

The Planning Act 2008
Section 55 Acceptance of Applications*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

"local authority consultee" means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended)

DISCLAIMER - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (Major Applications and Plans Directorate) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

NB: See [DCLG Application Form Guidance](#) for guidance on how the application form should be completed and what should be included with it.

Section 55 Acceptance of Applications

Wrexham Energy Centre Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	18 March 2016	15 April 2016	13 April 2016
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-	Planning Inspectorate Comments		
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes, the proposed project meets the NSIP threshold of over 50 megawatts (MW) for an onshore generating station in Wales.</p> <p>The Application Form (Doc 1.1) in Box 4 states that:</p> <p><i>“the authorised development comprises an electricity generating station in Wales with a capacity of more than 50MW and therefore constitutes a nationally significant infrastructure project (“NSIP”) under section 15 of the Planning Act 2008. Accordingly, the authorised development requires development consent under section 31 of the Planning Act 2008. Development consent may only be granted by order (“DCO”) following an application to the Secretary of State pursuant to section 37 of the Planning Act 2008”.</i></p>		

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	The submitted DCO (Schedule 1, Work No. 1A) (Doc 3.1) provides consent for <i>“one gas turbine building with up to two gas turbines, and one steam turbine building with one steam turbine, each connected to its own generator with a combined rated electrical output of up to 299 MWe”</i> .
Summary – s55(3)(a) and s55(3)(c)	Sufficient evidence has been provided that this is an application for a DCO for an NSIP pursuant to s14(1)(a) and s15(2) of PA2008.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	The applicant requested a Scoping Opinion in accordance with Regulation 8(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009 in letters dated 21 March 2014 and 27 March 2014, and by doing so is deemed to have notified the Secretary of State under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an environmental statement in respect of the Project. The letters were received by 28 March 2014.
2.2 Have any adequacy of consultation representations ⁵ been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	Yes. Adequacy of Consultation representations were requested by the Inspectorate on 23 March 2016 to the following neighbouring authorities: the ‘B’/host authority Wrexham County Borough Council and the ‘A’ authorities Powys County Council, Flintshire County Council, Cheshire West and Chester Council, Shropshire Council and Denbighshire County Council. Responses were received from all six authorities. Powys County Council, Cheshire West and Chester Council,

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

Shropshire Council and Flintshire County Council all confirmed the applicant's consultation as 'adequate'.

The host/'B' authority **Wrexham County Borough Council** confirmed within an Adequacy of Consultation representation submitted via email 5 April 2016 which concluded that:

"The Consultation document is comprehensive and provides clarity. The relevant consultees have been consulted and the requirements of Section 42 of PA2008 have been complied with. Section 47 of the Planning Act has been complied with and consultation carried out in accordance with the proposals set out in the statement. An extended timescale for comments aided the process given the nature of the proposal. The required publicity has been carried out and complies with Section 48 of the Planning Act. The adequacy of the consultation process is confirmed."

Denbighshire County Council stated within their Adequacy of Consultation representation that they:

'can not [sic] confirm whether Denbighshire was consulted at pre-application stage...However, given the location and nature of the development, the Council will not be looking to engage in the Examination process, as it is considered the land use planning impacts on Denbighshire are likely to be limited, and along with the procedural matters are ones we would respectfully leave to Wrexham County Borough Council to respond to.'

Paragraph 12.2.1, p.65 of the **Consultation Report (Doc 5.1)** states that Denbighshire County Council responded to the s42 consultation, and **Table 6 'Key points made in s42 consultation responses'** provides their response (p72):

'Denbighshire County Council: No comments to make at this stage.'

