

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**  
**ADEQUACY OF CONSULTATION**  
**CLOCAENOG FOREST WINDFARM**

**1 PURPOSE OF REPORT**

- 1.1 The report arises as RWE npower Renewables (Applicant) has indicated that they are finalising the application seeking planning permission for the Erection of 32 No. Wind turbines and associated works (a Nationally Significant infrastructure Project (NSIP)) and are likely to be submitting the Development Consent Order (DCO) application to the Planning Inspectorate (PINS) at the end of March.
- 1.2 Once this has occurred PINS will initiate the formal NSIP application process.
- 1.3 This process consists of several elements with the first being that PINS will have to assess the adequacy of consultation by the applicants prior to the submission and whether it meets the requirements set out on the 2008 Planning Act.
- 1.4 The timescale for PINS to complete their adequacy of consultation response is only 28 days after submission of the document.
- 1.5 PINS will as part of the process write to the Council inviting it to make comments within 14 days.
- 1.6 This would not leave adequate time for officers to bring a report to committee and this report has been prepared to ensure members have the opportunity to make their views known.

**2 BACKGROUND**

- 2.1 RWE npower Renewables (NRL) were awarded the rights to develop a wind farm on land owned by the Welsh Assembly Government and managed by Forestry Commission Wales at Clocaenog in 2009 and subsequently registered the proposal as a NSIP with the then Infrastructure Planning Commission (IPC).
- 2.2 The proposed development is for a wind farm with an installed capacity of up to 96 megawatts (MW) based on 32 wind turbines each with a capacity of 2-3 MW. As the total capacity is greater than 50 MW it becomes a NSIP development and it is a requirement to submit a DCO application to PINS under the 2008 Planning Act. It was originally to be submitted to the IPC but this organisation was closed by the present government and incorporated in PINS.

2.3 The Planning Act 2008 requires the applicant to undertake public consultation with people living and working in the vicinity of the wind farm proposal. The consultation needed to be undertaken in accordance with an agreed Statement of Community Consultation (SOCC).

2.4 The Council was consulted on the Draft (SOCC) in early 2010 and a comprehensive report was submitted to Committee and its comments passed to the applicants.

2.5 The applicants subsequently published its adopted SOCC in relation to this windfarm.

2.6 The published consultation methods included:

- Newsletters.

- Website.

- Media engagement.

- Exhibitions.

- Making technical information available at a range of locations throughout the process

- Community Liaison group meetings.

- Face to Face Meetings.

2.7 In line with the SOCC the applicant in August 2011 consulted with the Council and all other statutory consultees on the Draft Environmental Statement under Section 42 of the 2008 Planning Act. Following a full report to the Planning Committees of Denbighshire and Conwy County Councils a combined response was made at the end of September 2011.

2.8 In the intervening period the applicant has been complying with his consultation requirements and reassessing the Environmental Statement and other details of its DCO submission following the representations received.

2.9 In support of the DCO application, the applicant will need to submit a statement of consultation report identifying the steps they have taken to ensure that PINS are satisfied with the Adequacy of the Consultation. This report will need to show what consultations have been undertaken, the responses received are satisfactorily logged and the steps taken by the applicant in respect of the responses will need to be explained.

2.10 Separately from the consultations being undertaken by the applicant, the Council has also adopted its own Community Strategy document for NSIPS and in paragraph 6.2 d it indicates that before the Council comments on the quality of the developers community consultation the Council will write to relevant Town and Community Councils to gather information on their experience and opinion of the developer's community

Consultation. This was undertaken in June 2012 and 7 responses were received which will be forwarded to PINS once the formal consultation is received.

2.11 For Members information, the applicant has produced a brief potted history of the development, and the consultation undertaken to date, which is as follows:-

- Scoping conducted with Department of Energy and Climate Change (DECC) in Jul-08
- First bilingual newsletter circulated to public in Nov-08
- Consultation under Section 36 undertaken in Oct-09, including newsletter (second bilingual newsletter- Sept-09) and exhibitions. Bilingual exhibition panels and Welsh speaking staff in attendance at exhibitions.
- First community liaison group (CLG) meeting between REW and representatives of the local community and interest groups held in April 2009 (2<sup>nd</sup> 9-Jul-09), 3<sup>rd</sup> 03-Nov-09, 4<sup>th</sup> 06-Jul-10-IPC Outreach, 5<sup>th</sup> 17-Aug-11) and specific CLG website set-up. CLG met on 17-Aug-11 during the formal consultation period and at this meeting the CLG decided a second meeting within the consultation period was not required. Further CLG proposed post-application. Welsh translation provided at CLGs.
- March 2010 Planning Act 2008 comes into force for wind farms > 50MW
- Consulted on Statement of Community Consultation (SoCC) with DCC & CCBC Jan/Feb-10.
- SoCC published in Denbighshire Free Press Dec-10.
- Section 48 notice published (in English & Welsh) in Denbighshire Free Press, The Independent and London Gazette prior to consultation start in Aug-11 with details of consultation, public exhibition dates and venues, where further information was available and how to participate in the consultation. The consultation was also advertised in Denbigh Visitor and Denbighshire Free Press, and bilingual press releases sent out to 30 local media organisations.
- 56 day Section 42 (prescribed consultees) and Section 47 (local community) consultation from 04-Aug-11 to 28-Sep-11, including statutory 28 days outside of holiday period.
- The preliminary environmental information, in the form of a non-technical summary (in English & Welsh) and the full draft Environmental Statement, was made available during the formal consultation period at a range of locations (Ruthin Library, Denbigh Library, Conwy Planning Office, Denbigh Planning Office, Siop-y-Fro Clawddnewydd, Llansannan Post Office, Cerrigydrudion Post Office) and on RRWE NRL's website ([www.npoer-renewables.com/clocaenogforest](http://www.npoer-renewables.com/clocaenogforest)) with details of how comments could be

