



The Planning Inspectorate

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Dear Abbas Raza

Please see our comments below on the further draft of the Statement of Community Consultation (SOCC) submitted on 21 March 2014.

The following comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) or by the Secretary of State on any submitted application.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Tracey Williams

Tracey Williams
Case Manager

Wrexham Energy Centre

Comments on draft Statement of Community Consultation (SOCC) submitted in March 2014

Introduction

These comments and queries relate solely to the Statement of Community Consultation submitted in March 2014, and not the merits of the proposal. They are raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the application.

1.1 The applicant must consult each Local Authority (LA) defined in section 43(1) about the content in the SoCC.

Paragraph 11.1 states: '*discussions with Wrexham County Borough Council (WCBC) agreed and published an initial Consultation Plan for the initial non-statutory consultation stage*'. Further, paragraph 13.3 states that the 'SoCC was prepared in consultation with WCBC'. The same paragraph refers to '*potentially interested parties*'. It should be noted that 'interested party' is a term used for the purpose of s102 of the Planning Act 2008 (as amended) unless it applies, it may perhaps be helpful to consider use of different term to avoid potential confusion.

1.2 The applicant must provide at least 28 days to local authorities for receipt of comments on the applicants' draft SoCC.

Paragraph 13.4 states: '*WCBC was consulted on WPL's draft SoCC and responded on ...*'. It is noted that date is to be yet inserted. It may be helpful listing all dates on which the WCBC was contacted in relation to SOCC, both at non-statutory and statutory consultation stages of the pre-application consultation. Moreover, it would be helpful if dates of when the local authority responded could also be provided.

1.3 Developer must have regard to any responses from a relevant local planning authority(s).

Paragraph 10.1 of the SoCC states: '*Ahead of statutory-consultation commencing, WPL undertook an extensive, voluntary, initial stage of non-statutory consultation...*'. Perhaps rather than referring to the applicant's non-statutory consultation as '*voluntary*'; you may wish to explain that where the applications are larger and more complex, applicants are encouraged to go beyond the statutory requirements of the Planning Act 2008 (as amended), therefore the WPL decided to carry out several stages of initial non-statutory pre-application consultation to inform the proposal. Paragraph 13.4 states: '*WCBC was consulted on WPL's draft SoCC and responded on xx xx xxxx*'. SoCC has been revised in the following ways to account for its comments'. It was noted that further details are yet to be inserted in to this paragraph. Perhaps you may wish to outlining in your SoCC, all key messages/advice received from the WCBC.

Please note that all original consultation responses from local authorities on the content of the SoCC and the consultation in general should be provided as appendices to the Consultation Report. Moreover, the Consultation Report must also clearly explain how the applicant had regard to comments received from the local authorities

when producing its SoCC.

1.4 Make the statement available for inspection by the public in a way that is reasonably convenient for the public living in the vicinity of the land

Paragraph 11.3 of the SoCC refers to publication of SoCC and states: '*in addition to publishing its SoCC in a locally circulating newspaper, as required by the Planning Act 2008, WPL will communicate directly to residential and commercial addresses identified within the Consultation Zone*'.

1.5 Publish SoCC in a newspaper circulating in the vicinity of the land

As above, paragraph 11.3 refers to publishing of the SOCC. Please note that all original pages of the notices published in the newspapers with original dates should be provided as appendences to the Consultation Report. The notice published in the paper must state where and when the full statement can be inspected.

1.6 Publish SoCC in such other manner as may be prescribed.

Paragraph 11.3 refers to '*publishing its SoCC in a locally circulating newspaper, as required by the Planning Act 2008*'. Perhaps you may wish to refer to relevant Regulations that prescribe the ways in which the SoCC must be published.

1.7 The SoCC must state whether the development is EIA development.

Paragraph 7.1 states that '*Schedule 1 of the Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012, classifies WPL's proposals as a development requiring Environmental Impact Assessment*'.

Perhaps, you may wish to re-word your statement stating whether Wrexham Energy Centre project is considered as an EIA development for clarity.

