community including level and nature of noise and potential health issues drawing on Alltwalis experience where relevant;• Experience of CCC in addressing complaints from existing windfarms, and lessons learned;• Applicants approach to measuring background noise, inc estimating equations;• Proposed limits;• Cumulative effects;• Monitoring compliance and addressing complaints; and• DCO provisions (including requirements) relating to noise.
21 June 2012	Start 10:00 am Registration 9:30 am	ISSUE-SPECIFIC HEARING ISSUE: Transport and Local Access Matters likely to be dealt with under this issue include: <ul style="list-style-type: none">• Environmental impacts of the proposed access ;• Extent to which these impacts can be mitigated;• Impact of proposed access on existing

		<p>S106 agreement;</p> <ul style="list-style-type: none"> • The need for, and nature and extent of, mitigation in relation to the existing S106; • Alternatives considered to proposed access, and extent to which any adverse consequences would be mitigated; • Transport concerns. Road safety and (if necessary) wider transport issues; and • DCO provisions (including requirements) relating to transport and local access.
21 June 2012	<p>Start 14:00 Registration 13:30</p>	<p>ISSUE-SPECIFIC HEARING ISSUE: Ecology</p> <p>Matters likely to be dealt with under this issue include:</p> <ul style="list-style-type: none"> • Habitats Regulation Assessment Screening Report – robustness of methodology, assessment and conclusion; • Other Issues following consideration of Statements of Common Ground; and • DCO provisions (including requirements) relating to ecology.

My current intention is that all the above hearings are held at the Canolfan Waunifor Centre (Cedar Hall), Maesycrugiau, Nr Pencader, SA39 9LX.

OPEN FLOOR HEARINGS

My current intention is that Open Floor Hearings under s93 of PA2008 will be held on **11 July 2012** at 10:00 (registration 9:30am) at the Brechfa Church Hall, St.Teilo, Brechfa, SA32 7RA and at 14:00 (registration 13:30) at the Canolfan Waunifor Centre (Cedar Hall), Maesycrugiau, Nr Pencader, SA39 9LX.

Thursday 12 July 2012 has been reserved for any additional hearings that may be required.

Annex B

Proposed Brechfa Forest West Wind Farm – Carmarthenshire (EN010008)

Rule 17 Examination Rules - Request for Further Information and Written Comments

The following questions seek additional information or clarification under Rule 17 of the Examination Rules. The questions are generally organised into groups directed to particular parties arranged in alphabetical order. Notwithstanding this point **all** parties are advised to read **all** questions. Some questions are directed to more than one party or may be relevant to the interests of parties who have not been directly requested by the Examining Authority to respond. Parties may respond at their discretion to any of the listed questions should they wish to do so, but the ExA has specifically identified parties from whom he wishes to hear in relation to the listed questions.

It is important to note that if responses are not received by the **25 May 2012** the Examining Authority may disregard them².

Responses will be published on the National Infrastructure pages of the Planning Portal website as soon as practicable after the **25 May 2012**.

Transport

QA1. The **Welsh Government** is asked to confirm whether it agrees that the requirements of the draft Development Consent Order relating to the Construction Traffic Management Plan (CTMP) are an appropriate means of addressing any outstanding concerns in relation to transport to the site. If they are not then the Welsh Government is asked to explain what issues cannot be addressed by the CTMP and why, and identify how their concern(s) might be addressed or mitigated.

QA2. The Statement of Common Ground identifies a range of issues relating to transport to the site on which the applicant and **Carmarthenshire County Council** are in agreement, and two where they are not. The Council's Local Impact Report identifies a range of concerns about issues relating to transport, and paragraph 8.45 notes that the requirements in the draft DCO secure the delivery mechanism for ensuring those mitigation measures are brought into effect. It is not clear to the Examining Authority whether this conclusion applies to the issues in the SOCG where the parties were not in agreement, and it would help the Examining Authority if the Council could confirm whether there are any construction transport issues that cannot be satisfactorily mitigated by the CTMP, and to clarify which these are.

Grid Connection

² Rule 10(8) Rule 13(2)

QA3. The **Countryside Council for Wales** (CCW) is asked whether they consider there to be any obvious reasons why development consent for the proposed grid connection is likely to be refused and if so why? If CCW judge this to be likely then they are asked to identify the relevant landscape, habitats and/or species that are likely to be affected, and why they judge the consequences cannot be avoided or mitigated.

Ecology

QA4. The Environment Agency's written representation identifies certain requirements relating to water quality that need to be incorporated in the final Construction Method Statement and secured through the DCO. The **Countryside Council for Wales** is asked to confirm whether or not this meets their concerns in relation to water quality as identified in their comments in the Habitats Regulation Assessment Screening Report. If it does not they are asked to take the lead and liaise with the Environment Agency, and the applicant if necessary, to produce a Statement of Common Ground identifying areas of agreement and disagreement for the consideration of the Examining Authority.

QA5. The Examining Authority has noted the timeline attached to the supplemental statement relating to a Statement of Common Ground with CCW. The **Applicant and the Countryside Council for Wales** are asked to ensure that the requested Statement of Common Ground is provided quickly.

