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David Kenyon

Your Ref:

Amec for Western Power Distribution

Our Ref: EN020016

By email

Date: 2 April 2015

Dear David Kenyon

Planning Act 2008 (as amended) – section 51

Brechfa Forest Electricity Connection

Draft Consultation Report s51 advice

Thank you for submitting a draft Consultation Report to the Planning Inspectorate for review prior to submission of the application. We have reviewed the document 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.

Reference is made to the *Route Alignment Selection Report* in 7.3.7; it would be helpful to include a copy of this within the application documents and subsequently cross referenced in this paragraph.

Reference is made to the *Scoping Report* in 7.3.16; it would be helpful to include a copy of this within the application documents and subsequently cross referenced in this paragraph.

Reference is made to the request made under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 for a Scoping Opinion from the Secretary of State in 7.7.1. It would be helpful to include a copy of this within the application documents and subsequently cross referenced in this paragraph.

It is noted that a full list of prescribed consultees to which s42 consultation packs were sent will be supplied in an appendix to the Consultation Report. The Planning Inspectorate strongly advises that the list provided in the appendix is checked against the Book of Reference, section 42 of the PA 2008 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009. Any

discrepancies between the lists should then be investigated by WPD and the outcome explained within the Consultation Report.

In 8.6.3 it is noted that you intend that 'change requests' you have collected will not be included within the Consultation Report. The Planning Inspectorate suggests that you do consider including those requests in the Consultation Report; and show how you have had regard to these requests in line with s49 of the Planning Act 2008 (as amended) (PA 2008).

The Planning Inspectorate advises that the date by which you requested comments from Carmarthen County Council on the Statement of Community Consultation (SoCC) is included to evidence that they were given 28 days as required by s47(3) of the PA 2008 in 9.3.2.

A copy of the SoCC is not referenced and therefore it is presumed not provided within an appendix to the Consultation Report; a copy of the SoCC should be provided.

Copies of the newspaper notices will be provided in an appendix to the Consultation Report as stated in 10.3.4. The Planning Inspectorate advises that any copies of notices which appear in publications should clearly display the name of the publication and date on which it was published.

Paragraph 11.7.1 states that responses were received following the close of the statutory consultation stage on 16 January 2015, and that two of these were not included for analysis in the report. It would be helpful to explain why, with reference to legislation, this was the case.

Responses received from the statutory consultation stage are reviewed in Chapters 12 and 13. The arrangement of the chapters – a summary of consultation responses followed by a list of changes made to the application – does not demonstrate a direct relationship between the two. These chapters as written leave the reader to infer that regard has been had to relevant responses, rather than detailing the account taken as required by s37(7)(c). Even if a response has not led to a change to the scheme, you should explain why not, to demonstrate whether regard was had to the response. The Planning Inspectorate has issued Advice Note 14 about compiling the consultation report, and the table in Annex A demonstrates an effective presentation of consultation responses and regard had.

I trust this advice is useful to you, and we are happy 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.