Please note that when publishing notice in the papers, the notice must also include a statement on whether Wrexham Energy Centre is an EIA development and refer to relevant regulations (as above).

1.8 The SoCC must state how the developer intends to publicise and consult on preliminary environmental information (PEI)

Paragraph 7.1 states: '*to allow for full and meaningful consultation WPL will produce Preliminary Environmental Information Report (PEIR). The PIER will outline the significant anticipated environmental effects of the proposals and potential mitigation measures. The PIER will be made available at the start of statutory consultation*'.

Firstly, you may wish to separate information in relation to PEIR and making it a separate paragraph for clarity. Secondly, it may be useful providing cross- reference to paragraph 15.5 that refers to 'Inspection copies' including PEIR.

Thirdly, it was noted that in above statement as well as throughout the whole SoCC you refer to 'proposals' rather than single 'proposal', for example paragraphs 13.2; 15.1; 16.3 and 17.1.

We understand that where you refer to 'proposals' in your SoCC, you refer to your proposal which is a single DCO application for Wrexham Energy Centre and its other infrastructure associated with this development for which you intend to seek the

consent for. Please note that term 'proposals' can be potentially misunderstood, I therefore suggest making this clear throughout your SoCC.

DCLG Guidance: on pre-application process 2013

1.9 Has the SoCC shown how it will capture not only the local impact of the project but also the wider impact of the project?

SoCC does not appear to capture this. Maybe something could be included in paragraph 7.

2.0 Does the SoCC show how the developer intends to engage with the various local communities including hard to reach communities?

Paragraph 16.4 states: '*the consultation will account for 'hard-to-reach' groups*', and where necessary '*large print materials to visually impaired members of community*' will be provided. It was noted that further details on guidance sought from the relevant local planning authority is to be inserted.

2.1 Has the applicant been unable to adhere to any of the advice given by the relevant Local Authorities?

SoCC currently doesn't state whether the applicant was unable to adhere to any advice given by the relevant local planning authority(s).

Please note that should that be the case, the applicant must refer to it in the SoCC and fully explain this within the Consultation Report.

2.2 Does the SoCC allow for consultation with all who might have a legitimate interest or might be affected by the project?

The SoCC does not explicitly refer to this group of people. So you may wish to include some information on this.

2.3 Does the SoCC capture the views of the people who live, work and socialise in the affected area?

Paragraph 15.1 states that '*PA 2008 stipulates that applicants must consult with 'people living in the vicinity of the land'*. Further, the same paragraph states that '*WPL has defined as set consultation area; the Consultation Zone. Comments and suggestions from outside this zone are also welcome and will be given equal weighting*'.

Paragraph 15.2 states that: '*Consultation Zone comprises those areas closest to the proposals for which a DCO is being sought, for example if they contain or about proposed infrastructure. WPL has identified a 2km area around the proposed infrastructure that constitutes the Consultation Zone.*' The same paragraph also lists community councils that are included within this Consultation Zone.

It is noted that the length of proposed gas connection is 3km. The main Consultation Zone currently identifies 2km area around the proposed infrastructure.

The applicant must ensure that all elements of the proposed development are considered within main consultation area. Please note that to ensure meaningful

consultation, the applicant is encouraged to consult beyond its main area within which the proposed development sits in.

Paragraph 15.3 states: '*Community Councils identified above are therefore considered Consultees as they could be affected by WPL's DCO application*'. I note that the intention was perhaps to state that those are considered as relevant consultees. In addition, it may be helpful providing a map within the SoCC that clearly marks main Consultation Zone and a wider area within which the applicant intends to undertake its consultation.

2.4 Does the SoCC show what techniques it intend to use to capture all local communities views on the project

Paragraph 15.5 states that: '*WPL will consult those living or working in the Consultation Zone using multiple methods of communication. The consultation will not be reliant on any one method, rather, they will work together to ensure consultees are provided with various opportunities to participate.*' The same paragraph lists various activities/methods to be used during the applicants' statutory consultation, these are: consultation website; project leaflet; public exhibitions; presentations; local media; writing to elected members and offering meetings and availability of inspection copies. It is noted that event details for public exhibitions are to be provided. It was also noted that further details are yet to be agreed and added in relation to details of venues for availability of inspection copies.