	<p>The available evidence suggests that Denbighshire County Council was consulted by the applicant, albeit that the officer contacted was not able to obtain a record of that consultation. For examination purposes, Denbighshire County Council raised no concerns and has indicated that the effects of the application on its area are limited and that Wrexham County Borough Council is best placed to respond.</p> <p>In light of the positive representations from Wrexham County Borough Council, Powys County Council, Cheshire West and Chester Council, Shropshire Council, and Flintshire County Council, and given the position from Denbighshire County Council discussed above, the Inspectorate considers that the applicant has complied with their duties under s42, s47 and s48.</p> <p>All Adequacy of Consultation representations can be viewed here.</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>Yes.</p> <p>Chapter 8 of the Consultation Report (Doc 5.1) sets out how the applicant has carried out their consultation in accordance with s42. A Schedule of s42 consultees has been provided within Appendix 5 to the Consultation Report (Doc 5.1). After reviewing the applicant's s42(1)(a) list of consultees against the Inspectorate's list dated 6 April 2013 compiled (using a precautionary approach) for the purposes of Regulation 9 of the EIA</p>

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>Regulations, the Inspectorate is of the view that the applicant has fulfilled its obligation to consult under s42(1)(a).</p> <p>The applicant has listed BRB Residuary as a consultee although this group was abolished 30/09/2013 and taken over by Network Rail (also listed by the applicant as a consultee).</p> <p>The following organisations do not appear within the applicant’s list of consultees, however these are designated within the list provided by the Inspectorate as to be consulted on precautionary basis:</p> <ul style="list-style-type: none"> • Energy Assets Pipelines Ltd • Indigo Pipelines Ltd • Scotland Gas Networks Plc • Harlaxton Energy Networks Ltd <p>As these bodies were identified on a precautionary basis, the Inspectorate has issued s51 advice on how to address these omissions. On balance the Inspectorate considers that the applicant has met its consultation requirements under s42(1)(a). If necessary, the Examining Authority can consider whether further action is needed to involve any such persons in the examination.</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable.
s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes, the applicant has consulted all the prescribed planning authorities.</p> <p>Section 8.3 of the Consultation Report (Doc 5.1) identifies the local authorities that need to be consulted in accordance with</p>

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

	<p>s42(1)(b) of the Act as follows:</p> <p>Category B local authority:</p> <ul style="list-style-type: none"> • Wrexham County Borough Council <p>Category A local authorities:</p> <ul style="list-style-type: none"> • Denbighshire County Council • Powys County Council • Flintshire County Council • Shropshire County Council • Cheshire West and Chester Council <p>These authorities are also listed in Appendix 5 to the Consultation Report (Doc 5.1) '<i>Schedule of Section 42 Consultees</i>'. A map showing each local authority has been provided at Appendix 7.</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Yes. Section 8.6 of the Consultation Report (Doc 5.1) describes the work undertaken by the applicant to identify any persons affected under s44. The applicant acknowledges in Paragraph 8.6.9 that there are a number of differences between the list of consultees and the list of persons included in the Book of Reference (Doc 4.3).</p> <p>These differences are presented in a table at Paragraph 8.6.9, which states that it provides the names of persons not included in s42 consultation but who appear in the Book of Reference (Doc 4.3), the reason for this difference, and the action taken by the applicant.</p>

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

	<p>For the persons who were not part of the s42 consultation, the action as described in this table is that the applicant has made contact with them in writing notifying them of the proposed Application, the ability of the occupier to participate in the Examination and providing a copy of the January 2016 community update leaflet.</p> <p>There is no indication at this stage that these persons' direct interests have been harmed and on this basis the Inspectorate is content to recommend acceptance, but proposes to advise the applicant that appropriate further checks on their status should be made. If necessary, the Examining Authority can consider whether further action is needed to involve any such persons in the examination.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>A copy of the letter sent to the s42 consultees notifying them of the statutory consultation is been provided at Appendix 6 of the Consultation Report (Doc 5.1). The letter is dated 10 July 2014 and Paragraph 8.1.3 states that it was delivered by courier or recorded delivery, arriving 11 or 12 July 2014. The letter specifies a deadline to respond by of 24 August 2014, therefore providing more than 28 days for the consultees to provide a response.</p>
<p>s46: Duty to notify Secretary of State of proposed application</p>	
<p>2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was</p>	<p>A copy of the s46 Notification letter sent to the Inspectorate has been provided at Appendix 4 to the Consultation Report and is dated 11 July 2014.</p> <p>The Inspectorate's records indicate that a hard copy of this letter</p>

