

SPECIAL REPORT

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

NORTH WALES WIND FARMS CONNECTIONS MAJOR INFRASTRUCTURE PROJECT

CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008

1. PURPOSE OF REPORT

1.1 Members will recall a report was presented at the January Committee in respect to the North Wales Wind Farms Connections Project, which is a nationally significant infrastructure project requiring development consent under the Planning Act 2008. An application for development consent is expected to be submitted to the Planning Inspectorate in late 2014.

1.2 Denbighshire County Council has now been invited to respond to the statutory pre-application consultation on the project in accordance with Section 42 of the Planning Act 2008.

1.3 A resolution is sought on the resource allocation to be dedicated to responding to this project in light of circumstantial changes since January, and for Members approval for Officers to submit a consultation response on behalf of the Council.

2. BACKGROUND

2.1 The North Wales Wind Farms Connections project is part of a wider scheme to connect four proposed windfarms in the Clocaenog Forest Strategic Search Area (SSA) to an existing substation in St Asaph. Scottish Power Manweb (SPM), who owns the electricity distribution licence for Merseyside, Cheshire and North & Mid Wales, is the applicant.

2.2 The project consists of a new 132kilovolt (kV) overhead line approximately 17km long within a Route Alignment corridor approximately 100m wide, together with ancillary works. The proposed 132kV overhead line runs from the Clocaenog Forest area in Denbighshire to a terminal pole to the south of Glascoed Road, B5381, Cefn Meiriadog. The route alignment corridor crosses through both Denbighshire and Conwy. The route corridor is shown on **Plan 1** at the back of this report.

2.3 The wider scheme and the project will require different consents; the principal consents are set out below:

2.3.1 **The 'Project'**: A Development Consent Order (DCO) under the Planning Act 2008 will be required for the new 132kV overhead lines together with required accesses, construction laydown areas and other integral works. In accordance with the Planning Act, the applicant will need to:

- Carry out formal pre-application consultation on 'the project' with statutory consultees and the public; Denbighshire County Council is a statutory consultee.
- Submit an application for development consent to the Planning Inspectorate, who will examine the application on behalf of the Secretary of State. Once the application has been accepted by the Planning Inspectorate, the Council will be invited to submit a 'Local Impact Report', written representations and to participate in the examination process. Please note, this is not a statutory duty placed on the Council, therefore the Council is not required by law to participate in the examination process.

2.3.2 **The 'wider scheme'**: As well as requiring a Development Consent Order, the wider scheme will also require:

- Planning permission under the Town and County Planning Act for a new collector substation in the Clocaenog Forest area. A subsequent planning application will therefore need to be submitted to Denbighshire County Council.
- New underground cables to connect the Terminal pole to the existing substation at St Asaph,

which are permitted development under the Town and County Planning (General Permitted Development) Order 1999.

3. PRE-APPLICATION CONSULTATION ON THE 'PROJECT'

3.1 SPM has published the Statement of Community Consultation (SoCC) which sets out the consultation arrangements for the statutory pre-application consultation on the overhead lines project, running from 20 March to 18 May 2014. For the purposes of the pre-application consultation, SPM have defined a geographic consultation zone which extends for at least 2km either side of the route alignment, and they have committed to consult with all people who live and work within, or otherwise use, this area, as well as consulting with people who have previously expressed an interest in the Project. The route alignment itself crosses through Denbighshire and Conwy and the consultation zone is illustrated on **Plan 2** at the back of the report.

3.2 The consultation documents include:

- Project newsletter to promote the consultation and the project.
- Non-technical Overview Report of the project (including the non-technical summary of the Preliminary Environmental Information Report).
- Detailed plans.
- Interim Consultation Report.
- Preliminary Environmental Information (PEI) Report including non-technical summary.
- Strategic Options Report.

3.3 A copy of the non-technical Overview Report is attached as an appendix at the back of the report.

3.4 The project consists of proposals for a new 132kV overhead line connection, together with required accesses, construction laydown areas and other integral works.

3.5 As part of the pre-application consultation, SPM are inviting comments on:

- Areas within the 132kV Overhead Line Proposed Route Alignments(s) that would not be suitable for a pole or overhead line to be located.
- The preliminary environmental information which has been compiled to understand the environmental effects of the Project.
- The two route alignments near Henllan.
- Other elements of the Project including measures to reduce the impact of the 132kV Overhead Line.

3.6 Following the pre-application consultation, a DCO application is likely to be submitted to the Planning Inspectorate in September 2014 for an updated route alignment, which will be refined in light of the consultation responses and the findings of the Environmental Impact Assessment.

3.5 The project has been developed to avoid or reduce potential environmental impacts as far as practical. The final line and pole positions will be located within the route alignment. Indicative line and pole positions have been identified for the purposes of carrying out assessments and preparing indicative visuals. The indicative line and pole positions run down the centre of the proposed route alignment.

3.6 132kV overhead lines can be built on steel towers (pylons), steel poles or wood poles (either double or single). The consultation materials confirm no steel towers or steel poles are required.

3.7 The overhead line proposed is a double wood pole design, which tend to be 15m in height and are spaced up to 100m apart. However, both the height and span can be extended or reduced as

required to meet statutory clearance requirements or to address factors of sloping ground. The poles carry three cables with an additional earth wire and the conductors are supported on a steel structure which sits on top of the double wood poles.

