



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS Pre-application Advice

## 3151903: Sudbrook Peaking Gas

13 March 2018

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**This advice should be read in conjunction with the Planning Inspectorate's procedural guidance on Developments of National Significance. Advice is provided on the basis of the information submitted to the Planning Inspectorate on 6 February 2018. The advice is not binding and does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to a development of this nature on this site.**

**NB: Much of this advice has already been given in response to e-mails received since the formal request for Pre-Application Advice was received on 8 February 2018.**

## 1. Statutory Consultation

The requirement for statutory pre-application consultation arises from Section 61Z of the Town & Country Planning Act 1990 (as amended), which was inserted by the [Planning Wales Act 2015](#) (see Part 4). Our [Guidance](#) provides an explanation regarding Pre-App Consultation in paragraphs 2.8 to 2.13. The table under 2.9 illustrates the requirements as to 'Community Consultees', lists the 'Specialist Consultees' which are defined [in the Order](#) (referring to the Order should help you identify which, if any, are relevant in this case), and clarifies that 'Relevant persons' does refer to the body that would normally grant a Secondary Consent.

The applicant's stated intention to undertake the statutory minimum consultation / publicity period of 6 weeks ([not less than 42 days](#)) and to allow 2 weeks for any late responses seems to be a pragmatic approach.

The Welsh Ministers have the power to specify whether any additional information should be provided (normally the LPA under S62(3) of the Town & Country Planning Act 1990, but for DNS applications, that power belongs to the Welsh Ministers, as indicated by [Article 12\(1\)\(vii\)](#) of the DNS Procedure Order 2016).

This provision allows non-standard information to be specified as a validation requirement for a development if the Welsh Ministers publish it as such on their website. If we have not formally published notice that such information is required to make the application valid, then it would not be reasonable for you to be expected to include that in the pre-app consultation. Whilst in certain extreme circumstances the public interest may be best served by publishing serving notice on an applicant that additional information would be necessary for an application to be considered valid after they have undertaken their statutory pre-application publicity & consultation, this would be avoided wherever possible.

My understanding is that there is nothing preventing the Statutory Consultees from advising the Welsh Ministers / The Inspectorate that further information should be sought before determining the application. If it is information that, after considering the consultation responses, the applicant chooses to produce and submit along with the application, the fact that we undertake a statutory post submission round of publicity and consultation should ensure that no one is prejudiced.

If it is information that the applicants consider to be unduly onerous, you would have the opportunity to submit something to that effect (perhaps as your response to that representation in your Consultation Report). If you were uncertain as to the best course of action, you could consider submitting a request for pre-app advice in relation to that matter.

In any case, if the Inspector did consider that further information was necessary to inform the examination (even though it was not a validation requirement), it is open to them to request that information during the examination phase under [Regulation 15](#) of the DNS Regulations 2016. There is also nothing to prevent the Welsh Ministers requesting further

information after the submission of the Inspector's Recommendation Report; however, this is not a likely occurrence. Any further information requested / submitted after our initial 5 week publicity / consultation phase would normally be subject to an additional consultation period as part of the examination process, in order to avoid any injustice / prejudice to any party.

## 2. Scope of Application

The statutory requirements are set out on Article 12 of the [Developments of National Significance \(Procedure\) \(Wales\) Order 2016](#).

### Design & Access Statement

Further information regarding the requirement for a Design & Access Statement (DAS) is given in Article 14.

The Welsh Government published guidance on DASs in Wales:

<http://gov.wales/topics/planning/policy/guidanceandleaflets/design-and-access-statements-in-wales/?lang=en>

### Planning Statement

The applicant should provide a statement as to the planning history of the site, and why you consider the development is acceptable in planning policy terms. You may wish to cross-refer to the relevant section in your DAS. You may also want to consider expressing how you consider that granting permission for this proposal would comply with the Well-being Goals set out in the [Well-being of Future Generations \(Wales\) Act 2015](#).

### Historic Environment

Cadw provides a number of online resources:

<http://cadw.gov.wales/historicenvironment/recordsv1/?lang=en>

These indicate that the development is in the vicinity of a number of historic assets. There may also be concerns relating to archaeology. The application should be supported by evidence, from a suitably qualified person, as to the likely impacts on the Historic Environment.

### Ecology

The application should be supported by an Extended Phase 1 Habitat Survey, to allow the Inspector and the Welsh Ministers to satisfy themselves that there are no likely unacceptable ecological impacts. Regard should also be given to the [Environment \(Wales\) Act 2016](#) and the Sustainable Management of Natural Resources (SNMR).

### Transport

The application should be supported by a statement / proportionate evidence as to how the site will be accessed during construction and decommissioning.

### Air Quality

The application should be accompanied by evidence relating to Air Quality. I note the Air Quality Assessment that has been prepared but, as previously clarified, I am not qualified to comment on its fitness for purpose.

### Noise

The application should be accompanied by evidence relating to Noise impacts. I note the BS4142:2014 Assessment that has been prepared but, as previously clarified, I am not qualified to comment on its fitness for purpose.