

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 may recall that a report on this item was presented to the 16th April Committee, but that it was not possible to deal with the item as the meeting was not quorate at that point.

1.2 A report was presented to the January Committee in respect of the North Wales Wind Farms Connections Project, which is a nationally significant infrastructure project requiring development consent under the Planning Act 2008.

1.3 The January report explained that the Denbighshire County Council has been invited to respond to the statutory pre-application consultation on the project in accordance with Section 42 of the Planning Act 2008.

1.4 The report to the April Committee sought a resolution 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.

1.5 In light of the consultation deadline of 18th May 2014, Officers have drafted a consultation response which is attached, and the purpose of this report is now to seek approval from Members to formally submit the consultation response to Scottish Power Manweb 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 consent processes 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 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 erected on steel towers (pylons), steel poles or wood poles (either double or single). The consultation material confirms no steel towers or steel poles are required.

3.7 The proposals are for 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:

Option (a) Eriviat to Plas Buckley via Hafod.

Option (b) Eriviat to Plas Buckley via Henllan.

These are shown in more detail on **Plan 3**.

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 In light of the resource implications set out above, Officers did not consider there to be 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, and therefore only existing internal resources have been utilised to inform the draft consultation response.

5. DRAFT CONSULTATION RESPONSE

5.1 The draft consultation response is attached to this report.

5.2 Officers have carried out internal consultation with relevant internal departments, and the draft consultation response has been informed by comments received from both by officers and elected Members.

5.3 The response does not form an opinion on the planning merits of the development, but rather take the form of an observations report that makes comments on the proposed route alignment, the Preliminary Environmental Information Report and other consultation documents.

5.4 Comments are made 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.

5.5 The deadline for comments to be submitted is 18th May 2014.

6. RECOMMENDATIONS

6.1 Members agree that:

- Officers formally submit the draft consultation response attached to this report to Scottish Power Manweb on behalf of the Council before the end of the consultation period.

GRAHAM H. BOASE HEAD OF PLANNING AND PUBLIC PROTECTION SERVICE