

**PLANNING
COMMITTEE**

**14th SEPTEMBER
2016**

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**NORTH WALES WIND FARMS CONNECTIONS
MAJOR INFRASTRUCTURE PROJECT**

**SECRETARY OF STATE DECISION ON DEVELOPMENT CONSENT ORDER
APPLICATION**

1. PURPOSE OF REPORT

1.1 The report provides an outline of the decision issued in the name of the Secretary of State on 28th July 2016, granting the Development Consent Order for the overhead line connection scheme.

1.2 The report briefly sets out the background to the making of the decision and provides a short summary of the Statement of Reasons for the Secretary of State's decision.

2. BACKGROUND.

2.1 Members may recall that the application from Scottish Power Manweb plc was for permission to install a 17.4km length of new 132kV electric line supported by double wooden poles between a collector substation near Clocaenog Forest, to the National Grid Bodelwyddan substation near Groesffordd Marli, St Asaph. The proposed line would run through Denbighshire and Conwy County Council's administrative areas.

2.2 The scheme was originally accepted for Examination by the Planning Inspectorate in April 2015, being development constituting a Major Infrastructure Project. It was the subject of a detailed scrutiny process by 3 Inspectors appointed by the Planning Inspectorate.

2.3 Denbighshire County Council, along with Conwy County Council, interested organisations and private individuals were invited to participate in the Examination process. There was a preliminary meeting in July 2015, a series of Examination Hearings on specific topics in late September / early October 2015, and further sessions in December 2015. The Examination process was closed in January 2016.

2.4 Reports were presented to Planning Committee in relation to the application. Prior to the start of the Examination process, Members agreed the Council's position on the scheme and including the substance of its representations and its approach to presentation of evidence to the Examiners.

2.5 At the July 2015 Planning Committee, it was resolved that Members:

- *agree to the format of the draft Local Impact Report attached as Appendix D to the report and for a final Local Impact Report to be submitted to the Planning Inspectorate, in consultation with relevant Ward Members*
- *agree that the Council formally objects to the development proposal on the basis of the visual impact; loss of agricultural land, and the potential impacts on health, tourism and biodiversity, and*
- *nominate Councillors Meirick Davies, Alice Jones and Joe Welch to represent the Council at Examination Hearings.*

2.6 Previously, at Full Council on 9 September 2014, Members had unanimously agreed a Notice of Motion put forward by Councillors Joe Welch, Colin Hughes, Geraint Lloyd Williams, Meirick Lloyd Davies and Eryl Williams. The Motion was as follows:

"We would like the support of the Council to have a firm stance to demand that the NW Wind Farms connection is placed underground for its entire length".

2.7 Officers and Members, supported by a Landscape Consultant, attended the Examination Hearings and presented evidence in support of the grounds of objection as resolved by Planning Committee. The Council also provided a volume of additional information requested by the Examiners in a series of written questions which followed the Hearings.

2.8 Detailed evidence was also presented to the Examining Authority prior to and at the topic hearings by Conwy County Council, a number of private individuals and groups.

3. DETAILS OF THE SECRETARY OF STATE'S DECISION

3.1 In summary, the Secretary of State has made, with modifications, an Order granting development consent for the Option B route proposed in the application, for an overhead line. The 25 page decision letter provides the Statement of Reasons for the decision.

3.2 The Secretary of State's decision, which is on the National Infrastructure Planning website (North Wales Wind Farms Connection), appears alongside the following :

- The Examining Authority's findings – Recommendation and Report, 327 pages

- 5 related Appendices – setting out abbreviations, the Examination timetable, the Examination library, a list of objections to the Compulsory Acquisition, and in Appendix E the Recommended Development Consent Order (168 pages)

3.3 The decision letter clarifies the period within which any claim for Judicial Review must be made to the Planning Court in relation to the grant of the Order. This was 6 weeks beginning with the day after the day on which the Order was published (ending 9TH September, 2016).

3.4 The Secretary of State's letter sets out the matters which have been taken into account in the making of the decision. This includes National Policy Statements, the Local Impact Reports, Local Development Plans, and the Examiners' analysis of the issues. The letter states that the Secretary of State agrees with the findings, conclusions and recommendations of the Examining Authority as set out in the Report, and that the reasons for the Secretary of State's decision are those given by the Examining Authority.

