



# The Planning Inspectorate

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John Pearson  
Ymddiriedolaeth Genedlaethol/National  
Trust  
Erddig  
Wrecsam  
LL13 OYT

Your Ref:

Our Ref: EN010007

Date: 28 July 2017

Dear Mr Pearson

Thank you for your correspondence of 3 July 2017 raising concerns regarding the pre-application consultation process for the proposed Wylfa Newydd Nuclear Power Station.

As you are aware, consultation during the pre-application stage is undertaken by the Applicant without involvement from the Planning Inspectorate. The Planning Inspectorate notes your request that the Secretary of State specifies *"a further period of detailed pre application to enable third parties to understand exactly what is proposed and the implications"*. However, the Secretary of State can only request that an Applicant conducts further consultation if, following submission of an application, it concludes that the application cannot be accepted for examination because the Applicant has not complied with their statutory pre-application consultation duties. Please also note that similarly, the Planning Inspectorate has no power to request an Applicant to undertake further pre-application consultation.

Notwithstanding the above, the Planning Inspectorate welcomes that the National Trust has made us aware of their concerns and notes that these were sent directly to the Applicant in response to its third round of pre-application consultation (PAC3). We would encourage you to continue dialogue with the Applicant over these matters.

Please note that in meetings with the Applicant, the Planning Inspectorate has alerted the Applicant of their statutory duty to take consultation responses into account. If the Applicant submits an application, they must include a consultation report which sets out how this has been done.

If an application is submitted, the Planning Inspectorate will consider whether or not to accept the application for examination in accordance with s55 Planning Act 2008. As part of this decision the Planning Inspectorate will consider whether the Applicant has fulfilled its statutory duties in relation to consultation. To inform this decision, the local authority will be requested to send to the Planning Inspectorate comments on whether the Applicant has fulfilled its consultation duties; the local authority responses must be taken into account by the Planning Inspectorate.

Therefore, if you have concerns regarding the consultation process we would advise you to write to the relevant local authority setting out why you think the Applicant has failed to conduct its consultation properly.

If, following consideration of the Local Authority's adequacy of consultation response and the consultation report submitted by the Applicant, the Planning Inspectorate has concerns regarding consultation they can request copies of all of the consultation responses from the Applicant. If you have responded to the Applicant's statutory consultation, your correspondence will be included within the consultation responses.

If an application is formally submitted to the Planning Inspectorate, we can consider your comments in addition to the statutorily required acceptance tests when making the decision about whether or not to accept the application under section 55 of the Planning Act 2008. It will be for the decision maker (the Planning Inspectorate on behalf of the Secretary of State) to decide the weight to give to the views expressed in your comments based on the individual facts of the case.

Please note however, that issues related to the merits of the application can only be considered during the Examination of an application.

If the application for development consent is formally accepted for examination, you will be able to submit your views in relation to the project and these will be considered by the Examining Authority during the examination. The Planning Inspectorate has published a series of advice notes which explain the examination process, including information on how to get involved; of particular interest are advice notes 8.1 to 8.5. These are available at:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

I hope you find the above information useful. If you would like to discuss matters further, please do not hesitate to get in touch.

Yours faithfully

Kay Sully  
Case Manager  
Major Applications & Plans

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 National Infrastructure Planning 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.