**From:** Tom Carpen
**To:** "Ian Mulroy";
**cc:** Eleri Davies;
**Subject:** Query regarding Community Liaison Panels
**Date:** 11 March 2011 10:44:00

---

Dear Ian,

To confirm my advice to you on the telephone, The Planning Act requires an applicant to undertake consultation with the local community before submitting an application for development consent. With any application it must, among other things, submit a consultation report giving details of what has been done in terms of consultation with the local community, any relevant responses received and account given to relevant responses. A relevant response is defined in section 49 (3) of the Act as a response received by a prescribed consultee (for example local authorities, statutory bodies), a response received from community consultation by the deadline set or a response received to formal publicity about the proposed application by the deadline set in that publicity. This does not preclude discussions between the community and the applicant or other forms of informal consultation by the applicant prior to formal consultation.

Based on information provided by Halite, we expect notification in the first week of April.

It is for the applicant to propose its method of consultation, taking account of IPC guidance and guidance published by Communities and Local Government (CLG). Attached are links to current guidance (my apologies if I've already sent you these links). The CLG guidance goes into more depth about approaches to consultation. We have also just published revised Advice Notes on making representations at different stages of the process. IPC and CLG guidance has statutory weight when considering whether to accept an application for examination. Advice notes are more informal and intended to support parties through the application process.

IPC Guidance http://infrastructure.independent.gov.uk/wp-content/uploads/2010/04/IPC-pre-app-guidance-note-1.pdf

CLG Guidance http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/guidancepreapplication.pdf

IPC Advice notes - see advice note 8, now in five parts. http://infrastructure.independent.gov.uk/legislation-and-advice/our-guidance-and-advice/ -

The applicant must produce and publish a Statement of Community Consultation following consultation with the local authorities within which the proposal lies and must carry out consultation in accordance with proposals in the published statement, although this does not preclude additional consultation.

Regarding Halite's proposed community liaison panel, it is for you to decide whether you wish to participate specifically in that panel. Non-participation would not exclude you from either the pre-application process or the examination process, should any application be accepted for examination. However, we strongly encourage engagement by the community with the pre-application consultation process as a whole to make sure any issues can be considered by the applicant as early as possible and before an application is submitted.

I would encourage you to raise points on the consultation process with Halite directly to allow it the opportunity to take them into account. Should an application be made, the local authorities will be invited to submit comments on the adequacy of consultation so you may wish to copy your relevant local authorities in to any comments you make to Halite.

If you have any further questions do feel free to contact me.

Regards
Tom

Tom Carpen
Case Leader
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5064
Helpline: 0303 444 5000
Email: tom.carpen@infrastructure.gsi.gov.uk
Website: www.independent.gov.uk/infrastructure

*The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.*

*We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.*

*You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.*