made by post, phone and email. The consultation materials set out the benefits and adverse impacts of the project, including impacts upon archaeology, ecology and landscape.

- Newsletter (Third bilingual newsletter – August 2011 – 13,000 copies) detailing the consultation, where materials available, dates of exhibitions and how to respond sent to the homes of people living within 5km of the Clocaenog Forest boundary, and homes and businesses that lie within the five council wards that overlap or adjoin Clocaenog Forest plus Denbigh (a major market town) and Corwen which is on the Strategic Access Route for SSA A. The Council wards included in this consultation area are: Llanrhaeadr-yn-Nghinmeirch (Denbighshire), Efenechtyd (Denbighshire), Uwchaled (Conwy), Llansannan (Conwy), Llangernyw (Conwy).
- Exhibitions including plans, diagrams and information held over 6 days (18/20-Aug-11 and 08/10-Sep-11) during the formal consultation period in range of venues around the area, including Cerrigydrudion, Clawddnewydd, Llanfwrog, Llansannan and Denbigh where visitors were able to view and discuss the proposals face-to-face with NRL staff. Bilingual exhibition panels and Welsh speaking staff in attendance at exhibitions.
- Since consultation, RWE has been addressing the points raised in consultation, including further surveys and refinements, and preparing the application. Prior to the application, RWE will update the project website, circulate an update note to the CLG members and respond to all S42 & S47 consultees who submitted consultation responses.

### **3 ASSESSMENT OF APPLICANT'S CONSULTATION**

- 3.1 It is evident that the applicants have undertaken what was detailed in the published SOCC and has undertaken the appropriate consultation in respect of the Section 42, 47, and 48 consultation on the draft Environmental Statement consultation on the Draft Environmental Statement.
- 3.2 However, this has been a long process over three years and there has been lengthy periods when the applicant has been undertaking analysis of results of consultations received, which may leave the impression that the community has been forgotten as there has been very little feedback and the Public has very little knowledge of how their comments may have influenced or changed the nature, scale or direction of the development. This may be more evident once the scheme is submitted and the applicant's statement on community consultation response has been published.
- 3.3 From the Community Council responses, it is evident that there is concern that the consultation process has been used as an exercise for the promotion of the development and the ability of the Public to influence changes to the proposal has been

extremely limited. It is a comment with which Members may have some sympathy and wish to support.

3.4 Whilst it appears that the applicant has complied with the requirements of the published SOCC as referred to above it could be argued that it has undertaken the bare essentials to meet the requirements and has not gone “The extra mile” to engage fully with the communities in and around Clocaenog. Members’ views on this matter will be helpful in making comment to PINS on the adequacy of Consultation.

3.5 One of the major problems with the consultation process is that the applicant does not come to the table with a ‘clean sheet’, as by the time active consultation takes place, the nature and scale of the development has already been established. As such, the public may be left feeling it has no meaningful input to the form of the proposed scheme, and frustrated at a process which appears purely a legitimising exercise on behalf of the applicant to comply with laid down statute.

#### **4 CONCLUSION**

4.1 The response time on the Adequacy of Consultation request by PINS once the NSIP application has been submitted is very restrictive – 14 days – and there is inadequate time for Officers to prepare a detailed report for Committee.

4.2 The report is therefore brought to Committee at this time as the application is scheduled to be submitted at the end of March 2013. Members' views are therefore welcomed on their experiences of the process to date, and will help Officers formulate a response to PINS.

4.3 It is apparent that a couple of Community Councils are not satisfied at the consultation process, and the comments received so far will be included in the Council’s response.

#### **5 RECOMMENDATION**

That the Committee authorise the Head of Planning and Public Protection to make representations on the Adequacy of Consultation request from PINS once the NSIP application for the erection of wind turbines at Clocaenog has been formally submitted.