<p>this done on or before commencing consultation under s42?</p>	<p>was sent to the Inspectorate on 11 July 2014 and was received on 14 July 2014.</p> <p>The Inspectorate considers that the s42 consultation process commenced on 10 July 2014, when the notice was dated and hard copy despatch began (see s45 / checklist item 2.4 above).</p> <p>In relation to the state of the applicant's and the Inspectorate's knowledge about s46 and the need to comply with the duty, reference was made to this to this in the note of a meeting between the applicant and the Inspectorate of 25 April 2014 which records:</p> <p><i>'The applicant was advised that section 46 must be received by Inspectorate on or before the applicant commences its consultation under s42 of the 2008 Act...'</i></p> <p>The note also records an action to be taken by the applicant to address this point.</p> <p>This demonstrates the Inspectorate's awareness that s46 notification was forthcoming, more than two months before the commencement of consultation under s42. It also shows that the applicant was aware of what was required to comply with its duty under s46.</p> <p>The Inspectorate notes that the facts here evidence a breach of the applicant's duty under s46. Careful consideration has been given to whether this breach indicates that the application should not be accepted. It does not indicate against acceptance for the following reasons:</p> <ul style="list-style-type: none"> • The purpose of notice under s46 is to ensure that the Secretary of State (and the Inspectorate) are not left unaware of the content and timing of a pre-application process. • Whilst the formal notice was provided later than necessary to comply with s46(2), in practice only a few working hours were
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	<p>lost by the Inspectorate between 11 and 14 July 2014. The remainder of the lost time is accounted for by a weekend.</p> <ul style="list-style-type: none"> • No practical harm was done to the Secretary of State’s interests by the breach of the s46 duty, as the Inspectorate was already aware of the preparation of this application and the timing and commencement of the pre-application consultation process. <p>In this instance, the breach of the s46 duty appears to be formal but not substantive. Under these circumstances, no harm has been done to the Secretary of State’s interests and there is no reason therefore to decline to accept the application.</p>
s47: Duty to consult local community	
<p>2.6 Did the applicant prepare a statement of community consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes.</p> <p>An overview of the applicant’s consultation in accordance with s47 has been provided within Chapter 9 of the Consultation Report (Doc 5.1).</p> <p>A draft copy of the SoCC, dated 2014, is provided at Appendix 9, and the final version dated, July 2014, is provided at Appendix 11.</p> <p>The draft SoCC was submitted to the Inspectorate for a factual check on 23 March 2014, and the comments are reproduced at Appendix 12.</p>
<p>2.7 Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>Yes.</p> <p>The applicant submitted their draft SoCC (Appendix 9, Consultation Report (Doc 5.1)) to Wrexham County Borough Council (the ‘B’ authority) on 8 April 2014 for their comments</p>

	<p>(provided at Appendix 10).</p> <p>The cover letter accompanying the draft SoCC (Appendix 8) states that it was submitted via email on 8 April 2014, which confirms that this would have given Wrexham County Borough Council 28 days to respond.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes.</p> <p>A table has been provided at paragraph 9.2.6, p.45 of the Consultation Report (Doc 5.1) detailing Wrexham County Borough Council's comments on the draft SoCC, the applicant's response to the comments, and if the comment led to an amendment in the relevant section of the SoCC. For example, Wrexham County Borough Council suggested that the parishes within Cheshire West and Chester falling within the consultation Zone should be included and the SoCC was then amended to reflect these comments (Appendix 11). This is also reflected within the Schedule of s42 consultees provided at Appendix 5.</p>
<p>2.9 Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes.</p> <p>A copy of the SoCC Notice as placed in the Wrexham Leader on 5 July 2014 has been provided at Appendix 13 to the Consultation Report (Doc 5.1), and states that the SoCC will be available for inspection:</p> <ul style="list-style-type: none"> • At the project website; • At public exhibitions held over three dates (Monday 21 – Wednesday 23 July 2014) at three locations (Isycoed Village Hall, Marchwiell Village Hall and The Atrium Suite Redwither Tower); • At the following locations between 14 July 2014 and 24 August 2014: <ul style="list-style-type: none"> ○ <i>Contact Wrexham, 16 Lord Street, Wrexham LL11 1LG</i> <i>8:30am to 5:30pm Monday to Friday</i>

