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Newport City Council
(Sent by Email)

Eich Cyf / Your Ref :

Ein Cyf / Our Ref : **APP/G6935/V/21/3272494**

Dyddiad / Date : **13.09.2021**

Dear Sir/Madam,

Town and Country Planning Act 1990 – Section 77

Application by: Ms C Donovan

**Site: Siemens Power Generation, Uskmouth B Power Station West Nash Road,
Nash, Newport**

I refer to the above application for planning permission which has, as you are aware, been referred to the Welsh Ministers under Section 77 of the 1990 Act. The application has been passed to the Planning Inspectorate and we will be arranging for an Inspector to consider the issues involved and submit a report to the Welsh Ministers for their consideration.

The matters which appear relevant to the Welsh Ministers consideration are:

- The officer's report does not appear to demonstrate consideration of the impact of the proposed development on the integrated and adequate network for waste management, which would extend beyond the local area.
- It does not examine the potential wider implications of the fuel choice for waste planning and management, which may be contrary to national policy in this respect.
- There may also be potential conflicts with national policy in relation to decarbonisation and energy, which have not been fully explored by the Local Planning Authority.
- In addition the proposal could be considered to be novel because of the interaction between the two policy objectives of energy generation and waste management.

The date of this letter is the starting date for the application and the timetable for the submission of evidence begins from this date.

I am your case officer. If you have any questions, please do not hesitate to contact me.

As of the 1st October 2021 in keeping with the Minister's commitment to a fully independent Welsh Inspectorate, the Planning Inspectorate Wales will formally become a part of the Welsh Government. The Welsh Government is the Data Controller for the Planning Inspectorate Wales at present and will remain Data Controller once this move into the Welsh Government has been completed.

The Procedure

The Application will initially proceed by the Inquiry Procedure. The Procedure will be formally determined by the appointed Inspector within 6 weeks of the date of this letter, by the end of the representations period, after considering the submissions from all parties. The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 enable an appeal / application to proceed by multiple procedures. As such, the Inspector may consider it necessary to call a topic specific hearing or inquiry session; only that topic can be discussed at the event and the remainder of the issues will be considered by the written representations procedure.

Please note that if a hearing or inquiry session is required, it is likely to be arranged at short notice due to the tight timescales for doing so. Although we will provide at least 4 weeks' notice, it is possible that we will not be able to provide greater notice. As such, the date that we propose to hold an event can only be changed in very extraordinary circumstances.

As you are aware, due to the Coronavirus (COVID-19) measures introduced by the Government <https://gov.wales/coronavirus>, social distancing measures and local lockdowns are in place. As a consequence of this, if a hearing/ inquiry is needed, it will not be held face to face in the way we have done before. During this period, we will be holding events virtually over the internet. More information on the virtual event for this appeal and how to join will be sent at a later stage.

Only the Applicant, LPA, and any other person specifically invited by the Inspector will be entitled to participate in an event.

The Inspector will set out the matters to be discussed at any hearing or inquiry within 6 weeks of the starting date.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you submit the relevant documents within the deadlines; documents submitted after deadlines will not be taken into account by the Inspector and will be returned. You must note the details of the following timetable as no reminders will be sent.

The following documents must be submitted so as to be received within this timetable:

By 20 September 2021

You must notify interested parties and consultees (internal and external) who were consulted when the application was made and all those who made representations to your authority that I am now dealing with the case.

You must give notice of:

- reference number

- name of the applicant
- description of the application
- address of the application site
- the starting date and procedure

You should also state that:-

i. Representations made at application stage will be forwarded to the Planning Inspectorate and taken into account unless they are subsequently withdrawn.

ii. If they have any comments or representations about this case they should send a copy of these comments so as to be received within 4 weeks of the starting date, by **11 October 2021**. If we receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned. Any correspondence where the name and address details are omitted (i.e anonymous) will not be copied, taken into account by the Inspector or put on file.

iii. If they want to receive a copy of the decision they must write to me asking for one.

iv. The hearing or inquiry will be held as a virtual event. If you are interested in attending, you should register your interest by e-mail wales@planninginspectorate.gov.uk before the 6 week date and tell us if you wish to participate in or observe the event. If you wish to participate, please also state whether you wish to do so in Welsh or English. Please note that discussion at the hearing or inquiry will be limited to the matters the Inspector considers require further investigation.

You must send me a copy of the letter you send, and a list of those to whom a copy was sent by **20 September 2021**.

By 11 October 2021

Your representation must be received by this date, and must not exceed 3000 words. Interested persons may also submit representations by this date.

By 25 October 2021

You, the Applicant, and any interested persons should send me a copy of any final comments you have on each other's representations. No new evidence is allowed at this stage. I will send you a copy of the Applicants' and any interested person final comments as soon as this deadline has passed.

No later than 4 weeks before an Inquiry

Should an Inquiry be arranged, you must send a copy of your written statement of evidence (and summary where appropriate) to me. You must also send a copy of the agreed statement of common ground.

A 'written statement of evidence' is a written statement that you or a witness wishes the Inspector to take into account at the Inquiry. If the written statement is more than 1500 words long, you must also send me a copy of a written summary which should not be more than 10% of the length of the written statement. **The summary should reflect the contents of the written statement and must not contain new evidence.** When a summary is provided, only that will be read at the Inquiry. If written statements are not received together and on time, the Inquiry may be postponed.

If you propose to give, or call another person/persons to give evidence at the Inquiry, you must also send us in writing an estimate of the time required to present all their evidence and confirmation of the number of witnesses you intend to call.

Inspector requests for information

If the appointed Inspector decides that further information/clarification is required, he/she may request information from the parties and you will be advised of the deadline for doing so. The responses must not exceed 3000 words.

Using e-mail or post

We welcome communication by email to our team address wales@planninginspectorate.gov.uk. Electronic copies of statements, supporting documents and comments are particularly useful to us and more efficient for you.

If you send us your documents by e-mail or post, you only need to send us one copy (with the exception of written statements of evidence for inquiries) quoting the full reference number. E-mails should not exceed 10MB in size.

Guidelines for statements and written statements of evidence

If you are able to do so, please submit your documents electronically to our team address wales@pins.gsi.gov.uk.

We will scan all the paper documents that we receive into our computer system. To help us do this and ensure that the information in your documents is accurately recorded and understood, wherever possible please prepare your application documents in the following way.

1. Type the information using 'sans serif' font sizes of at least 11 point. ('Sans serif' fonts are easier to read on screen, common examples are Arial and Verdana.)
2. Use A4 size paper wherever possible.
3. Print documents on both sides of a page if you want to, but please ensure that the quality of paper is such that images from one side of the page do not show through to the other side.
4. Use black ink and capitals if you need to write on a document.
5. Ensure photocopied documents are clear and legible.
6. Place photographs, maps, plans, etc., in a separate appendix and cross-reference them within the main body of the document. Do not stick photographs to sheets of paper. Put them in an envelope and write the site address or application reference number if known on the back.
7. Bind documents in such a way that bindings can be undone quickly without damaging the document. Avoid using wire or plastic spiral binders.
8. Avoid using cover sheets, sleeves or other bindings that do not add value or information.
9. Ensure that the pages of documents are clearly numbered.
10. Please do not send valuable original documents unless these are specifically requested.
11. Please do not include post-it notes or other small attachments which might be easily dislodged or lost.

Yours sincerely

M Thomas

Max Thomas
Case Officer
Swyddog Achos