3.8 A number of studies are underway to see if a lighter single wood pole design would be suitable and underground cables may also be appropriate to overcome technical issues or in areas of highest visual sensitivity. However, for the purposes of the consultation, the assessments have been based on double wood poles as a 'worst case' illustration. It is to be noted the wood pole design is not subject to the consultation; this will be chosen based on technical feasibility.

3.9 The route alignment has been divided into four sections which are shown on **Plan 1**. Section 3 (Eriviat to Plas Buckley) proposes two alternative alignments, which are shown in more detail on **Plan 3** and are summarised below:

- The first option turns slightly to the north-west along the valley floor to the west of Henllan within a small to medium scale pastoral landscape, crossing minor roads, watercourses and residential receptors. The fields are bounded by hedgerows with mature trees and areas of predominately deciduous woodland which increase in cover along the tributaries of the Elwy to the west of Henllan.
- The second option also runs broadly north-west to pass to the west of Berain. However, the alignment runs across slightly higher land to the west, further from Henllan, crossing undulating farmland with well-kept hedgerows and mature trees. The alignment crosses two well wooded river valleys and passes to the east of Hafod Wood.

3.10 Option two has been proposed as a result of feedback made during the previous non-statutory community consultation stage where a number of Henllan residents had requested the route alignment be repositioned further away from the village.

3.11 Whilst option one and option two are both within Conwy's administrative boundary, the Council may wish to comment on these options, as well as commenting on the preliminary environmental information and the suitability of the route to accommodate overhead lines and wooden poles.

4. RESOURCE IMPLICATIONS

4.1 As Members are aware, the Council receives no planning fee for nationally significant infrastructure projects and the January committee report set out the resource implications associated with this project, and outlined possible funding options.

4.2 At the January committee Members resolved that the Council should remain fully committed to its engagement in the planning process for this project and for:

- Funding to be requested from Welsh Government.
- Scottish Power Manweb to be asked to contribute.
- County Council reserves to be utilised where appropriate.

4.3 However, since January, there has been a series of circumstantial changes which directly impacts upon the resources available to the Council to response to this project, including:

- Welsh Government Funding: As part of the Welsh planning reform, Welsh Government planning funding streams will be re-directed to fund provisions such as the formation of a national planning advisory and improvement service. As such funding streams will no longer be directly available to local planning authorities, so there is no scope for costs to be recovered from Welsh Government.
- Planning Performance Agreement: Officers have approached Scottish Power Manweb with respect to entering into a Planning Performance Agreement (PPA). Scottish Power Manweb has not entered into a PPA for any other nationally significant infrastructure projects so it would be a step change for the company to do this for the North Wales Wind Farms Connections project; whilst Officers will continue to seek a PPA for this project, a PPA has not

been secured for the purposes of the current consultation.

- Collaboration: The project affects both Denbighshire and Conwy. Officers will endeavour to collaborate with Conwy where it would enable resources to be streamlined, however Members should note Conwy's Landscape Officer left the authority in March 2014, and Conwy have not made a decision as to whether or not the post will be filled; therefore both Councils are currently without any in-house landscape expertise.
- Council budget. On 27 January, Full Council approved the 2014/15 Council budget. In light of the Local Government Final Settlement, the Council will have to find in the region of £8.5m in savings for 2014/15.
- Chief Executive 'Sharpening the Act' paper (February 2014). This paper sets out the overall objective of this Council for the remainder of this administration, which is *"to deliver our Corporate Plan, improve customer care and maintain priority services while managing significant financial cuts and possibly beginning to manage the transition from Denbighshire to a merged Denbighshire/Conwy Council."* The paper goes on to clearly emphasise the need to focus on Corporate Plan priorities and for council balances to only be used in a carefully planned manner.

4.4 The Preliminary Environmental Impact Report (PEI Report) has been informed by a series of comprehensive assessments and studies, and is accompanied by a series of visualisations from representative viewpoints within Denbighshire and Conwy. Given that the proposed infrastructure is now restricted to 15m double wooden poles and not large pylon structures, for the purposes of the pre-application consultation, Officers consider the preliminary environmental information can be reasonably appraised by planning and technical officers and do not consider there is sufficient justification for council balances to be drawn down to procure landscape and environmental consultants to act on behalf of the Council at this stage.

4.5 Officers are therefore proposing that only existing internal resources are utilised to enable the Council to respond to the pre-application consultation.

4.6 At this stage, it is envisaged the Council's consultation response will not form an opinion on the planning merits of the development, but rather take the form of an observations report that makes reference to the relevant chapters in the PEI Report and other consultation documentation. Comments will therefore be provided on a without prejudice basis, and the Council reserves the right to make further detailed representations either in support or objection to the project when an application for development consent is submitted to the Planning Inspectorate.

4.7 Internal consultation on the project has commenced. Due to committee cycles and to maximise the time available for planning and technical officers to scrutinise the consultation materials, Officers request Members agree that Officers submit comments in response to the pre-application consultation on behalf of the Council once all internal consultation responses have been received, in consultation with affected Ward Councillors, and the Chair and Vice Chair of Planning Committee.

5. RECOMMENDATIONS

5.1 Members agree for:

- Internal resources only to be drawn upon to assess the pre-application consultation documents.
- Officers to submit a consultation response to Scottish Power Manweb on behalf of the Council before the end of the consultation period, in consultation with affected Ward Councillors and the Chair and Vice Chair of Planning Committee.

GRAHAM H. BOASE HEAD OF PLANNING AND PUBLIC PROTECTION SERVICE

Plan 1: Route Corridor

Plan 2: Consultation Zone

Plan 3: Section 3 Plan

Appendix: Consultation Non-Technical Overview Report