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Claire Duffy  
Environmental Planning  
SP Energy Networks

Your Ref: AREAACW/077

Our Ref: EN020014

Date: 5 December 2014

Dear Claire Duffy

## **Planning Act 2008 (as amended) – section 51**

### **North Wales Wind Farms Connection Project**

#### **Draft application documents s51 advice**

Thank you for submitting draft application documents to the Planning Inspectorate for review prior to submission of the application. We have reviewed all of the documents submitted and wish to make the following observations.

This s51 advice is offered without prejudice to any future decision regarding the acceptance of the application for examination by the Secretary of State, or the examination of the application if accepted.

#### **Application form**

The list of 'other documents submitted' does not need to include the electronic document index, as this is an administrative document and does not form a published part of the application.

#### **Electronic index**

The plain English descriptions submitted are helpful; please ensure that the file names are similarly descriptive. If plans types (eg Land Plans) can be submitted as a single file this aids accessibility, yet please note that the file limit is 50MB.

#### **Plans**

The plans submitted for comment were in compliance with APFP<sup>1</sup> Reg 5(3) requirements, although we have some suggestions to aid comprehension:

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<sup>1</sup> The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

- 1 Label settlements and roads as appropriate to the scale of the plan
- 2 Include a key to the shading on key plans
- 3 Mark page joins on plans
- 4 The scale to the location plan 2.1 is mistyped, and presumably omits a 0

## **Draft Development Consent Order**

Our legal team are studying this document and will offer advice at our next meeting.

## **Explanatory Memorandum**

The Planning Inspectorate has not reviewed this document as none was supplied.

## **Statement of Reasons**

The Statement of Reasons covers all necessary points, although with some repetition. Some clarification could be provided on the following matters:

- 1 The extent of compulsory acquisition described at 2.9 and 4.4 is inconsistent with other documents received and needs further explanation or amendment (pgs 6 & 22)
- 2 The text description in 3.2.4.2 of a new grid supply point at Bodelwyddan and the (presumed) retiring of Legacy should be reflected in the map at Figure 3 (pgs 16 – 17)
- 3 Assuming that the North Wales Wind Farms Strategic Options Report (2014) is to be submitted with the application, this should be more precisely referenced
- 4 It would be helpful to add further explanation to the consenting routes listed for other project elements in 3.2.4.15 (pg 19)
- 5 Human Rights considerations might usefully be formatted as a standalone chapter (pg 28)
- 6 Crown Land will need to be fully reported, and written agreements procured before the end of any examination (subject to acceptance of the application) (pg 31)

In some sections, the Statement of Reasons may be able to reference other documents to avoid duplication of material.

## **Book of Reference**

The Book of Reference appears to be well structured and populated. An explanation on the contents page as to the definition of the Parts and Categories may aid public interpretation. We have the following specific comments:

- 1 We note that Part 2b Category 3 contains no entries; could the explanation for this be provided either in the document introduction or Statement of Reasons
- 2 DCLG Guidance suggests that work numbers are associated with plot records

## **Consultation Report**

The consultation report describes well the process undertaken and how this has influenced the scheme. Understandably at this stage some information is missing, which we have highlighted, and some information we feel is better suited to an

appendix, or not necessarily submitted at all.

#### Statutory consultation:

- 1 EIA<sup>2</sup> Reg 6 – the report should mention and date that a request for a Scoping Opinion was made, and this request should be included as an appendix (pg 86)
- 2 S42(1)(a) – discrepancies between the s42, APFP Schedule 1, and EIA Reg 9 consultee lists should be listed and explained (pg 86)
- 3 S45 – explain why different consultation timescales were offered to various s42 groups and the public under s47 (pg 86)
- 4 S44 – ensure that the list of persons with an interest in land is presented in Appx 11 in a manner comparable with the submitted Book of Reference (pg 87)
- 5 S47 – explain why the deadline for responses to consultation was extended following the request (pg 73)
- 6 S45/47 – provide a diagrammatic timeline to demonstrate the original and extended consultation periods for various parties
- 7 S46(2) – state the date on which the s46 notice was submitted; also note that it was made to the Secretary of State, not the Planning Inspectorate (pg85)
- 8 S46(1) – include a copy of the s46 notice as an appendix (pg85)
- 9 S47(1) – reference in the main text that a copy of the SoCC is provided as an appendix (pg65)
- 10 S47(2) – include a copy of the letter consulting local authorities on the SoCC as an appendix
- 11 S48 – compare and correct the tables regarding newspaper notice publication (pgs 74 & 90)
- 12 S48 – ensure that newspaper scans included in appendices display the date of publication
- 13 EIA Reg 9 – confirm if the s48 notice was sent to EIA Reg 9 consultees (pg 90)

#### Non-statutory consultation:

- 1 Analysis of feedback from stage 1 consultation could be used to draw explanations for the results (pg 29)
- 2 Responses to issues raised in stage 1 consultation could be tabulated in an appendix (pg 30 - 35)
- 3 Selection of the preferred option needs to be explained in greater depth (pg 38)
- 4 The description of feedback and responses to stage 2 consultation would benefit from maps to show features described (pgs 41 – 50)
- 5 The description of the proposed alignment should be explained in the context of consultation feedback received (pgs 44 – 49)
- 6 Where text has been re-used from previous documents, phrasing should be checked to ensure relevance (pgs 30 - 35, 44 - 50)

The Planning Inspectorate does not normally require the inclusion of original consultation responses in the application documents. If these become necessary for an acceptance decision, these can be requested under APFP Reg 5(5). Tables demonstrating regard had to themed responses are important yet can be included as appendices. Full tables are not necessary in the main body of the consultation report, although conclusions and any resultant scheme modifications should be. Page 5 of the Planning Inspectorate's Advice Note 14 provides further information:

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<sup>2</sup> The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-14v2.pdf>

## **HRA screening report**

The Planning Inspectorate has not reviewed this document as we were asked to await an updated version.

I trust that this advice is useful to you, and we are willing to discuss these suggestions further.

Yours sincerely

*Nicholas Coombes*

**Nicholas Coombes**  
**Case Manager**

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.