	<ul style="list-style-type: none"> ○ <i>Redwither Tower, Redwither Business Park, LL13 9XT 8am to 6pm, Monday to Friday</i> <p>Paragraph 9.2.9 of the Consultation Report (Doc 5.1) lists the locations where copies of the SoCC was made available for inspection:</p> <ul style="list-style-type: none"> • <i>Wrexham County Borough Council, The Guildhall, Wrexham, Clwyd, LL11 1AY</i> • <i>Redwither Tower, Wrexham Industrial Estate, Wrexham, LL13 9XT</i> <p>There is a difference between one of the locations listed in the SoCC Notice (Appendix 13) and as stated in Paragraph 9.2.9 of the Consultation Report (Doc 5.1). Both are Wrexham County Borough Council addresses in close proximity to each other; the Guildhall listed in the Consultation Report as the Council’s main office and Contact Wrexham is a drop-in advice centre. The applicant has not provided an explanation for this difference.</p> <p>The Inspectorate has noted the different addresses, but as both are for Wrexham County Borough Council premises that are in close proximity, it does not consider that any practical harm is likely to have been done to the ability of any person to participate in consultation. It should also be noted that Wrexham County Borough Council did not raise any concern about this issue in its adequacy of consultation response. On this basis it does not indicate against acceptance.</p>
<p>2.10 Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary</p>	<p>Yes, Section 8.1 of the final version of the SoCC (Appendix 11) states:</p> <p><i>'Schedule 1 of the Infrastructure Planning (Environmental Impact</i></p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<p>environmental information?</p>	<p><i>Assessment) Regulations 2009, as amended by the Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012, classifies WPL's proposals for the WEC as a development requiring environmental impact assessment.'</i></p> <p>Section 16.5 of the SoCC lists the methods of consultation that the applicant intends to use, and specifically states that the PEIR and its non-technical summary will be made available at the project website (www.Wrexham-Power.com) and at the following locations:</p> <p><i>'Contact Wrexham, 16 Lord Street, Wrexham LL11 1LG 8:30am to 5:30pm Monday to Friday</i></p> <p><i>Redwither Tower, Redwither Business Park, LL13 9XT 8am to 6pm, Monday to Friday'</i></p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SoCC?</p>	<p>Yes. Table 3 of the Consultation Report (Doc 5.1) summarises how the applicant complied with the SoCC listing the commitments made in the SoCC next to a description of how they had been complied with. The supporting evidence is provided in Appendices 11, 14 - 18, 20, 21, 23 - 26, 29, and 30.</p> <p><i>For the commitment to make 'written contact (including copies of the project leaflet) to elected representatives of areas affected by the proposals, offering meetings during the consultation period' (Appendix 11) the applicant states that:</i></p> <ul style="list-style-type: none"> • <i>'These were included in the wider community mailout of the project leaflet' and refers to Appendix 14 (the project leaflet) and Appendix 15, the cover letter to the project leaflet, which provides information on the exhibition events 'at which you can meet the team'.</i> <p>This does not specifically offer meetings as stated in the SoCC, and the applicant has not provided a list of who was sent the project</p>

