

Appendix 6.3

Local Planning Authority and Planning
Inspectorate comments on the draft SoCC
– response tracker



Consultation strategy, LPA/PINS comments tracker

The document was sent informally to City & County of Swansea Council (CCS), Neath Port Talbot County Borough Council (NPTCB), and the Planning Inspectorate (PINS) on 18 February, with a request for comments within 28 days (in line with the statutory timeline for formal comments under s47 of the Planning Act 2008). All three consultees commented within the deadline, summarised with TLSB's responses as follows:

City & County of Swansea Council	
Comment	Response
In order to help inform my response to you, I have consulted our Communications Team, LDP Team, Sustainability Team, Regeneration Team, Pollution Control Team and our Ecologist.	Noted
The Head of Communications has advised that the proposals are fine and has confirmed that following a conversation with yourself a number of options discussed have been included. He did however raise the need for a Members Seminar and consultation with Community Councils. The Members Seminar has subsequently taken place (07/03/13) and you have acknowledged that consultation with community councils will take place.	Noted
No issues have been raised by our LDP and Pollution Control Teams.	Noted
The Council Ecologist's view is that it appears that environmental issues e.g. visual impact, ecology (including the Black Pill SSSI), water quality are a little buried and should be much more upfront.	Additional detail provided in para 3.3 (including a full list of EIA chapters), which is the first opportunity to address environmental issues arising from the Project. It is also made clear (in paras 12.4, 13.1 and others) that the PEIR will be a core component of the consultation materials. The role of this document is to establish the

	<p>consultation strategy, not to address environmental impacts or their locations, so there is no reference to Black Pill SSSI or other specific locations/designations. However, reference to the EIA Scoping Report and PINS' Scoping Opinion is retained (para 3.3), as a source of further information on such matters.</p>
<p>The response from our Sustainability Team is that the draft Consultation Strategy seems very comprehensive and well thought through. Three queries are raised:</p> <ol style="list-style-type: none"> 1. Will a glossary be included, explaining technical terminology and information such as how 250MW produces 450GWh of electricity etc? 2. The Community Liaison Panel (CLP) outlined on page 14 is a useful tool but if representatives are going to be drawn only from areas with Community Councils in the Zone 1 then a significant population areas will be excluded i.e. most of the Swansea sea-facing Wards. Also it is not clear whether the Community Council areas referred to here are only Reg 9 Community Councils, which would reduce the number of potential groups even further. Would prefer to see that the Community Liaison Panel drew more widely from different wards. 3. Castle is a large ward, so suggest an additional consultation night to the session at Dyfatty, possibly St Phillips Community Centre? 	<ol style="list-style-type: none"> 1. Glossary of terms and abbreviations added, with some explanation of units of measurement 2. TLSB propose not to proceed with a CLP. The concept was taken from the consultation strategy for Rookery South, a consented energy-from-waste NSIP. Following legal advice, and advice from consultants involved in the Rookery South CLP, TLSB believe the panel was more suited to their project than to the lagoon. Rookery South is one building (with a chimney) in a specific area, with identifiable interest groups from which to select a representative body of 14 members (suggested as the maximum for a group where everyone has a 'voice'). TLSB is a seawall (with turbine housing and several associated buildings) in a large bay, with multiple interest groups creating great difficulties in selecting a representative body of the appropriate size. TLSB believe it is better to consult with elected bodies, community councils, and special interest groups as set out in other elements of the strategy – and not to risk creating a CLP as a potentially divisive 'rival' body. CCS and NPTCB were informed of this position, and invited to discuss/comment, prior to formal submission of the Consultation Strategy but no comments were made. 3. Noted.
<p>For my part I would stress that the topography of Swansea provides a significant amount of elevated views of the Bay. It is important therefore that such communities are treated in the same manner as those which are located on the seafront.</p>	<p>Agreed. This issue will be covered by the zoning strategy and its basis in the Zone of Theoretical Visibility study. In the meantime, the definition of Zone 1 has been amended to: "<u>seafront and other</u> wards with significant visibility of the Project".</p>

Neath Port Talbot County Borough Council

Comment	Response
<p>Section 6. Local Planning Context: Community Involvement Scheme.</p> <p>Nothing more to add here in terms of relevant / local documents to inform the preparation of this consultation strategy. As an aside, there are useful lists of consultees in the Neath Port Talbot Local Development Plan Delivery Agreement (Revised May 2011) at Appendix 5: key stakeholder groups, Appendix 6: specific consultation bodies and Appendix 7: general consultation bodies.</p>	<p>Noted. Lists of consultees checked and added to TLSB consultation database as appropriate.</p>
<p>Section 7. Size and Coverage of (s47) local community consultation exercise</p> <p>The approach to the consultation zones seems appropriate.</p>	<p>Noted.</p>
<p>Section 8. Appropriateness of Consultation Techniques</p> <p>NPTCBC no longer has a community newspaper. The Evening Post and the Courier are distributed in NPTCBC, however, the Courier has a lesser coverage not including Coedffranc wards and the valleys, so is unlikely to be an option in this instance.</p> <p>Additionally the Citizens Panel is currently inactive, so cannot be used as a forum for consultation.</p>	<p>Noted. Reference to community newspaper and Citizen's Panels removed. South Wales Evening Post is expected to be used for local advertising of TLSB consultation events, as it has the larger coverage (relative to the Courier).</p>
<p>Section 9. Design and Format of Consultation Material</p> <p>We would support the production of any literature through the medium of English and Welsh, together with large print format documents. In terms of minority languages, the Authority do not currently publish documents in other minority languages as a matter of course. The BME communities have advised that the documents should be written in plain English, as far as possible, so that translations can be made by word of mouth where necessary.</p>	<p>Wherever possible public documents will be published in English and Welsh. This policy will be reviewed for technical and minority interest documents. Large print documents will be made available on request. Wherever possible, public consultation events will be attended by a Welsh speaker. In line with LPA precedent: documents will <u>not</u> be published in minority languages but will be written in 'plain English', so that translations can be made by word of mouth where necessary.</p>
<p>Section 10. Issues to be Covered in Consultation Material.</p> <p>If, as the report suggests, there is limited scope for</p>	<p>Agreed. Consultation materials will make clear the nature of what is being consulted, and will explain why other elements sit outside the</p>

