



# The Planning Inspectorate

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Colin Turnbull and Laura Hawker  
(Peter Brett Associates LLP)

Your Ref:

Our Ref: EN010059

Via email

Date: 14 February 2014

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Dear Colin and Laura,

Further to my telephone conversations with Laura on 7 and 11 February 2014 please see the Planning Inspectorate's comments on the second draft of the Hirwaun Power Station Consultation Report. The 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 us should you wish to discuss the comments or have any further queries.

Kind regards

Iwan Davies

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## **The Planning Inspectorate's comments on the Hirwaun Power Station second draft Consultation Report**

### **Introduction**

The majority of the comments below are on minor technical matters. We urge all applicants to ensure the accuracy of references to documents.

It appears that the applicant has followed legislation and taken into account, and amended accordingly, the majority of the points raised in the Planning Inspectorate's comments dated 3 January 2014 relating to the first draft Consultation Report. However there also appear to be some instances where the Planning Inspectorate's comments have not been followed. These points are detailed below:

- i) The two subsections included in paragraph 2.1 of the Planning Inspectorate's comments dated 3 January 2014 (original comments) now appear to be addressed as follows:  
Subsection 1) of paragraph 2.1 stated '*Which project description was consulted on at which stage and with who*' - Table 2.3 has now been provided and is referred to in the Project Description sections throughout the Consultation Report.  
Subsection 2) of paragraph 2.1 stated '*Where changes have been made, any further consultation that was considered and either carried out or considered unnecessary*' - sections 3.5.74 to 3.5.76 of the applicant's Consultation Report now provides details of re-consultation with land interests affected by minor revisions to the route corridors.
- ii) Following discussions with the applicant the Planning Inspectorate do not request any action on its comments at paragraph 2.3 of its original comments.
- iii) The Planning Inspectorate's original comments at paragraph 2.4 now appear to be addressed. Section 2.4.3 of the Consultation Report has been amended and now states '*Statutory guidance and non-statutory advice notes have also been followed in the design and delivery of consultation and preparation of this report*'.
- iv) The Planning Inspectorate's original comments at paragraph 2.5 now appear to be addressed. The duplicate appendices have been amended as requested, letters sent out under section 42 (s42) and section (s47) have been supplied (Appendix 3.U and 3.Z).
- v) The applicant is encouraged to ensure the suggested list of abbreviations, as referred to in the Planning Inspectorate's original comments at paragraph 2.7, is included in the Consultation Report.

- vi) The Planning Inspectorate's original comments at paragraph 2.8 now appear to be addressed. Section 3.3.1 of the Consultation Report has now been amended and refers directly to HPL as advised: '*The first stage of HPL's consultation with the local community*'.
- vii) The Planning Inspectorate's original comments at paragraph 2.11 now appear to be addressed. Section 3.5.49 of the Consultation Report relating to the Regulation 9 list has been amended as advised.
- viii) The Planning Inspectorate's original comments at paragraph 2.14 now appear to be addressed. A full list of section 44 (s44) persons has been provided at Appendix 3.Y.
- ix) The Planning Inspectorate's original comments at paragraph 2.15 now appear to be addressed. Section 3.5.55 of the Consultation Report has been changed to bullet point format.
- x) The Planning Inspectorate's original comments at paragraph 2.16 appear to be partly addressed. The applicant is advised to follow the format set out in Annex A to Advice Note 14 as closely as possible. The applicant is therefore encouraged to include further information in its existing table. This may include an additional column clearly setting out whether a change has been made to the application (reflecting column 5 in the aforementioned Annex A) and details of each consultee within the second column of the existing tables in the Consultation Report.
- xi) The Planning Inspectorate's original comments at paragraph 2.17 now appear to be addressed. The Consultation Report now appears to refer to 'statutory' and 'non-statutory' consultation throughout.
- xii) The Planning Inspectorate's original comments at paragraphs 2.18 to 2.20 now appear to be addressed. The applicant has amended the Report as advised; see sections 3.4.2, 3.4.5 and 3.4.6.
- xiii) The Planning Inspectorate's original comments at paragraph 2.22 have not been addressed. Explanations have not been provided for 'optioneering' and 'peaking plant' and are therefore encouraged to be included in the Consultation Report.
- xiv) The Planning Inspectorate's original comments at paragraph 2.24 now appear to be partly addressed. The applicant has not provided a list as an Appendix as advised, however 3.5.63 now states 'All

consultees'. The applicant could usefully refer to the appropriate appendices.

- xv) The applicant is encouraged to demonstrate how it responded to or had regard to subsections a), b) and c) of section 3.5.18 of the Consultation Report. Currently section 3.5.19 appears to make reference to section 3.5.18a) only.
- xvi) It is noted that the outcome of the targeted s42 consultation is still pending. The applicant should ensure this is included in the Consultation Report.
- xvii) Section 3.5.57 and Table 4.4 of the Consultation Report refer to section '0'. The applicant should ensure the correct referencing is included here and throughout the Report.
- xviii) The applicant could helpfully confirm that the Planning Inspectorate received the same information that was sent to the s42 consultees at the section 46 notification stage.
- xix) It appears that Appendix 3.N only includes the Statement of Community Consultation (SoCC) itself, it does not include copies of the SoCC notice as it appeared in newspapers. The notice as it appeared in newspapers, including the front page and the page the notice appeared on (including dates), should be included as an Appendix. This advice should be followed for all other notices published by the applicant in newspapers.

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.

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