S106

QA6. Carmarthenshire County Council's Local Impact Report identifies a number of issues they believe should be incorporated in a S106 agreement, and advises that an additional or enhanced S106 agreement is being discussed. The **applicant** is asked to clarify its intentions with respect to any further S106 agreement(s) and address the issues identified by the local authority in its response.

Private water supplies

QA7. In addition the Examining Authority has noted that the Environmental Statement identifies that there is little likelihood of any adverse impact of the proposed development on private water supplies. In its response to Relevant Representations the applicant identifies (para 8.88) action which might be taken if private water supplies are compromised. There does not appear to be a mechanism to ensure this would happen either via the DCO or a proposed S106 agreement. The **applicant** is asked to explain how the delivery of the measures identified by the applicant will be secured.

Annex C

Proposed Brechfa Forest West Wind Farm – Carmarthenshire (EN010008)

Revised Timetable for Examination of the Application issued on 10 May 2012 under Rule 8(3)

Item	Matters	Due Dates
1	Preliminary Meeting and start day of the Examination	13th March 2012
2	Deadline for receipt by the Examining Authority (ExA) of: <ul style="list-style-type: none"><input type="checkbox"/> Written Representations (including summaries of any Written Representations of more than 1500 words)³<input type="checkbox"/> Local Impact Report (LIR) from relevant local authorities⁴<input type="checkbox"/> Responses to the ExA's Written Questions⁵<input type="checkbox"/> Comments on Relevant Representations⁶<input type="checkbox"/> Applicant's revised draft Development Consent Order with accompanying note responding to the issues raised.<input type="checkbox"/> Statements of Common Ground⁷ including those set out in the schedule of questions at Annex C.	25 April 2012
3	Issue by Examining Authority of revised timetable and request for additional information under rule 17	11 May 2012

³ Rule 8(1)(a) and Rule 10(1) and (2)

⁴ Rule 8(1)(j)

⁵ Rule 8 (1)(b) – see Annex C to this procedural decision letter

⁶ Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b)

⁷ Rule 8(1)(e)

<p>4</p>	<p>Deadline for receipt by the Examining Authority of</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any written comments regarding: <ul style="list-style-type: none"> o Written Representations⁸ o Local Impact Reports⁹ o Responses to the ExA's written questions¹⁰ o Comments on Relevant Representations¹¹ o Statements of Common Ground¹² o The Applicant's revised draft Development Consent Order and accompanying note responding to the issues raised. <input type="checkbox"/> Notification by Interested Parties of wish to be heard at an Open-floor Hearing¹³ <input type="checkbox"/> Notification by Interested Parties of wish to make oral representations at any Issue-specific hearings¹⁴ <input type="checkbox"/> Itinerary suggestions for the accompanied site visit 	<p>25 May 2012</p>
<p>5</p>	<p>Notification by Examining Authority of date time and place for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Open-floor Hearing(s)¹⁵ <input type="checkbox"/> Issue-specific hearing(s)¹⁶ 	<p>29 May 2012</p>

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

⁹ Rule 8(b)(j)

¹⁰ Rule 8(c)(ii) and (d)(ii)

¹¹ Rule 8(1)(c) and (d)

¹² Rule 8(b)(k)

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

¹⁴ S91 PA 2008 and Rule 8(1)(k)

¹⁵ S93 PA 2008 and Rule 13(3)(a)

¹⁶ S91 PA 2008, Rule 13(3)(a) and Rule 8(1)(h)

6	Notification by the Examining Authority of date time and place of: <input type="checkbox"/> Accompanied site visit ¹⁷	1 June 2012
7	Examining Authority's site inspection in the company of Interested Parties¹⁸.	14 June 2012
8	Reserve dates for accompanied site visit should weather conditions on 14/15 June prevent a meaningful site inspection to take place or more time may be necessary.	15 and 18 June 2012
9	Reserve Date for Issue-specific hearing on noise	20 June 2012, 10am
10	Reserve Date for Issue-specific hearing on transport and local access	21 June 2012, 10am
11	Reserve Date for Issue-specific hearing on ecology	21 June 2012, 14:00
12	Deadline for receipt by the Examining Authority of: <input type="checkbox"/> Written summaries of any case put at Issue-specific Hearings held on 19-21 June. ¹⁹	28 June 2012
13	Open Floor Hearings²⁰	11 July 2012
14	Reserve date for any additional hearing(s) required (venue to be confirmed)	12 July 2012
15	Deadline for receipt by the	19 July 2012

¹⁷ Rule 16(3)

¹⁸ Rule 16(3)

¹⁹ Rule 8(1)(k)

²⁰ Rule 13(3)(a)

	<p>Examining Authority of:</p> <p><input type="checkbox"/> Written summaries of any case put at the Hearing(s) on 12 July.²¹</p>	
16	<p>Deadline by which the Examining Authority will issue for comment:</p> <p><input type="checkbox"/> Examining Authority's final draft Development Consent Order²²</p>	26 July 2012
17	<p>Deadline for receipt by the Examining Authority of:</p> <p><input type="checkbox"/> Any written comments on the final draft Development Consent Order that any Interested Party wishes to make²³.</p>	9 August 2012
<p>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). This means that the examination must be closed by 14th September at the latest, but may close earlier at the ExA's discretion.</p>		

²¹ Rule 8(1)(k)

²² Rules 17 and 8(1)(k)

²³ Rules 17 and 8(1)(k)