	<p>leaflet and cover letter, therefore the Inspectorate is unable to confirm these were sent to elected representatives of the areas affected. However, as no issues have been raised about this in the adequacy of consultation responses, the Inspectorate is satisfied that the duty has been met.</p>
<p>s48: Duty to publicise the proposed application</p>	
<p>2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):</p>	
<p>(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</p>	<p>Yes. The Newspaper Notices (Doc 1.2) provides copies of the:</p> <ul style="list-style-type: none"> • s47 notices placed in the newspaper on 5 July 2014 in English and Welsh; • s48 notices placed in the newspaper on 5 July and 12 July 2014 in English and Welsh. <p>However, the cuttings provided do not show which newspapers the notices were placed in. This is clarified in the Consultation Report (Doc 5.1), where the applicant states:</p> <ul style="list-style-type: none"> • <i>'WPL published its notice of the SoCC (Part 2 - The SoCC notice) on 5 July 2014 in the Wrexham Leader.'</i> (Paragraph 9.2.8) • <i>'In addition to the section 48 notices that were released and the publication of the SoCC notice, statutory consultation was also advertised in the following media on the dates given:</i> <ul style="list-style-type: none"> • 16 July 2014 - Wrexham Daily Post • 18 July 2014 - Wrexham Leader' (Paragraph 10.12.2). <p>It is good practice and would have been helpful if the applicant had included in each cutting of the notices, sufficient of the page to</p>

	show the newspaper it was placed in and the date it was placed. However, there is no suggestion that any notices were not placed.
(b) once in a national newspaper;	Yes, at Appendix 27 of the Consultation Report (Doc 5.1) the applicant provides a copy of the s48 notice it placed in the Telegraph on 5 July 2015.
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Yes, at Appendix 27 of the Consultation Report (Doc 5.1) the applicant provides a copy of s48 notice it placed in the London Gazette on 4 July 2014.
(d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable.
2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	Yes, in Paragraph 1 of The Newspaper Notices (Doc 1.2) .
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Yes, in Paragraph 1 of The Newspaper Notices (Doc 1.2) .
(c) a statement as to whether the application is EIA development;	Yes, in Paragraph 4 of The Newspaper Notices (Doc 1.2) .
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes, in Paragraphs 1 and 2 of The Newspaper Notices (Doc 1.2) .

<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>Yes, in Paragraph 6 of The Newspaper Notices (Doc 1.2).</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes, in Paragraph 6 of The Newspaper Notices (Doc 1.2). The notice states that the last date the documents will be available to be viewed is the 24 August 2014, which is the deadline for responses to the s42 consultation.</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes, in Paragraph 8 of The Newspaper Notices (Doc 1.2). The applicant states that the documents will be free to download from its Project web page and a hard copy of the application would be available for a copying charge of £250.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes, in Paragraph 9 of The Newspaper Notices (Doc 1.2). The notice advises that a response can be made by phone, email or post.</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?</p>	<p>Yes, in Paragraph 10 of The Newspaper Notices (Doc 1.2). The applicant gives a deadline for responses as 5pm on 24 August 2014. The last date of the advert was placed on 12 July 2014. There was at least 28 days remaining following this date for the responses to be received.</p>
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact</p>	<p>Yes. The applicant states in Paragraph 11.3.2 of the Consultation Report (Doc 5.1) that the prescribed consultees and the relevant local authorities were sent a copy of the s48 notice on the 9 July 2014. A copy of the letter is provided in</p>

Assessment) Regulations 2009 (the EIA Regulations) ¹¹ ?	Appendix 28.
s49: Duty to take account of responses to consultation and publicity	
2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Table 6 of Chapter 12 and Table 7 of Chapter 13 of the Consultation Report (Doc 5.1) detail the regard the applicant has had to responses to their s42, and s47 and s48 consultations respectively. The tables document who responded to the consultation, a summary of the response they provided, the regard that applicant had to the response, and whether the response led to a change to the application. Full responses to the s42, and s47 and 48 consultations and the responses from the applicant are also provided, in Appendix 29 and Appendix 30 of the Consultation Report (Doc 5.1) respectively.</p> <p>From the information provided, the applicant has evidenced that it has had regard to all responses received during the statutory pre-application consultation.</p> <p>It is evident that a number of the responses received to the s42 consultation led to changes to the application submitted for development consent. However whilst no changes were made as a direct result from the s47 and s48 responses, an explanation and justification is provided, often with signposting to other application documents for more information.</p> <p>The Consultation Report also details how the applicant made significant changes to the scheme as a result of non-statutory consultation (Paragraph 4.2.8, and Appendix 1).</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

