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Dyfrig Hughes

Your Ref:

Pylon The Pressure Group

Our Ref: EN020014

Date: 23 April 2015

Dear Mr Hughes

Application by SP Manweb for the North Wales Wind Farms Connection

Thank you for your letter dated 16 April 2015 lodging a formal complaint against SP Manweb's conduct of pre-application consultation for the above project. You say you write pursuant to paragraph 68 of the Department for Communities and Local Government's (DCLG) Guidance on the pre-application process. We assume you are referring to a previous version of the guidance, dated August 2014. This guidance was recently updated, and contains a similar provision now at paragraph 88:

'Where any interested party feels that consultation was inadequately carried out, they should approach the applicant in the first instance. If consultees remain unsatisfied, they can complain to the relevant local authority (who can consider this complaint as part of their representation to the Secretary of State on the adequacy of consultation), or the Secretary of State (through the Inspectorate). Any concerns should be raised promptly during or immediately following the consultation, to enable the applicant to address the issues if appropriate'.

The guidance is aimed at identifying parties' concerns relating to consultation at a time when the applicant will have time to address them prior to making an application under section 37 of the Planning Act 2008 (PA2008). Section 55(4) of the PA2008 lists the criteria that the Secretary of State, in deciding whether an applicant has complied with the pre-application procedure set out in the PA2008, must have regard to:

- (a) the consultation report received under section 37(3)(c)
- (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
- (c) the extent to which the applicant has had regard to any guidance issued under section 50.

While there is no requirement to do so under s55(4), the Secretary of State has considered your complaint when making the acceptance decision to the extent that the matters raised in it were relevant. The s55 checklist has been published at:

<http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN020014/2.%20Post-Submission/Procedural%20Decisions/Section%2055%20Checklist.pdf>

Matters relating to the consultation under s42 of PA2008 have been discussed in box 2.3(d) of the s55 checklist. This box makes reference to two of the cases listed in the first section of your letter. The caravan park and Wales GB Rally were not identified by the applicant as statutory consultees under s42 of PA2008. Nonetheless, the attendance of park owners at the public meeting, as described in your letter, would suggest that they were aware of the proposals, and would have been able to respond to consultation under s47 and s48 as any other members of the public would. The claims regarding properties in Cefn Meiriadog allege failure to consult prior to the statutory consultation period. Again, your letter suggests they did become involved in later rounds of consultation. They will all have the opportunity to submit a relevant representation to become an interested party to the examination and put their views on the merits of the scheme to the Examining Authority should they wish to do so.

The second section of your letter does not refer to matters which are relevant to a decision under s55 of the PA2008. The first paragraph appears to relate to the proposed terms of possible private agreements, and the second relates to permission to enter on to land.

The points raised in the third section of your letter discuss features of the application scheme which it will be open to you to raise during the examination of the application. There will be opportunity to register as an interested party and make written submissions and to speak at hearings.

The first paragraph of the fourth section of your letter has been addressed in box 2.16 of the s55 checklist. This box makes reference to the relevant section of the DCLG guidance on the magnitude of scheme change which would require re-consultation and its relation to the application. The subsequent paragraphs are again features of the application scheme which it will be open to you to raise during the examination if desired.

The fifth section of your letter questions whether an exhibition in January 2013 was properly advertised. As that event fell outside the statutory consultation period, the applicant was not bound by the requirements of s47 of the PA2008 in relation to it.

The applicant should shortly be giving notice under s56 of the PA2008 that their application has been accepted for examination and inviting relevant representations. You will be able to make a representation on behalf of your organisation or on your own behalf to become an interested party to the examination. This will enable you to put your views on the merits of the scheme to the Examining Authority.

The Planning Inspectorate has produced advice notes on the planning process under the PA2008. I have provided links to those advice notes that are relevant to the next steps in the process; I hope you will find these helpful:

Advice note 8.3: How to register and become an interested party in an application
<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/06/Advice-note-8-3v4.pdf>

Advice note 8.4: Influencing how an application will be examined – the Preliminary Meeting
<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

Advice note 8.5: Participating in the examination
<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-8-5v3.pdf>

Please do get in touch by email or phone if I can be of further assistance.

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.