



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Send via email

Our Ref: EN010055

Date: 21 August 2013

Dear Mr Whitby

Proposed Wrexham Energy Centre by Wrexham Power Limited

Thank you for your email of 2 August 2013 to Steffan Jones. I am replying as the Director responsible for this matter. Please accept our apologies for the delay in replying.

The Department for Communities and Local Government has been undertaking a 'light touch' review of the suite of guidance documents for the major infrastructure planning regime. Details of the consultation can be found here:

<https://www.gov.uk/government/publications/planning-act-2008-infrastructure-planning-fees-regulations-2010>.

As previously stated, the revised version of the 'fees guidance' was published in June 2013. The publication of the DCLG guidance is carried out independently of the Planning Inspectorate and we do not have any advance warning of the date that revised guidance will be published.

At the time that Wrexham Power Ltd submitted their request for authorisation under Section 53 you are correct that the previous version of the DCLG guidance was still in place at that time, as reflected by Advice Note 5. However, by the time the Secretary of State determined your requests, the revised version (June 2013) of the guidance had been published. The requests for authorisation were, therefore, considered against the DCLG guidance current at the time of the determination; this was the June 2013 version of the 'fees guidance'. This is not unusual - where an authority takes a planning decision, for example, they must decide it in accordance with the policy that is extant at the time of decision, even if that policy is different to that which applied when the application was made.

In reaching his decision, the Secretary of State considered that the applicant had acted reasonably in taking steps to secure agreement with relevant landowners, that access was reasonably required now in order to enable relevant surveys to take place at the appropriate time of year, and that accordingly Authorisation was justified and proportionate in the wider public interest in this particular instance.

The advice notes produced by the Planning Inspectorate are based on the legislation and government policy current at the time they are produced. They are revised when

necessary to reflect changes in legislation or policy. Advice Note 5 is currently under revision to reflect the changes in the DCLG 'fees guidance'. The Advice Note Change Register will be updated when the changes to Advice Note 5 have been completed.

With regard to your query, I can confirm that of the 10 authorisations granted between 19 July 2012 to 18 July 2013, 7 relate to the requests from Wrexham Power Ltd.

With respect to the e-mail of 19 of June that you refer to, I understand that you have now received a response to this e-mail and indeed have since written to the Planning Inspectorate in response to that letter.

Yours sincerely,

Mark Southgate

Director of Major Applications and Plans

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 Planning Inspectorate.