Guidance about pre-application procedure	
<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Yes, the applicant appears to have consulted in line with the available guidance, and to have had regard to the outcomes of its statutory and non-statutory consultation.</p> <p>Table 2 of the Consultation Report (Doc 5.1) summarises how the applicant's stakeholder consultations complied with statutory requirements and states that the applicant has had regard to the guidance during consultation and that the Consultation Report has been drafted in accordance with it.</p> <p>Paragraph 6.2.2 – 6.2.3 of the Consultation Report (Doc 5.1) cites the benefits to pre-application consultation listed in paragraph 11 of the guidance and states that the applicant's statutory consultation was structured to achieve these benefits.</p> <p>The applicant has not evidenced the means by which it has complied with the guidance in all instances. However, neither is there any evidence of failure to comply with the guidance and so the Inspectorate accepts that it has been complied with.</p>
<p>Summary - s55(3)(e)</p>	<p>Following a detailed review of the Consultation Report and the application documentation as a whole, together with the adequacy of consultation responses received from the local authority consultees, the Planning Inspectorate on behalf of the Secretary of State concludes that the applicant has demonstrated compliance with Chapter 2 of Part 5 (pre application procedure) of PA 2008.</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>	

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes, the Application Form (Doc 1.1) submitted is in the prescribed format and Part 4 contains a statement which explains why the proposed project falls under the remit of the Secretary of State.</p> <p>A statement identifying the location of the application site has been provided at Section 6.</p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes, the application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendix 1 (Doc 5.2).</p>
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>Yes.</p> <p>The environmental statement (ES) is provided in the following volumes:</p> <ul style="list-style-type: none"> • Volume 1: Non-technical Summary to Environmental Statement (Doc. 6.1) • Volume 2: Environmental Statement Chapters (Doc. 6.2-6.2.20) • Volume 3: Environmental Statement Figures (Doc. 6.3) • Volume 4: Environmental Statement Appendices (folders 1 and 2) (Doc. 6.4) <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. This does not preclude the ExA from seeking further explanation during the course</p>

	<p>of the examination.</p> <p>A copy of the scoping opinion issued by the Secretary of State in May 2014 is provided at Doc 6.4, Appendix 5.1.</p>
(b) the draft proposed order;	Yes, the application includes the submission of a Draft Development Consent Order (DCO) (Doc 3.1) .
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	Yes, an Explanatory Memorandum (Doc 3.2) has been provided which explains the purpose and effect of the provisions of the draft DCO.
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p>Yes, the Draft DCO (Doc 3.1) includes proposed provisions for compulsory acquisition and the application is accompanied by a Book of Reference (Doc 4.3).</p> <p>The persons listed in Part 3 of book of reference are also listed in Part 1.</p>
(e) a copy of any flood risk assessment;	Yes, a Level 2 Flood Consequence Assessment (Doc 5.4) has been provided.
(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	Yes, a Statement of Statutory Nuisance (Doc 5.5) has been provided as part of the application documents and concludes that no statutory nuisance is likely to occur.