In addition, you may wish to state whether photocopying and printing facilities will be available at those venues and providing details.

2.5 Does the SoCC explain in plain English what the local communities are being consulted upon and is the SoCC accompanied by a non-technical summary

Section one of the SoCC 'Introduction' currently refers to the proposed development Wrexham Energy Centre.

Paragraph 1.1 states that: '*the Wrexham Energy Centre (WEC) is a combined cycle gas turbine (CCGT) power station that has a generating capacity of up to 299MWe and is designated as a Nationally Significant Infrastructure Project (NSIP). NSIPs are large projects that support the national economy and vital services, and meet specific individual criteria set out in the Planning Act 2008.*'

Paragraph 1.2 states that '*In this case, Section 15 of the Planning Act 2008 states that any onshore generation station with capacity of over 50 megawatts (MW) is considered an NSIP*'.

Paragraph 1.1 states that CCGT '*has a generating capacity*'. It may be useful making it clear that is *the proposed capacity*. When referring to Planning Act 2008, you may wish to add '*as amended*'.

In paragraph 1.2 you may wish to add that '*the development for the proposed Wrexham Energy Centre is pursuit with section 15...*'

Paragraph 1.3 states that '*the Planning Act 2008 requires that proposers of NSIPs projects apply for Development Consent Order (DCO) for development, and the Localism Act 2011 confers responsibility to examine DCO applications to the Planning*

Inspectorate (PINS). The decision on whether or not to grant a DCO is taken by the Secretary of State'.

Perhaps you may wish to re-word paragraph 1.3 and provide less technical explanation stating that: *'the DCO is prepared by the applicants who wish to make an application for an NSIP. The DCO application, once made will be determined by the Planning Inspectorate who will determine the application on behalf of the Secretary of State (changes made by the Localism Act 2011). DCO is the primary document which sets the parameters for what is permitted in the event that development consent is granted by the relevant Secretary of State'.*

Further to the description of the project in section 1 'Introduction', you may wish to add a brief full description of the project that forms part of your DCO application for example gas connection.

Paragraph 1.5 refers to 'proposals' rather than 'proposal' as a single project. I understand that applicant's DCO application is a single application for proposed CCGT power station and other infrastructure integral to this development for example gas connection. I suggest therefore you make it clear that you refer to a single 'proposal' rather than 'proposals' for clarity. This should be implemented throughout all application documents.

Section 4 of your SOCC refers to 'Power Island'; paragraph 4.1 states that *'The Power Island comprises of, but is not limited to'*, perhaps making it clear what 'not limited to' means would be helpful.

Section 5 states that: *'The WEC's electrical connection will be made to the existing local 132kV electricity distribution network, managed by SP Energy Networks (SPEN). The key benefit is that the connection will be able to use existing infrastructure such as existing distribution towers. The existing network will need to be enhanced, including restringing existing power lines, installing new underground cabling, and replacing existing overhead lines routes with new infrastructure of a similar size and works to substations. These improvements can be carried out under permitted development rights, via s37 Electricity Act 1989 or via a planning application.'*

Considering above, we understand that none of previously proposed grid connections are now part of your DCO application. It may be helpful including additional sentence making it clear that although you refer to grid connection in your SoCC and consulting upon it as a wider part of the overall Wrexham Energy Centre Project, the grid connection is no longer a part of DCO application.

It may be helpful providing a map highlighting the proposed development applied for under DCO in one colour and non-DCO part (grid connection) in other colour.

Paragraph 8.6 currently states: *'public consultation has been undertaken in accordance with 42, 47 and 48'*. It should be noted that 43, 44, 46 and 49 also form main part of pre-application stage that the applicant is required to comply with.

Paragraph 8.7 states that *'PINS will invite all those who may have an interest in the proposals to register with it'*.

