



Outreach Event

File reference	EN010028
Status	FINAL
Author	Emré Williams

Meeting with	Officers and elected Members from Denbighshire, Conwy, Gwynedd and the Snowdonia National Park Authority
Meeting date	Friday 10 th August 2012 10:30 – 13:00
Attendees (Planning Inspectorate)	Pauleen Lane (Group Manager, National Infrastructure) Emre Williams (Case Manager) Susannah Guest (Onshore Renewables & Biomass Case Manager)
Attendees (non Planning Inspectorate)	See attached Attendees List
Location	Denbighshire County Council, Caledfryn, Smithfield Road, Denbigh, LL16 3RJ

Meeting purpose	The aim of this meeting was to explain to attendees the role of the Local Authorities and outline the processes and procedures that are relevant to development consent applications for proposed nationally significant infrastructure projects.
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Summary of key points discussed and advice given	<p>Introduction – Emré Williams and Pauleen Lane gave a presentation to attendees to address the process for making an application to the Planning Inspectorate (PIN) and the role the relevant local authorities play therein. During and after the presentation there were several matters discussed around the National Infrastructure Directorate (NID) application process, the Planning Act 2008 (PA 2008) requirements and the role of LAs in the NID application and examination process. A summary of the key messages arising from the questions asked are set out below:</p> <p>Local Impact Report – a LIR can take national context into consideration, but the focus of the report should be on local issues, in particular giving details of what the authority considers are the likely impacts of the proposed development on its area or any part of that area. There may be resources available to the Examination i.e. appointing an Expert Assessor. The Planning Inspectorate also have in-house Environmental Services department..</p> <p>Welsh National Policy Status – In terms of policy hierarchy the Planning Act 2008 makes reference to National Policy Statements and Local Impact Reports to address the planning policy context And then take into consideration matters that are relevant and important, which would include Welsh Spatial Policy and TAN 8.</p> <p>Interested Parties Registration and Petitions – there is a relevant representation form for people to complete to become IPs. The online form ensures that the form is completed correctly before submission. Should a form be completed with an error or with no information given</p>
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i.e. reason for representation, then resource permitting the PIN will contact the individual to seek clarity on the representation and make corrections if need be. Action groups are encouraged to register as an organisation on behalf of those individuals who wish to be represented by the group. A personalised representation form is also available through the NID telephone helpline for those not able to complete online.

Pre-Application Consultation - s.47 Duty to consult local community in the PA2008, requires an applicant to prepare a draft Statement of Community Consultation (SoCC) and then consult with the relevant LAs about what is to be in the statement. Following the consultation, the applicant is then required to publish the SoCC and must carry out consultation in accordance with the proposals set out in the statement. The SoCC provides an outline of what will be carried out during the consultation process with regard to a proposed development and how and when this consultation will occur. The relevant LAs can then make submissions at acceptance as to whether they consider that “adequate consultation” was undertaken.

Adequacy of Consultation - the PIN will request an adequacy of consultation representation from the relevant local authorities (as defined in s.42(b) and s.43 of the PA 2008) following submission of an application to the PIN. The authorities will then have 14 days to submit an adequacy of consultation representation to the PIN. The authorities may choose to submit a joint statement; furthermore, authorities are encouraged to commence preparation of their representation in the lead up to an application being submitted.

Single Inspector or Panel – it was noted that when determining whether an Examining Authority would be a single inspector or panel of inspectors the criteria related to the likely size and complexity of an examination are considered.

Local Access Forum – it is appreciated that groups such as Local Access Forum may have meetings set at times outside that of the registration period for relevant representations. It was suggested that such groups could register even if they had not reached a conclusion on the proposal, by outlining issues that they were concerned with, whilst providing some detail thereto. LAs had an important role in alerting groups to the stages of an application to ensure maximum engagement

CCW (Oppose/Object query) – it was noted that the system is inquisitorial rather than adversarial; there is no requirement for a statutory body to state they are against or for a proposal, however should you indicate within a relevant representation that you oppose a proposal you must provide reasons therefore or draw attention to concerns, which the Examination Inspector can take into consideration.

Planning Performance Agreement – the role of PPA’s was outlined and it was noted that they may be pursued by individual authorities or by groups of authorities with a developer.

s.106 agreement – proposed planning obligations should amongst other things be relevant to the proposed development.

	<p>Section 174 of the PA 2008 amends s.106 of the Town and Country Planning Act 1990 (TCPA 1990) to allow for development consent obligations to be entered into, in connection with an application for an order granting development consent. Whilst the obligation would not form part of the draft DCO, they are important as they may affect the overall impact of the proposed development. It is advised that an applicant should agree the heads of terms of any proposed development consent obligation with the LA before an application is submitted and that ideally a fully drafted agreement (or unilateral undertaking) which has been consulted upon be referenced in the consultation report and included with the application.</p> <p>Associated Development and conditions/requirements – the definition of a Nationally Significant Infrastructure Planning (NSIP) was explained and that in Wales development which is associated (i.e. not integral) cannot be consented. This may mean that, for example, junction improvements for an onshore windfarm would not be part of the NSIP application but would progress through the Town and Country Planning Act.</p> <p>A particular query was raised about a ‘standard’ condition that is applied to planning permissions by Welsh Government transport about moving Abnormal Indivisible Loads (AILs). It was noted that the PA 2008 has ‘requirements’ which are essentially the same as conditions. The developer is encouraged to speak with local authorities and other bodies at the earliest opportunity about possible requirements, their effect and their discharge and enforcement.</p> <p>Legal Representation and Cross Examination – there are specific provisions in the PA 2008 about cross examination and criteria about whether it is appropriate or not. Examination process principally by written representation, some hearings can be held. Cross examination can be permitted where it is necessary to further understand an issue or is the best manner for a party to express their views. Examining Authorities will seek to let parties know in advance if cross examination is to occur.</p> <p>Whilst legal representation might be present it is not necessary to have legal representation, indeed it is helpful to have a main point of contact in a local authority who may attend the hearings, supported as necessary by other officers of the Council or Counsel.</p> <p>Welsh Language Scheme – the PA 2008 is not covered by the provisions of the Welsh Language Act, however we seek to abide by the spirit of it. There may be a role for a Local Authority to raise issues of bilingual material etc in their comments on a draft Statement of Community Consultation.</p>
<p>Specific decisions/ follow up required?</p>	<p>Planning Inspectorate to circulate PowerPoint presentation and note of the meeting.</p>