



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Mr Dermot Scanlon

Your Ref:

Peter Brett Associates LLP

Our Ref: EN010069

By email

Date: 6 March 2015

Dear Mr Scanlon

Further to your email of 30 January 2015, please find attached to this letter the Planning Inspectorate's comments on the draft documents submitted for the Abergelli Power Project as follows:

1. Revised Development Consent Order
2. Explanatory Memorandum
3. Revised Consultation Report
4. Work Plans
5. Land Plans
6. Book of Reference
7. Funding Statement

These comments are without prejudice to any decision made under section 55 of the Planning Act 2008 (as amended) (PA 2008) or by the Secretary of State on any submitted application. However, I hope you will find them useful.

Based on the information received, and without prejudice to any decision the Secretary of State may make, the application is currently at risk of non-acceptance. Given the limited amount of time the applicant has before its anticipated submission date and the issues raised in the attached comments, the Planning Inspectorate considers that, again without prejudice to any examination, if accepted the examination may have a number of issues to consider that could have been considered during the pre-application stage.

The following issues in combination present a risk that the application will not be of a satisfactory standard:

- There is a large degree of flexibility sought with respect to the design of the generating station and the application needs to clearly establish what the applicant is seeking consent for;
- There is no scope for associated development in Wales under the PA 2008 consenting regime, therefore the case must be clear that all works applied for form part of a nationally significant infrastructure project;

- There is a risk that the impacts of the proposed project on Special Areas of Conservation would require an Appropriate Assessment; and
- The need for an Environmental Permit would likely be an issue at examination as the applicant has not applied for one at this stage.

The applicant should also ensure that it demonstrates it has properly consulted all statutory consultees and had regard to correspondence received. It should also focus on ensuring that all the necessary environmental information is presented to address comments raised by Natural Resources Wales and requirements under the Habitats Regulations.

Notwithstanding the applicant's advised submission date, the applicant should consider whether it needs further time to ensure a sound application through further review of material with key stakeholders.

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

Yours sincerely

Stephanie Newman

Stephanie Newman
Case Manager

Appendix I: Meeting Note, 25 February 2015

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.