<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Yes, a 'No Significant Effects Report' (Doc 5.7) has been provided. The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance.</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes, the application includes the submission of a Statement of Reasons (Doc 4.1) and a Funding Statement (Doc 4.2).</p>
<p>(i) a land plan identifying:-</p> <ul style="list-style-type: none"> (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land; 	<p>Yes.</p> <p>The Land Plans (Doc 2.2) comprise:</p> <ul style="list-style-type: none"> • Land Plan key plan • Land Plan (Sheet numbers 1-7) <p>(ii) The Land Plans identify any land which it is proposed to exercise powers of compulsory acquisition or any rights to use land:</p> <ul style="list-style-type: none"> • Order Land - Freehold to be compulsory acquired (Pink) • Order Land -Temporary use of land (Yellow) • Order Land – New rights to be created(Blue) • Crown Land – (Black Hatched) <p>After cross checking the Land Plans (Doc 2.2) with the Book of Reference (Doc 4.3) there appear to be some anomalies as follows:</p> <ul style="list-style-type: none"> • The plans refer to a plot being part of particular farm's land

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

	<p>(for example Big Bryn farm) however the farm is quite difficult to see on the key plan;</p> <ul style="list-style-type: none"> • The plans refer to a plot being part of particular farm's land, however it would appear to be a part of a road or pathway (for example plot SAT 3). <p>The anomalies are matters that can be addressed by an Examining Authority in examination, but do not of themselves indicate against acceptance.</p>
<p>(j) a works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;</p>	<p>Yes.</p> <p>A Works Plan (Doc 2.3) is provided showing the proposed location of the works and the limits of deviation land required. The plan also shows the Power Station Complex, temporary construction works, surface water retention ponds areas and Landscape and Ecology Mitigation Works.</p> <p>The Works Plans(Doc 2.3) comprise:</p> <ul style="list-style-type: none"> • Works Plan Sheet 1 of 1 <p>The works plans are consistent with the works described in schedule 1 of the DCO (Doc 3.1).</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>Yes</p> <p>An Access and Rights of Way Plan (Doc 2.4) is provided showing temporary street works passing places and rights of way. The plan also shows the extents of temporary stopping up of rights of way.</p> <p>The Access and Rights of Way Plan (Doc 2.4) comprises:</p>

	<ul style="list-style-type: none"> • Access and Rights of Way Sheet 1 of 3 • Access and Rights of Way Sheet 2 of 3 • Access and Rights of Way Sheet 3 of 3 <p>A Key plan has not been provided.</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p>Yes</p> <p>i) A plan identifying the statutory sites is provided within the ES in Volume 3: Environmental Statement – Figures, (Figure 11.1: Statutory Designations and Study Area (Doc 6.3.9)). The sites identified are Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Ramsar sites.</p> <p>A plan identifying the non-statutory sites is provided within the ES in Volume 3: Environmental Statement – Figures, (Figure 11.2: Non-Statutory Sites (Doc 6.3.9)). The sites identified are Local Wildlife sites (LWS).</p> <p>(ii) A plan identifying ancient woodland is provided within the ES in Volume 3: Environmental Statement – Figures, (Figure 11.2: Non-Statutory Sites (Doc 6.3.9)).</p> <p>iii) A plan identifying water bodies in a river basin management plan is provided within the ES in Volume 2: Environmental Statement, Chapter 14: The water environment (Doc 6.2.14). An assessment of effects on these features is provided in this document and Volume 4: Environmental Statement Appendix 14.1 Water Framework Directive Screening Assessment (Doc 6.4.9).</p>
<p>(m) where applicable, a plan with accompanying information</p>	<p>Yes.</p>