3.5 In summary, the Secretary of State's comments on issues not given detailed consideration by the Examining Authority include:

- Need for the development
Having regard to the termination of the connection arrangement between the applicants and the developers of the Derwydd Bach and Nant Bach wind farm schemes, in the absence of any adverse effects which are unacceptable in planning terms, the making of the Order would be consistent with national policy which sets out a need for development of nationally significant electricity network infrastructure of the type proposed. The need for the development has been established.
- Consideration of route Option A and Option B
Proposed changes submitted in September 2015 in the form of revised pole positions to address requests from affected landowners were accepted as part of the Examination, and this Option (B) is considered preferable on the basis of the mitigation to reduce impacts on farming operations, and should be granted consent
- Consideration of alternatives including undergrounding
3 alternatives were considered.
Use of a single pole system. Technical evidence in relation to the need for an earthing system indicated that the only approved system in relation to a wooden pole is the 'heavy duty' i.e. two pole construction proposed. A single pole system would not be possible for the entire development and a hybrid solution of single wood poles and double wood poles in suitable areas would not be justified.
Full undergrounding. Evidence on comparative costs suggested the value of lifetime costs for the underground option was approximately twice that of the overhead line, and for a 25 year connection, this would equate to approximately £16.6m. Having regard to the application of the Holford

Rules and consideration of alternatives, the balance of benefits of the underground alternative would not clearly outweigh the extra economic costs.

Consideration of partial undergrounding. Suggestions for partial undergrounding in two locations in sensitive areas in Conwy Borough were assessed and the conclusions were that there are no policy or legal requirements that consent be refused for either route Option in favour of partial or full undergrounding.

- Consideration of decommissioning of the development
The conclusion on the matter of decommissioning following the end of the operational life of the wind farms to which the overhead line would connect is that the lifetime of the line be limited to 30 years from the date of the Order. It is stated that this would give the local community and affected persons certainty over the duration of the development.

3.6 The Secretary of State's comments on issues considered under specific topic headings by the Examining Authority include:

- Biodiversity, Ecology, and geological conservation
It is concluded that the development is not likely to have significant effects on any European site or features alone, or in combination with other schemes. Appropriate Assessment is not therefore required. The need for the development justified the loss of ancient / deciduous woodland, with mitigation. In relation to ancient trees at Eriviat Hall (the two remaining of the Four Sisters), it is stated their loss would be locally significant, but that the need for and benefits of the development outweigh the loss.
- Best and Most Versatile land
It is accepted that some 2.5 hectares of Best and Most Versatile agricultural land is involved, but that this would not be a permanent loss, and it would be restored as part of decommissioning. It is acknowledged that the proposals are contrary to Planning Policy Wales, but the need for the development is sufficient to outweigh the policy constraints.
- Landscape and visual impacts
There would be no impact on designated landscapes. Impact on the residential visual amenity of dwellings would not be so significant as to make them unattractive / unsatisfactory places to live. It is accepted that moderate and therefore significant adverse impacts on landscape and visual amenity would arise, but it is not considered that this would lead to a level of harm which would be sufficient to outweigh the need for the development; nor would the benefits of an underground connection clearly outweigh the extra economic impact. It is concluded that there are no reasons on landscape and visual impact not to make the Order.
- Historic Environment
Impacts on the setting of listed building and parkland are assessed and not considered to be significant or likely to give rise to substantial harm.

- Compulsory Acquisition
There is considerable detail on the deliberations of the Examining Authority on compulsory acquisition issues.

3.7 The final sections of the letter set out the Secretary of State's conclusions and decision. This includes the following-

- There is a compelling case for granting Development consent
- Given the policy set out in the National Policy Statements the case is not outweighed by potential adverse local impacts of the developments, as mitigated by the proposed terms of the Order
- Granting consent would be consistent with National Policy Statements EN-1 and EN-5
- Powers of compulsory acquisition are granted, along with temporary possession powers
- The development will have no likely significant effects on European Designated sites either alone or in combination with other plans and projects.
- The Examining Authority's recommendations to make the Order granting development consent based on Option B, and to impose the requirements (conditions) are accepted, subject to modifications.

4. EVENTS FOLLOWING THE CONFIRMATION OF THE ORDER

4.1 The County Council and Conwy County Borough Council were informed as 'interested parties' on the 12th August that a petition had been lodged for Judicial Review of the decision to grant the Development Consent Order for the overhead lines connection. The challenge was on behalf of the owner of property in the locality and the Pylon the Pressure Group. Local Members and Members in Denbighshire who were involved in the Examination process on the Overhead Lines connection application (Councillors Joe Welch, Meirick Davies, and Alice Jones) have been advised of this development.

4.2 The grounds for the challenge have to be assessed by the Courts as to whether they form a legitimate basis for Review. Officers have studied the document and have advised the claimants that the Council does not wish to become involved as a party at this stage. Officers understand that counterparts in Conwy have adopted a similar approach.

5. RECOMMENDATION

5.1 The report is for information only.

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HEAD OF PLANNING AND PUBLIC PROTECTION