<p>the location, design & scale of the tidal lagoon to change, then it is agreed that the consultation should focus on the elements over which the community can have an influence. However, it would be useful to explain why observations are not being sought in respect of the above.</p>	<p>consultation.</p>
<p>Section 11. Suggested Places and Timings of Public Events</p> <p>Agree with the suggested places and timings of events.</p>	<p>Noted.</p>
<p>Section 12. Local Bodies and Representative Groups to be Consulted</p> <p>The local bodies and community groups that could be considered are as follows:</p> <p>BME shahjanm@gmail.com Business Connect admin@bcnpt.co.uk Neath Port Talbot Business Club j.davies1@npt.gov.uk Communities First communitiesfirst@npt.gov.uk Disability Forum (NPTCVS) EmmaJ@nptcvs.org.uk The Gypsy Council thegypscouncil@btinternet.com NPT Ramblers Association yourquery@neathporttalbotramblers.co.uk Older Persons Council c.josephwaite@npt.gov.uk NPT Biodiversity Forum r.sharp@npt.gov.uk P.A.C.T gballuk@yahoo.co.uk Young Enterprise Wales davidhowells@yewales.fsbusiness.co.uk Youth Council j.weaver@npt.gov.uk</p> <p>However, please note that this is not a definitive list.</p>	<p>List reviewed against existing TLSB consultation database and incorporated as appropriate. Equivalent list requested from CCS.</p>

Planning Inspectorate

Comment	Response
<p>Jeffrey Penfold has had a look over the document and has found nothing in the draft SoCC that seems to us to cause a problem in terms of compliance with the legislation at this stage. We provide the following comments which may assist you in ensuring the consultation strategy is as clear as possible:</p>	<p>Noted.</p>
<p>Consultation strategy general headings: for consistency and clarity you may wish to structure following the key pre-app consultation requirements of the Planning Act 2008 i.e. s42; s47; s48. It is important that stakeholders understand that this is the formal consultation period and their principal opportunity to comment, not least because certain duties flow from this, such as s49 (duty upon the applicant to have regard to responses) and a statutory duty upon prescribed consultees to respond by your stated deadline.</p>	<p>Headings clarified, and detail added relating to s42, s47, s48 and s49.</p>
<p>s15 of the SoCC - 'responses to the SoCC' and s8.4 of the Consultation Strategy 'consultation principles': further detail could be added to give comfort as to what will happen to responses – in line with DCLG Pre-application Consultation Guidance (Jan 2013) which states: <i>'It is important that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate'</i>.</p>	<p>New para 9.5 makes clear the importance of feedback, and suggests this can be achieved via the Consultation Report (written in line with guidance) and a supporting mail-out to consultees steering them to the Report as posted on the TLSB and PINS websites.</p> <p>Para 15 of the SoCC has been expanded to provide clarity that TLSB will have regard to all relevant responses, and will demonstrate this in the (publicly available) Consultation Report.</p>
<p>As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with technical information will require more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed. If it is necessary to supply different levels of info, can this be made clear?</p>	<p>Noted. Para 9.4 sets the principle that consultation will be “appropriate”. Para 9.7 recognises the needs of different audiences and sets out multiple communication channels accordingly. An expanded para 10.1 sets out that technical audiences will receive technical materials, and the general public will receive non-technical materials aimed at a wider audience (with technical information at hand for any interested parties).</p>

<p>Care should be taken to refer to the most up to date Guidance and advice. In particular, please be aware that the CLG Pre-application Consultation Guidance was revised and reissued in January 2013. s5.5 of the Consultation Strategy may benefit by highlighting the revoked literature, ie Advice Note 14 supersedes all previous versions. It also contains advice that was previously in paragraphs 25 to 27 of the Infrastructure Planning Commission’s Guidance Note 1.</p>	<p>Noted. Guidance and advice is taken only from latest versions available on PINS website. Reference to superseded IPC Guidance Note 1 removed.</p>
<p>Wording in section 7 of the Consultation Strategy – ‘TLSB believes that those living nearest, and being most affected by, the Project should have the loudest voice in the consultation’ - be careful about applying greater weight to certain responses to the consultation over others before you know what issues are being raised.</p>	<p>Text amended so there is no suggestion that greater weight is given to particular consultees, as follows: “TLSB believes that those communities most affected by the Project should have a clear voice in the consultation so the strategy focuses attention accordingly while remaining receptive to views from <u>any</u> source.”</p>
<p>Website - make sure it is available throughout the entire consultation period. Any technical 'downtime' of the website should be recorded and you should be careful to ensure that it doesn't affect your compliance with the requirements in legislation to make information available for a minimum period of time.</p>	<p>Noted.</p>