Please note that it is for the applicant to inform persons about accepted application

should the application reach this stage. Moreover in its notice the applicant will invite parties to make relevant representations to the Planning Inspectorate within a period set in the notice giving not less than 28 days for receipt of representations. The same paragraph states that *'During this time, the PINS will set a date for a Preliminary Meeting, marking the start of the examination stage, where a timetable for examination of the DCO application will be agreed.'* It should be noted that during the pre-examination stage Examining Authority is appointed who will make its assessment of initial issues and invite parties to the Preliminary Meeting. Moreover the examination starts after the Preliminary Meeting. The purpose of the meeting is to discuss draft timetable for examination.

Paragraph 8.8 states: *'it will also hold one or more public hearings at which registered parties can make further comments'*. It should be noted that the hearings will be held should any be required, perhaps adding *'registered interested parties'* at this stage.

Paragraph 8.9 states that the SoS will have further three months to make a final decision on *'WPL's proposals'* , I suggest referring to *'proposal'* as a single project for clarity.

Paragraph 12.2 states: *'following the revisions to the scheme'*, you may wish to explain this further making it clear briefly those revisions were.

Paragraph 12.3 you may wish to provide a date of when the second Scoping Opinion was issued. I suggest making above amendments where required for clarity and accuracy.

It was noted that paragraph 14.1 sets out indicative timetable, you may wish to explain in your first bullet point that you refer to statutory consultation under s42 and s47 should that be a case, for clarity. It may be helpful referring to s46 in your paragraph. Please note that s46 must be submitted to the Planning Inspectorate on or before section 42 consultations can commence.

Paragraph 16.2 states that *'it should be noted that once DCO application has been submitted all comments should be made directly to PINS and interested parties must register either in writing to PINS or via its website.'*

It should be highlighted that once the DCO application has been submitted to the Planning Inspectorate and if accepted for examination, everyone will have an opportunity to register through the submission of a relevant representation. Moreover, submission of the relevant representation, the party can become an interested party for the project.

Summarising, parties should therefore not be making representations to the Planning Inspectorate during the acceptance of the application. Please see section 102 of the Act for more information on the *'interested party'* status.

Paragraph 16.3 states that *'all responses submitted to WPL as a part of its consultation will inform PINS' examination'*. Please note that your responses to consultation will be summarised in the form of the Consultation Report, the document outlining your responses to the pre-application consultation will be considered during *'acceptance stage'*.

I suggest making this statement clear in your SoCC and other documents should this be a case.

2.6 Does the SoCC state how the applicant intends provide disabled people with project information in appropriate format?

Paragraph 16.4 refers to consultation.

2.7 Does the SoCC state if any documents will be provided in Welsh?

Paragraph 17.1 currently states that: 'WPL will produce summaries of the following project materials in Welsh at the pre-examination consultation stage'. It was noted that paragraph 17.1 refers to pre-examination stage rather than pre-application stage,

2.8 Has the developer used an iterative approach to consultation?

The applicant carried out its non-statutory consultation between 11 June 2012 and 5 August 2012. It was noted that dates of statutory consultation under s42 and s47 are to be inserted in paragraph 14.1.

2.9 It is essential that developers understand the local communities affected by their proposals and developers should work closely with the relevant LAs to gain this understanding.

As above, the SoCC refers to consultation with relevant local planning authorities. Please note that further detailed explanation should be provided within the Consultation Report together with original responses from the local planning authorities attached as appendices.

3.0 Where LA advice has not been followed, developers will need to present their reasons to the IPC upon submission.

Where this is a case, the applicant should explain it within its Consultation Report.

First category (directly affected Section 42); Second category (living in close proximity and likely to be affected). The consultation plan should address the need to consult people in both of these categories, and promoters will need to give careful thought as to where the consultation boundary should be drawn in terms of the second group in particular.

Although the SoCC currently refers to consultation with people living in the vicinity of the land, local planning authorities and community groups, the SoCC does not currently refer to the approach for other pre-application consultation under s42 and s44.

It may be helpful for a short document to be prepared by developers specifically for local communities, summarising the proposals, outlining the matters on which the view of the local community is sought, describe the key aims and objectives, and explain the potential impacts. The document should be clear, accessible and non-technical.

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 www.planningportal.gov.uk/infrastructure