<p>identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p>A plan identifying the statutory/non-statutory sites is provided within the ES in Volume 3: Environmental Statement – Figures, (Figure 12.2: Designated Cultural Heritage Constraints) (Doc 6.4.7). The sites identified are Grades I, II* and II listed buildings, Registered Park or Garden, Historic Landscape Area, Conservation Area and Scheduled Monument.</p>
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Yes, a plan identifying Crown Land is provided (Doc 2.2).</p>
<p>(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>Yes, Part 23 of the Application Form (Doc 1.1) lists the following additional plans and drawings as submitted with the application:</p> <ul style="list-style-type: none"> • WEC Location Plan (Doc 2.1.1) • WEC Existing Site Layout Sheets 1 to 3 (Doc 2.1.2) • WEC Works Plan (Doc 2.3) • WEC Access and Rights of Way Plan (Doc 2.4) • WEC Illustrative Power Station Complex Site Layout Plan (Doc 2.5.1) • WEC Illustrative Power Station Complex General Arrangement (Doc 2.5.2) • WEC Illustrative Power Station Complex Northern and Western Elevations (Doc 2.5.3) • WEC Illustrative Power Station Complex Eastern and Southern Elevations (Doc 2.5.4) • WEC Illustrative Power Station Complex Isometric View (Doc 2.5.5) • WEC Proposed foul and surface water drainage strategy (Doc 2.6) • WEC Illustrative Gas and Electrical Connection Plans Sheets 1 to 3 (Doc 2.7.1 – 2.7.3) • WEC Existing Site and Illustrative Vegetation Loss Sheets 1 to 7 (Doc 2.8.1 – 2.8.7)

	<ul style="list-style-type: none"> • Illustrative landscape and ecological mitigation master plan (Doc 2.9.1 – 2.9.7) • Illustrative Landscape within WEC Site Sheets 1 to 7 (Doc 2.9.7)
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹⁴;</p> <p>6.—(1) If the application is for the construction or extension of a generating station the application must be accompanied by—</p> <p>(a) if the application is for a generating station, that is not an offshore generating station—</p> <p>(i) a statement of who will be responsible for designing and building the connection to the electricity grid; and</p> <p>(ii) if a gas fuelled generating station, a statement of who will be responsible for designing and building the gas pipeline connection to the generating station.</p>	<p>Yes, the application is accompanied by a Grid Connection Statement (Doc 8.1) and a Gas Connection Statement (Doc 8.2).</p>
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Yes, see 3.3(o) of this document.</p>
<p>(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.</p>	<p>Yes, two paper versions of the suite of application documents were received by the Inspectorate on 18 March 2016.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than</p>	<p>Yes.</p>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

<p>1:2,500 on land) and, in the case of plans, show the direction of north¹⁵?</p>	<p>The plans and drawings are submitted A0 size or smaller. All relevant plans have been drawn to an identified scale not smaller than 1:2500 and show the direction of north.</p> <p>This is with the exception of the following plans:</p> <ul style="list-style-type: none"> • Access and Rights of Way Plan Sheet 1 of 1 (Doc 2.4) (1:7000) • Land plans including Crown Land Key plan (Doc 2.2) (1:7000) <p>As these are a key plan and a plan that covers a large area, this scaling is practical and not considered an issue.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>No key plans were provided other than for the following:</p> <ul style="list-style-type: none"> • Land plans including Crown Land Key plan (Doc 2.2).
<p>3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?</p>	<p>Yes. The applicant appears to have had regard to all aspects of the DCLG guidance 'Planning Act 2008: Application Form Guidance'.</p> <p>In addition to the standard material (as identified by section 2 of the guidance), the applicant has provided a number of other documents to support its application. These are listed in section 3.3(q) of this checklist.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>The submitted application generally accords with the requirements of s55(3)(f) having regard to s55(5A) PA 2008.</p> <p>None of the discrepancies identified in this checklist appear to prevent an Examining Authority from examining the application within the statutory 6 month period.</p>

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	The Planning Inspectorate therefore considers that the submitted application is of a satisfactory standard having regard to s55(5A) of the PA2008.
The Infrastructure Planning (Fees) Regulations 2010 (SI106)	
Fees to accompany an application	
Was the fee paid at the same time that the application was made ¹⁷ ?	The fee of £4,500 was received on 17 March 2016, prior to the submission of the application.

Case Leader

Stephanie Newman

Stephanie Newman

Signed

Date:

13 April 2016

Acceptance Inspector

Rynd Smith

Rynd Smith

Signed

Date:

13 April 2016

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Section 55 Acceptance of Applications

Appendix One

Application Checklist

Wrexham Energy Centre

A Legal Advice

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

B Habitats Regulation Assessment Checklist

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates