

# **The Planning Act 2008**

## **Section 55 Acceptance of Applications\***

(Appendix 2 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 by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate 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

### Internal Power Enhancement for the Port Talbot Steel Works - Section 55 Application Checklist<sup>1</sup>

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
	<b>7 August 2014</b>	<b>4 September 2014</b>	<b>2 September 2014</b>
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 project<sup>2</sup> (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 order<sup>3</sup> (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><b>Yes.</b></p> <p>The development is a nationally significant infrastructure project (NSIP) under section 14(1)(a) and 15(2) of the PA2008, as it consists of the construction of a generating station in Wales, that is not an offshore generating station, and it's capacity is more than 50 megawatts.</p> <p><b>Box 4 of the Application Form (Doc 1.02) states:</b></p> <p><i>"The authorised development comprises an electricity generating station with a capacity of more than 50MW and therefore it constitutes a nationally significant infrastructure project ("NSIP") under section 15 of the Planning Act 2008. Accordingly, it requires development consent under section 31 of the Planning Act 2008. Development application to the Secretary of State pursuant to section 37 of the Planning Act 2008"</i></p> <p><b>Schedule 1 of the Draft Development Consent Order (Doc. 3.01) states:</b></p>		

<sup>1</sup> 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

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

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

	<i>“Work No. 1A – an electricity generating station located on the site of the Port Talbot steelworks, with a nominal gross output capacity of up to 150 MWe”.</i>
<b>Summary – s55(3)(a) and s55(3)(c)</b>	The project is on the face of it an NSIP; a generating station with a capacity in excess of 50MW.
<b>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>	
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 <sup>4</sup> ?	<p>2.1 (a): <b>No</b>. A screening request was not made.</p> <p>2.1 (b): <b>Yes</b>. The applicant provided notification to the Planning Inspectorate on behalf of the Secretary of State on 25 September 2013 that it would be providing an environmental statement. A copy of this notification has not been included with the application documents, but it is held within the Planning Inspectorate’s records.</p> <p>The Environmental Statement can be found in <b>Documents 6.01 – 6.04</b> of the Application Documents.</p>
2.2 Have any adequacy of consultation representations <sup>5</sup> 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?	<p><b>Yes</b></p> <p>Of the 7 relevant local authorities, 4 have provided adequacy of consultation representations. These are:</p> <ul style="list-style-type: none"> <li>• Neath Port Talbot County Borough Council (‘B’ Authority) dated 22/08/2014;</li> <li>• Bridgend County Borough Council (‘A’ Authority) dated 19/08/2014;</li> <li>• Brecon Beacons National Park Authority (‘A’ Authority) dated 12/08/14;</li> <li>• Carmarthenshire County Council (‘A’ Authority) dated 26/08/2014</li> </ul>

<sup>4</sup> Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

<sup>5</sup> 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

	<p>Of the above, all have advised that they consider that the applicant has complied with s42, s47 and s48 or stated that they had no objection to, or were satisfied with or had no comments to make on the applicant's duties under s42, s47 and s48.</p> <p>No responses have been received from the 3 remaining local authorities:</p> <ul style="list-style-type: none"> <li>• City and County of Swansea ('A' Authority)</li> <li>• Rhonda Cynon Taff County Borough Council ('A' Authority)</li> <li>• Powys County Council ('A' Authority)</li> </ul>
<p><b>s42: Duty to Consult</b></p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed<sup>6</sup>?</p>	<p><b>Yes</b> (qualified)</p> <p>A list of Section 42 Consultees has been provided in <b>Appendix 5</b> of the <b>Consultation Report (Doc 5.01)</b>.</p> <p>All prescribed consultees appear to have been consulted, with the exception of <b>Southern Gas Networks Plc</b> and <b>Scotland Gas Networks Plc</b>. No explanation has been provided in the <b>Consultation Report (Doc 5.01)</b> for this omission. However, the Planning Inspectorate's own internal list of consultees includes these specific organisations '<i>on a precautionary basis</i>'.</p> <p>Whilst these two s42(1)(a) consultees appear not to have been consulted without explanation, due to their normal area of operation it is unlikely that these statutory undertakers would be directly affected.</p>
<p>s42(1)(aa) the Marine Management Organisation<sup>7</sup>?</p>	<p><b>Not applicable.</b> The proposed application does not affect English waters.</p>

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

<sup>7</sup> 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

<p>s42(1)(b) each local authority within s43<sup>8</sup>?</p>	<p><b>Yes.</b></p> <p><b>Appendix 5</b> of the <b>Consultation Report (Doc 5.01)</b> identifies, amongst other bodies, the local authorities within s43 that the applicant has consulted with under s42(1)(b):</p> <p><b>Paragraph 4.8</b> of the <b>Consultation Report (Doc 5.01)</b> states that “<i>Applicants are required to consult with each local authority that is within s43 of the Act. The proposed development falls within the administrative boundary of [Neath Port Talbot County Borough Council] NPTCBC. NPTCBC therefore falls within s43(1) of the Act.</i>”</p> <p><b>Paragraph 4.9</b> states that “<i>Tata Steel also consulted with the six neighbouring local authorities that share a boundary with NPTCBC and are therefore classified as "A" authorities within s.43(2) of the Act. These are:</i></p> <ul style="list-style-type: none"> <li>• <i>Bridgend County Borough Council;</i></li> <li>• <i>City and County of Swansea;</i></li> <li>• <i>Rhonda Cynon Taff County Borough Council;</i></li> <li>• <i>Carmarthenshire County Council;</i></li> <li>• <i>Powys County Council; and</i></li> <li>• <i>Brecon Beacons National Park Authority.</i>”</li> </ul> <p>These organisations are also listed in <b>Appendix 5 ‘Full List of S42 Consultees’</b>.</p> <p><b>Paragraph 4.16</b> of the <b>Consultation Report (Doc 5.01)</b> states that all persons/organisations listed in <b>Appendix 5</b> were sent a letter on 22 January 2014 providing details of the consultation and copies of consultation materials. It further refers to a copy of this letter being provided in <b>Appendix 6</b>. However, this appendix only contains a copy of the s47 notification letter</p>
---	--

---

<sup>8</sup> 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 authority shares a boundary with a “C” authority

	<p>dated 27 January 2014.</p> <p>Following PINS' request under Regulation 5(5) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, the applicant provided copies of the consultation responses on 27 August 2014. Copies of the s42 notification letters were included along with the responses. It was noted that the s42 letter is dated the 23 January 2014, not the 22 January as stated in <b>Paragraph 4.16</b> of the <b>Consultation Report (Doc 5.01)</b>.</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	<b>Not applicable.</b> The proposed application is not situated in the Greater London area.
s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p><b>Yes</b> (qualified)</p> <p>Each person in one or more of s44 categories appear to have been consulted by the applicant, with the exception of The Steel Company of Wales Ltd, which is listed in the <b>Book of Reference (Doc 4.3)</b> but is not listed under <b>Appendix 5</b> of the <b>Consultation Report (Doc 5.01)</b>.</p> <p>The Steel Company of Wales Ltd is listed under category 3 for 15 plots in Part 2 of the <b>Book of Reference (Doc 4.3)</b>.</p> <p>Although no explanation has been given for this omission, public information suggests that The Steel Company of Wales Ltd is owned by the applicant. Therefore, this matter is not deemed a critical acceptance issue.</p> <p>There are also a number of minor inconsistencies within the BoR which have no bearing on acceptance. However, the applicant should consider clarifying this information to assist with the examination of the application.</p>
<b>s45: Timetable for s42 Consultation</b>	
2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by	<b>Yes.</b> <b>Paragraph 4.15</b> of the <b>Consultation Report (Doc 5.01)</b> states that;

<sup>9</sup> 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>the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><i>“consultation under s42 ran for 47 days from 27 January 2014 to 14 March 2014”.</i></p> <p><b>Paragraph 4.16</b> states that “a letter was sent to all s42 consultees on 22 January 2014, informing them of the consultation, the process for feedback and the date by which feedback needed to be made and how to obtain further information (see Appendix 6)”.</p> <p>The s42 notification letter (dated 23 January) states that; <i>“consultation commences on 27 January 2014. All responses must be received by Friday 14 March 2014”.</i> Hence more than 28 days from the day after receipt were provided for consultees to respond.</p>
<p><b>s46: Duty to notify Secretary of State of proposed application</b></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 this done on or before commencing consultation under s42?</p>	<p><b>Yes.</b></p> <p>The applicant notified the Planning Inspectorate on behalf of the Secretary of State of the proposed application before the date on which the notification was sent to the s42 consultees.</p> <p><b>Table 8.1: Table of Compliance with Requirements (p.94 of Consultation Report, Doc 5.01)</b> states:</p> <p><i>“Tata Steel issued to the Planning Inspectorate (PINS) a letter and all consultation documents on 22 January 2014.”</i></p> <p>The Planning Inspectorate has on record the s46 notification letter dated 22 January 2014.</p> <p><b>Paragraph 34</b> of the <b>Consultation Report, Doc 5.01</b> states:</p> <p><i>“4.15 Consultation under s42 ran for 47 days from 27 January 2014 to 14 March 2014.”</i></p>
<p><b>s47: Duty to consult local community</b></p>	
<p>2.6 Did the applicant prepare a statement of community consultation (SOCC) on how it intended to consult people living in the vicinity</p>	<p><b>Yes.</b></p> <p><b>Chapter 5</b> of the <b>Consultation Report (Doc 5.01)</b> describes the work</p>

of the land?

undertaken by the applicant in preparing the SOCC.

**Paragraphs 5.3 – 5.8** describe the guidance used by the applicant in preparing the SOCC. These are listed as:

- The Planning Act 2008: Guidance on Pre-Application Consultation
- Advice Note 6: 'Preparation and Submission of Application Documents' (republished June 2012)
- Advice Note 14: 'Compiling the Consultation Report' (republished April 2012)
- Advice Note 16: 'The Applicant's Pre-Application Consultation Publicity and Notification Duties' (published April 2012)
- 'National Principles of Public Engagement in Wales' (2011)

**Paragraphs 5.9 – 5.12** of the **Consultation Report (Doc 5.01)** describe how the applicant's S47 consultees were defined. This involved establishing three zones of consultation *'based on the likely level of impact of the proposals from a visual impact and environmental perspective'*.

**Paragraphs 5.16 – 5.19** describe how the SOCC was developed, including an overview of the applicant's methodology in constructing the SOCC, and an overview of their consultation with NPTCBC on the content of the SOCC.

**Paragraphs 5.20 – 5.22** describe how the draft SOCC was amended after consultation with NPTCBC.

A **Table Outlining Changes Made to the SOCC** has been provided in **Appendix 8** of the **Consultation Report (Doc 5.01)** which outlines the changes made to the SOCC following initial consultation with NPTCBC in October 2013.

A copy of the SOCC Notice has been provided in **Appendix 12, p.82** of the **Consultation Report (Doc 5.01): (SOCC Notice in Situ – South Wales Evening Post 15 January 2014)**

A copy of the final SOCC has been provided in **Appendix 21** of the **Consultation Report (Doc 5.01)**

<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><b>Yes</b> (qualified)</p> <p>The notification email which confirms that NPTCBC had reviewed the SOCC and Officer’s Report, dated 11 November 2013, has been provided in <b>Appendix 7</b> of the <b>Consultation Report (Doc 5.01)</b>.</p> <p><b>Paragraph 5.18</b> of the <b>Consultation Report, Doc 5.01</b> states:</p> <p><i>“The draft SoCC was formally submitted to NPTCBC on the 14 October 2013 for review and comment in accordance with s47(2).”</i></p> <p>A copy of the letter accompanying the draft SOCC has not been provided; therefore it is not possible to verify whether the ‘B’ Authority was afforded a 28 day period to respond to the s47(2) consultation. However, a copy of NPTCBC’s response has been included in <b>Appendix 7</b>, and it does not raise concerns regarding the length of time for response. Given the above, the absence of the letter is not a decisive acceptance issue in this case. However, it would have been preferable had applicant provided a copy of the s47(2) consultation letter which accompanied the draft SOCC.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p><b>Yes.</b></p> <p>It appears that the applicant has had regard to the responses received when preparing the SOCC.</p> <p><b>Paragraph 5.19</b> of the <b>Consultation Report (Doc 5.01)</b> states that NPTCBC had reviewed the SOCC and had no amendments to provide. The NPTCBC email (including the officer’s report) confirming this, is provided in <b>Appendix 7</b> of the <b>Consultation Report (Doc 5.01)</b>.</p> <p><b>Appendix 8</b> of the <b>Consultation Report (Doc 5.01)</b> outlines the changes made to the SOCC following the statutory consultation on the SOCC with NPTCBC in October 2013.</p> <p>Following this, the SOCC was amended by the applicant and the revised version was sent to NPTCBC on a non-statutory basis.</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</p>	<p><b>Yes.</b></p> <p><b>Paragraphs 5.23-24</b> of the <b>Consultation Report (Doc 5.01)</b> lists the</p>

<p>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>following venues where the SOCC was made available for inspection: Tata Steel's Visitor Centre, NPTCBC Civic Centre, Taibach Library, Port Talbot Library, Sandfields Library, Cwmavon Library and Baglan Library.</p> <p><b>Paragraph 5.23</b> states that the SOCC was also published on the developer's website.</p> <p>The SOCC was published on 15 January 2014 in the South Wales Evening Post (dated copy provided at <b>Appendix 12</b> of the <b>Consultation Report, Doc 5.01</b>).</p>
<p>2.10 Does the SOCC set out whether the development is EIA development<sup>10</sup>; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p><b>Yes.</b></p> <p>The copy of the SOCC in <b>Appendix 21</b> of the <b>Consultation Report (Doc 5.01)</b> states that the project is EIA development:</p> <p><i>'The proposed development is a development for which an Environmental Impact Assessment (EIA) is required.'</i></p> <p>The SOCC also sets out how the developer intends to consult on the Preliminary Environmental Information by listing the details (including addresses and opening times) of 7 locations where the consultation materials (including the Preliminary Environmental Information Report) will be available for inspection throughout the consultation period. These locations include:</p> <ul style="list-style-type: none"> <li>• Tata Steel's Visitor Centre</li> <li>• Neath Port Talbot County Borough Council Civic Centre</li> <li>• Taibach Library</li> <li>• Port Talbot Library</li> <li>• Sandfields Library</li> <li>• Cwmavon Library</li> <li>• Baglan Library</li> </ul> <p>The SOCC also states: <i>'Alternatively they can be downloaded from the</i></p>

<sup>10</sup> Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>project website: <a href="http://www.tatasteeleurope.com/ptpowerproposals">www.tatasteeleurope.com/ptpowerproposals</a></p> <p>It is noted that, at the time of writing, the documentation remains accessible by following the link to the applicant's website above.</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p><b>Yes.</b></p> <p><b>Paragraphs 5.29-5.98</b> of the <b>Consultation Report (Doc 5.01)</b> outline how the applicant fulfilled its obligations in the SOCC.</p> <ul style="list-style-type: none"> <li>• Social Media – A copy of the Twitter Feed is in <b>Appendix 24. Table 5.1</b> lists the Tweets issued during the consultation period.</li> <li>• Community Leaflet – a copy of this is provided in <b>Appendix 9. Paragraph 5.31 – 32</b> of the <b>Consultation Report (Doc 5.01)</b> lists the locations where the leaflet was distributed (Aberavon, Sandfields; Baglan, Cwmavon/Pontrydyfen, Port Talbot, Goytre, Taibach/Margam) as well as how many were distributed (20,590). <b>Paragraph 5.34</b> states that hard copies of the leaflet were available at local libraries, the Tata Steel Visitor Centre and at the four public exhibitions, as well as being available on the project website.</li> <li>• Newsletter – <b>Paragraph 5.35</b> states that an article was included in its community newsletter 'SA13' in January 2014. A copy of this is in <b>Appendix 11.</b></li> <li>• Media – A press release is in <b>Appendix 26. Paragraph 5.38</b> states that this was issued to South Wales Evening Post, Business Insider Wales, Western Mail and BBC Wales.</li> <li>• Project Website – <b>Paragraph 5.46</b> states:  <i>'Tata Steel established a dedicated web page for the proposed development located at:  <a href="http://ptpowerproposals.tatasteeleurope.com/">http://ptpowerproposals.tatasteeleurope.com/.</a>'</i> </li> </ul> <p>Included on this website was information about Tata Steel, contact details of the applicant, details of the consultation and a document library of consultation materials.</p>

- Public Exhibitions – **Table 5.2** lists the details of the four public exhibitions held, including the date, time and attendance at each exhibition location. Copies of the exhibition boards displayed at the public exhibitions are in **Appendix 15**.
- Stakeholder Workshop – Minutes of the Stakeholder Workshop held on 13 March 2014 are in **Appendix 25**. A copy of the letter to local stakeholders is in **Appendix 16**. A full list of the attendees are in **Appendix 17**.
- Hard to Reach Groups – The applicant developed a ‘hard to reach’ strategy which was consulted on with NPTCBC and is included in **Appendix 18**.

**Paragraphs 5.81 – 5.94** describe the consultation undertaken by the applicant with identified ‘Hard to Reach’ Groups’ – this section is categorised by ‘Engagement with Young People’ (Paragraphs 5.84 – 5.87) and ‘Engagement with Older People and Carers’ (Paragraphs 5.88 – 5.94).

A ‘*specially designed, more accessible questionnaire*’ (**Paragraph 5.87**) was distributed to both of these groups, and their responses have been ‘*included in the overall analysis of consultation responses*’ (**Paragraph 5.87**). A copy of the questionnaire is in **Appendix 19**.

- Staff and Supplier Engagement – **Paragraphs 5.95 – 5.97** of the **Consultation Report (Doc 5.01)** state that: ‘*Employees at the Port Talbot Steelworks were informed of the statutory consultation through the staff intranet, an e-flyer and information from union representatives and senior management.*’ The applicant wrote to key suppliers informing them of the consultation, and invited them to an event where the exhibition panels and consultation materials were made available.
- Feedback Mechanisms – **Paragraph 5.98** of the **Consultation Report (Doc 5.01)** lists the feedback mechanisms, including completion of a questionnaire, writing to the Freepost address, via email or calling the Freephone number. The SOCC in Appendix 21

	lists these methods but also states that feedback can be given in person ' <i>Direct feedback at relevant meetings/events</i> '. A copy of the questionnaire is in <b>Appendix 14</b> of the <b>Consultation Report (Doc 5.01)</b> .
<b>s48: Duty to publicise the proposed application</b>	
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):	
(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;	<b>Yes.</b> <b>Table 6.1, 'Publication of S42 Notices'</b> [stet], <b>p.62</b> of the <b>Consultation Report, Doc 5.01</b> lists publication in the South Wales Evening Post on 27th January 2014 <b>Appendix 20, pages 130 and 131</b> of the <b>Consultation Report Appendices, Doc 5.01</b> , shows the S48 notices published in the South Wales Evening Post on the 27th January 2014 and 3rd February 2014.
(b) once in a national newspaper;	<b>Yes.</b> <b>Table 6.1, 'Publication of S42 Notices'</b> [stet], <b>p.62</b> of the <b>Consultation Report, Doc 5.01</b> lists publication in the Times on 27th January 2014 <b>Appendix 20, page 133</b> of the <b>Consultation Report Appendices, Doc 5.01</b> , shows the S48 notice as published in the Times on 27th January 2014
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<b>Yes.</b> <b>Table 6.1, 'Publication of S42 Notices'</b> [stet], <b>p.62</b> of the <b>Consultation Report, Doc 5.01</b> lists publication in the London Gazette on 27th January 2014 <b>Appendix 20, pages 128 and 129</b> of the <b>Consultation Report Appendices, Doc 5.01</b> , shows the S48 notice as published in the London Gazette on 27th January 2014.

<p>(d) where the proposed application relates to offshore development –</p> <p>(i) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p><b>Not applicable.</b> The proposed application does not relate to offshore development.</p>
<p>2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:</p>	
<p>(a) the name and address of the applicant;</p>	<p><b>Yes</b></p> <p><b>Appendix 20</b> of the <b>Consultation Report, p.128 – 133, Doc 5.01</b> contains the notice that was placed in the relevant newspapers. The notice states:</p> <p><i>‘Notice is hereby given that Tata Steel UK Limited (the Applicant), whose registered office is 30 Millbank, London, SW1P 4WY...’</i></p>
<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p><b>Yes</b></p> <p>The notice states:</p> <p><i>‘Notice is hereby given that Tata Steel UK Limited (the Applicant), whose registered office is 30 Millbank, London, SW1P 4WY, intends to apply to the Secretary of State under section 37 of the Planning Act 2008 for the above-mentioned Development Consent Order (DCO) (the Application).’</i></p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p><b>Yes</b></p> <p>The notice states:</p> <p><i>‘The proposed Project is ‘EIA development’ for the purposes of Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The Applicant is therefore required to carry out an environmental impact assessment and submit an Environmental Statement with the Application containing information about the likely significant effects of the Project on the environment.’</i></p>
<p>(d) a summary of the main proposals, specifying the location or route</p>	<p><b>Yes</b></p>

<p>of the proposed development;</p>	<p>The notice states:</p> <p><i>'The proposed Application will apply for a DCO that would authorise the construction, operation and maintenance of a process-gas-fired electricity generating station on the site of the Applicant's steel works at Port Talbot, South Wales (the Project).'</i></p>
<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><b>Yes</b></p> <p>The notice states:</p> <p><i>'Details of the Project, the Preliminary Environmental Report, plans, maps and other documents showing the nature and location of the proposed Project will be available for inspection free of charge from Monday 27 January 2014 until Friday March 14 2014 inclusive as follows:'</i></p> <p>The notice then goes on to list 7 locations where copies of the aforementioned documents will be provided in hard copy, as well as each location's address and opening times. These include:</p> <ul style="list-style-type: none"> <li>• Tata Steel's Visitor Centre</li> <li>• Neath Port Talbot County Borough Council Civic Centre</li> <li>• Taibach Library</li> <li>• Port Talbot Library</li> <li>• Sandfields Library</li> <li>• Cwmavon Library</li> <li>• Baglan Library</li> </ul> <p>The notice then lists details of 4 public exhibitions where hard copies of the documents are also available for inspection, including each exhibition's address and opening times:</p> <ul style="list-style-type: none"> <li>• Taibach Community Centre (Saturday 15 February 2014)</li> <li>• Tata Steel Sports and Social Club (Wednesday 19 February</li> </ul>

	<p>2014)</p> <ul style="list-style-type: none"> <li>• Taibach Community Centre (Friday 21 February 2014)</li> <li>• Aberfan Shopping Centre (Saturday 22 February 2014)</li> </ul> <p>The notice also states that the documents will be available free of charge: <i>'to download from the project website, <a href="http://www.tatasteeleurope.com/ptpowerproposals">www.tatasteeleurope.com/ptpowerproposals</a>'</i></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><b>Yes</b></p> <p>The notice states: <i>'..the proposed Project will be available for inspection free of charge from Monday 27 January 2014 until Friday 14 March 2014'.</i></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><b>Yes</b></p> <p>The notice states: <i>'The Applicant will provide copies of the following documents at the following cost:</i></p> <p><i>Preliminary Environmental Information Report in hard copy for £50</i></p> <p><i>DVD ROM with Preliminary Environmental Information Report for £10</i></p> <p><i>Preliminary Environmental Information Report non-technical summary in hard copy or on DVD ROM – free of charge.</i></p> <p><i>A reasonable copying charge may be made for the re-production of any of the other documents, plans and maps made available at the above venues and exhibitions'</i></p>
(h) details of how to respond to the publicity; and	<p><b>Yes</b></p> <p>The notice states: <i>'Any responses should be given in writing and received on or before Friday 14th March 2014.</i></p>

	<p><i>Responses may be made in the following ways:</i></p> <ul style="list-style-type: none"> <li>• <i>In writing to FREEPOST CONSULTATION RESPONSE (no further address or stamp needed)</i></li> <li>• <i>By email to tatasteel-ptpowerproposals@ppsgroup.co.uk</i></li> </ul> <p><i>Responses should make clear who is making the response and include an address for correspondence.'</i></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><b>Yes</b></p> <p>The notice states:</p> <p><i>'Any responses should be given in writing and received on or before Friday 14th March 2014.'</i></p> <p>The S48 Notice as published in the South Wales Evening Post (<b>Appendix 20, p.131 of the Consultation Report, Doc 5.1.01</b>) and <b>Table 6.1, 'Publication of S42 Notices'</b> [stet], <b>p.62 of the Consultation Report, Doc 5.01</b> shows the latest date of publication as 3 February 2014. Hence more than 28 days from the day after the notice was last published were provided.</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 Assessment) Regulations 2009 (the EIA Regulations)<sup>11</sup>?</p>	<p><b>Yes.</b></p> <p><b>Paragraphs 6.9 of the Consultation Report (Doc 5.01)</b> states:</p> <p><i>'As required, the prescribed consultees and the relevant local authorities were also sent a copy of the s48 Notice on the 23 January 2014 as part of the information materials provided to them for the s42 statutory consultation (see Chapter 4).'</i></p> <p><i>'A letter was sent to all s42 consultees on 22 January 2014... Included with the letter was:</i></p> <ul style="list-style-type: none"> <li>• <i>... A copy of the notice published in accordance with s48'.</i></li> </ul> <p><i>A copy of this letter is provided in Appendix 6, p.55-56 of the Consultation</i></p>

<sup>11</sup> Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p><i>Report (Doc 5.01)'</i></p> <p><b>Paragraph 4.16</b> of the <b>Consultation Report (Doc 5.01)</b> states that all persons/organisations listed in <b>Appendix 5</b>, were sent a letter on 22nd January 2014 providing details of the consultation as well as including copies of consultation materials.</p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>	
<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p><b>Yes.</b></p> <p><b>Paragraph 4.22</b> of the <b>Consultation Report (Doc 5.01)</b> states that <i>“Tata Steel carefully considered all responses made in the formation of its final application. Further information about responses made and how Tata Steel has had regard to these can be found in Chapter 7.”</i></p> <p><b>Chapter 7</b> of the <b>Consultation Report (Doc 5.01)</b> summarises the responses received from consultation under s42 (statutory consultees) and s47 (members of the public). This part of the report is divided into sections which refer to the key themes raised through consultation:</p> <ul style="list-style-type: none"> <li>• Air quality and emissions</li> <li>• Cultural heritage &amp; archaeology</li> <li>• Ecology</li> <li>• Flood risk</li> <li>• Ground conditions</li> <li>• Landscape and visual impact</li> <li>• Noise and vibration</li> <li>• Site position and layout</li> <li>• Socio-economic</li> <li>• Surface water environment</li> <li>• Traffic and transport</li> <li>• Miscellaneous</li> </ul> <p><b>Paragraph 7.7</b> of the <b>Consultation Report (Doc 5.01)</b> states that <i>“all consultation responses from statutory consultees, the local community and</i></p>

*general public have been entered into a specifically-created consultation database (see Appendix 30) to assist with the management and documentation of the consultation process.”*

**Appendix 30** of the **Consultation Report (Doc 5.01)** provides a table of the responses received by the applicant from consultation with statutory consultees (s42) and consultation with members of the public (s47). Paragraph 7.3 states that no comments were received in response to the additional s42 consultation\*, and Paragraph 7.5 states that no comments were received in response to consultation under s48). This table includes the method of the response, a summary of the response given, if the comments led to any changes and the regard the applicant had to the response.

For example, the table shows that a member of the public under s47 consultation stated the following:

*“Stacks of up to 120m. In height to be erected. We were promised landscaping and trees, not more concrete. Our skyline in Taibach is already scarred with many of Tata’s high structures.”*

The table then indicates that this comment led to the following change in the application:

*“A landscaping scheme will be subject to a requirement included within the DCO. It is anticipated that the landscaping will include tree planting along the frontage with Harbour Way. The scheme has been designed to minimise visual impact and blend into the context provided by the existing steelworks. The stack height will be 80m which is lower than the tallest structures currently on site.”*

It is noted that a requirement for ‘provision of landscaping’ is included in Schedule 2 of the **Draft Development Consent Order (Doc 3.01)**.

The above approach is continued throughout the table in **Appendix 30**.

	<p>A review of the consultation responses seems to suggest that the applicant's summarising of the responses is a fair representation.</p> <p>*The 'additional s42 consultation' referred to above is explained by the applicant in paragraphs 4.24 – 4.31 of the <b>Consultation Report (Doc 5.01)</b>. It involved six additional s42(1)(d) parties who were identified by the applicant through "further diligent inquiry".</p>
<p><b>Guidance about pre-application procedure</b></p>	
<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'<sup>12</sup>?</p>	<p><b>Paragraphs 5.3 to 5.8</b> of the <b>Consultation Report (Doc 5.01)</b> explain how the applicant has had regard to DCLG guidance on pre-application.</p> <p><b>Paragraph 5.6</b> states: "<i>Tata Steel has had regard to this guidance and advice when undertaking its consultation</i>".</p> <p>A review of the application documents seems to suggest that the applicant has had regard to DCLG guidance on the pre-application process. For example, early engagement with various stakeholders was undertaken prior to statutory consultation, as outlined in section 3 of the <b>Consultation Report (Doc 5.01)</b>.</p>
<p><b>Summary - s55(3)(e)</b></p>	<p>The consultation appears to have been carried out in accordance with the SOCC and the Local Authorities' responses are supportive of this view. Whilst there are two s42(1)(a) consultees who appear not to have been consulted without explanation, due to their normal area of operation it is unlikely that these statutory undertakers would be directly affected. There are also some inconsistencies between the <b>Book of Reference (Doc 4.3)</b> (BoR) and the list of Consultees in <b>Appendix 5</b> of the <b>Consultation Report (Doc 5.01)</b>. All of these matters are capable of being addressed during the examination.</p>
<p><b>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)</b></p>	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the</p>	

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

<p>APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes.</b> The application appears to have been submitted in the prescribed form.</p> <p><b>Box 4</b> of the <b>Application Form (Doc 1.02)</b> contains an explanation of why the proposal falls within the remit of the Secretary of State:</p> <p><i>“The authorised development comprises an electricity generating station with a capacity of more than 50MW and therefore it constitutes a nationally significant infrastructure project (“NSIP”) under section 15 of the Planning Act 2008. Accordingly, it requires development consent under section 31 of the Planning Act 2008. Development consent may only be granted by order (a ‘DCO’) following an application to the Secretary of State pursuant to section 37 of the Planning Act 2008.”</i></p> <p><b>Box 6</b> of the <b>Application Form (Doc 1.02)</b> provides a brief statement that clearly identifies the location of the proposal:</p> <p><i>“The proposed development will be located in the north of the existing Port Talbot Steelworks site adjacent to the existing power generation facilities. The electrical connection is contained within the boundary of the steelworks complex and runs from the eastern boundary of the proposed new electricity generating station in a southeasterly direction to the existing on-site Grange and Cefn Gwrgan sub-stations. The Order Limits have a grid reference of SS 77198 88433 centered on the electricity generating station and SS 78745 86081 centred on the southern most existing on-site (Grange) substation which denotes the end of the electrical connection. A second existing substation (Cefn Gwrgan) is present on site, which the electrical connection will also connect into (centred on SS 78263 86743).”</i></p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p><b>Yes.</b> The application is accompanied by a <b>Consultation Report</b> (including appendices) <b>(Doc 5.01)</b>;</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</p>	<p><b>Yes.</b></p>

<p>the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>The <b>Environmental Statement</b> is provided in a series of documents. A <b>Non-technical Summary (NTS) (Doc 6.01)</b> and <b>Environmental Statement Main Text and Figures (Doc 6.02)</b> have been provided in <b>Volumes 1</b> and <b>2a</b> respectively. Accompanying <b>Figures (Docs 6.02.1 – 6.02.5 and 6.04.1 – 6.04.7)</b> have been provided in <b>Volumes 2b – 2e</b> and <b>4a – 4g</b> respectively. <b>Appendices (Docs 6.03.1 and 6.03.2)</b> have been provided in <b>Volumes 3a</b> and <b>3b</b> respectively.</p> <p>No request was made to the Planning Inspectorate (PINS) for a screening opinion.</p> <p>A scoping request was made on 25 September 2013, and the Secretary of State issued a Scoping Opinion on 5 November 2013. The Scoping Opinion is provided at <b>Environmental Statement Appendix 1.2 Scoping Response (Doc 6.03.1)</b>.</p>
<p>(b) the draft proposed order;</p>	<p><b>Yes.</b></p> <p>The application is accompanied by the <b>Draft Development Consent Order (Doc 3.01)</b></p>
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;</p>	<p><b>Yes.</b></p> <p>The application is accompanied by an <b>Explanatory memorandum (Doc 3.02)</b>.</p>
<p>(d) where applicable, a book of reference (where the application involves any compulsory acquisition);</p>	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Book of Reference (Doc 4.03)</b>.</p>
<p>(e) a copy of any flood risk assessment;</p>	<p><b>Yes.</b></p> <p>A <b>Flood Consequences Assessment</b> is included in the <b>Environmental Statement (ES) Appendices, Volume 3B, Appendix 13.1 (Doc 6.03.2)</b>.</p>
<p>(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection</p>	<p><b>Yes.</b></p> <p>A <b>Statement in respect of Statutory Nuisance</b> is provided in <b>Application</b></p>

<p>Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;</p>	<p><b>Document 5.02.</b> It identifies potential impacts according to the EPA 1990 (air quality, noise, artificial light) and proposes mitigation measures. It states the following in paragraph 4.1.3:</p> <p>‘For all of the above matters, the Statement concludes that, with the implementation of mitigation and control measures included in the ES, including the Code of Construction Practice (Document 8.06) and other measures as set out in ES Appendix 5 (Schedule of Mitigation) the proposed development would not give rise to a nuisance or be prejudicial to health.’</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &amp;c.) Regulations 1994<sup>13</sup> 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><b>Yes.</b></p> <p>The application is accompanied by a <b>‘No Significant Effects Report’ (Doc. 5.03)</b>. The report identifies relevant European sites and the likely effects on those sites.</p> <p>The <b>‘No Significant Effects’ Report (Doc. 5.03)</b> contents page lists the appendices to the Report. It identifies <b>Appendix F</b> as <b>‘HRA Screening Matrices’</b>. However, unlike the other appendices listed, <b>Appendix F</b> was not provided with the application documents.</p> <p>It is considered that the information provided in the report is adequate for acceptance. This should not be taken to imply that the Examining Authority may not ask questions during the examination on this matter.</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Statement of Reasons (Doc 4.01)</b> and a <b>Funding Statement (Doc 4.02)</b>.</p>
<p>(i) a land plan identifying:-</p> <p>(i) the land required for, or affected by, the proposed development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to</p>	<p><b>Yes.</b></p> <p>(i) A Land Plan is provided showing the land required for, or affected by, the proposed development. <b>The Land Plans (Doc 2.03)</b> comprise :</p> <ul style="list-style-type: none"> <li>• <b>Land Plans Key Plan</b></li> </ul>

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

<p>use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land;</p>	<ul style="list-style-type: none"> <li>• <b>Land Plans (Sheets 1 - 4)</b></li> </ul> <p>(ii) <b>Land Plan (Doc 2.03) Sheet 1</b> shows <b>Plot 01/07</b> and <b>Land Plan (Doc 2.03) Sheet 2</b> shows <b>Plot 02/04</b>. These plots are coloured blue: “Land subject to a power to acquire new rights and extinguish or suspend private rights”.</p> <p>(iii) <b>Land Plan (Doc 2.03) Sheets 1 - 4</b> with the exception of the two plots specified in (ii), show all other Plots coloured yellow: “Land subject to a power to extinguish or suspend private rights”.</p> <p>(iv) There is no plan provided showing special category or replacement land. Although it appears that no such land is involved. It is further noted that the Order Limits are clearly shown throughout the plans, however there is some lack of clarity on the Land Plans, for instance:</p> <p>Some of the cut lines on Land Plan (Doc 2.03) refer to the wrong sheet.</p> <p>Plots 01/11, 02/01, 02/05, 03/01, 03/03 &amp; 04/01 appear to end at the cut lines, but this is not marked by a thin red line, as all other plots are in the plans. It would be helpful if the ends of these plots were shown in red.</p> <p><b>Land Plan (Doc 2.03) Sheet 1:</b> Plot 01/07 shows a subway which connects Plots 09 and 010. This subway is not mentioned in the Book of Reference (BoR) which describes Plot 01/07 as: “2,026.17 square metres of land, embankments and former freight railway line”. This is one of the two plots marked for compulsory acquisition. The rights to be acquired do include access ‘under the land’. However It is not immediately apparent from the description in the BoR if the subway is included.</p> <p><b>Land Plan (Doc 2.03) Sheet 2:</b> Plots 02/01 and 02/03 are described in the BoR as lying West of Central Road, and Plot 02/02 as being part of Central Road, however Central Road is not marked on this plan.</p> <p><b>Land Plan (Doc 2.03) Sheet 4:</b> Plot 04/01 is described in the BoR as: “34,579.92 square metres of private road (Grange Road), footpath, buildings and car park”, however Grange Road is not marked.</p>
<p>(j) a works plan showing, in relation to existing features:-</p>	<p><b>Yes.</b></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>(i) A Works Plan (<b>Doc 2.04</b>) is provided comprising:  <b>Works Plan Key Plan</b>  <b>Works Plans Sheets 1- 5</b></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>On the face of it, such plans are not applicable as the applicant states at paragraphs 3.2 - 3.8 in the <b>Statement of Reasons (Doc 4.01)</b> that, with the exception of two sections of disused railway line, the applicant owns all the land required for the proposed development.</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(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>	<p><b>Yes.</b></p> <p>The information required for (i) is shown on the plans in <b>Doc. 2.07.1 and Doc. 2.07.2</b>. Designations presented in <b>Doc. 2.07.1</b> are:</p> <ul style="list-style-type: none"> <li>• National Nature Reserves</li> <li>• Special Areas of Conservation</li> <li>• Sites of Special Scientific Interest</li> <li>• Local Nature Reserves</li> </ul> <p>Designations presented in <b>Doc. 2.07.2</b> are:</p> <ul style="list-style-type: none"> <li>• Conservation Areas</li> <li>• Landscapes of Outstanding Historic Interest</li> </ul> <p>An assessment of effects on these sites and features is provided in <b>Environmental Statement Vol. 2a, Chapters 6: Ecology and 7: Landscape and Visual Impact</b> (both <b>Doc 6.02.1</b>).</p> <p>The information required for (ii) is shown on the plan in <b>Doc. 2.07.1</b>. Habitats presented are:</p>

	<ul style="list-style-type: none"> <li>• Ancient woodland</li> <li>• Woodland</li> <li>• Surface water</li> </ul> <p>An assessment of effects on these habitats is provided in <b>Environmental Statement Vol. 2a, Chapter 6: Ecology (Doc 6.02.1)</b>.</p> <p>Waterbodies are shown on the plan in <b>Doc. 2.07.3</b>. An assessment of effects on these water bodies is provided in the <b>Environmental Statement Vol. 2a, Chapter 14 (Doc. 6.02.1)</b>.</p>
<p>(m) where applicable, a plan with accompanying information 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><b>Yes.</b></p> <p>The information required for (m) is presented on the plan in <b>Doc. 2.08</b>. Designations presented are:</p> <ul style="list-style-type: none"> <li>• Scheduled Monuments</li> <li>• Registered Parks and Gardens</li> <li>• Listed Buildings.</li> </ul> <p>Features presented are:</p> <ul style="list-style-type: none"> <li>• Known archaeology</li> <li>• Linear archaeological features.</li> </ul> <p>An assessment of effects on cultural heritage is contained in the <b>Environmental Statement Vol 2a, Chapter 11 (Doc. 6.02.1)</b>.</p>
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Not applicable. There is no Crown Land identified in Part 4 of the <b>Book of Reference (Doc 4.03)</b>.</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</p>	<p><b>Yes.</b></p> <p><b>Box 23</b> of the <b>application form (Doc 1.02)</b> states that the applicant has supplied:</p> <ul style="list-style-type: none"> <li>• <b>Existing Site Layout Plan (Doc 2.02)</b></li> </ul>

landscaping;	<ul style="list-style-type: none"> <li>• <b>Indicative Site Layout Plans (Key Plan &amp; Plan Sheets 1 - 5) (Doc 2.05)</b></li> <li>• <b>Indicative Elevations, Sections &amp; Floorplans (Doc 2.06)</b></li> </ul>
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations<sup>14</sup>;</p> <p><b>Reg 6 (1)(a)(i):</b> a statement of who will be responsible for designing and building the connection to the electricity grid</p> <p><b>Reg 6 (1)(a)(ii):</b> 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><b>Yes.</b></p> <p><b>Box 22</b> of the <b>application form (Doc 1.02)</b> states:</p> <p>A <b>Grid Connection Statement (Doc 9.01)</b> and a <b>Gas Connection Statement (Doc 9.02)</b> has been prepared to comply with Regulation <b>6(1)(a)(i)</b> and <b>(ii)</b> of the <b>APFP Regulations</b>.</p>
<p>(q) any other documents considered necessary to support the application; and</p>	<p><b>Yes.</b></p> <p><b>Box 23</b> of the <b>application form</b> states that the applicant has supplied:</p> <ul style="list-style-type: none"> <li>• <b>Introduction to Applicant &amp; the Application</b> (including document index) <b>(Doc 1.01)</b></li> <li>• <b>Planning Statement (Doc 10.01)</b></li> <li>• <b>Planning Statement Executive Summary (Doc 10.02)</b></li> <li>• <b>Design and Access Statement (Doc 10.03)</b></li> <li>• <b>Glossary (Doc 10.04)</b></li> <li>• <b>HSE Consultation / Safety Report (Doc 10.05)</b></li> </ul>
<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p><b>Yes.</b></p> <p>Three full and identical paper copies were submitted to the Planning Inspectorate on 7 August 2014.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north<sup>15</sup>?</p>	<p><b>Yes</b></p> <p>All plans are submitted at A1 size and show North. However, three plans are</p>

<sup>14</sup> 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><b>NB:-</b> It is not intended that information provided in other documents, such as any Environmental Statement submitted, should be duplicated. It is possible therefore to cross refer to the location of relevant information – see DCLG Guidance on application forms paragraphs 33 – 38.</p>	<p>at a scale smaller than 1:2,500.</p> <p><b>Paragraph 5.6 of the Introduction to the Applicant and the Application (Document 1.01)</b> explains that:</p> <p><i>“With respect to the submitted plans and drawings, these comply with the requirements set out in ‘The Infrastructure Planning (Applications: Prescribed Forms And Procedures) Regulations 2009’ <u>with the exception of those that are required to show the site in its wider context and therefore need to use a smaller scale than 1:2500 in order to be comprehensible.</u>”</i></p> <p>The plans at a smaller scale (but on A1 sheets) are:</p> <ul style="list-style-type: none"> <li>• Location plan (1:125,000 @ A1)</li> <li>• Existing layout (1:15,000 @ A1)</li> <li>• Conservation and heritage features (1:15,000 @ A1)</li> </ul> <p>Although these three plans are to a scale smaller than 1:2500, an adequate explanation has been provided as to why this is the case.</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 sheets<sup>16</sup>?</p>	<p><b>Yes.</b></p> <p>The following key plans have been provided:</p> <ul style="list-style-type: none"> <li>• <b>Land Plan Key Plan (Doc 2.03)</b></li> <li>• <b>Works Plan Key Plan (Doc 2.04)</b></li> <li>• <b>Indicative Site Layout Plan Key Plan (Doc 2.05)</b></li> </ul>
<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><b>Yes.</b></p> <p>The applicant has had regard to DCLG guidance ‘Planning Act 2008: Application form guidance’ and this has led to the application being prepared to a standard that the Secretary of State considers satisfactory.</p>

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

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

	<p>All boxes of the submitted <b>Application Form (Doc 1.02)</b> have been completed in accordance with Section 2 - Application Form: information requirements of the DCLG guidance 'Planning Act 2008: Application form guidance'. It also appears that the applicant has had regard to Section 1 – General issues of the DCLG guidance 'Planning Act 2008: Application form guidance'.</p> <p>Further to the above, the applicant submitted the following as required in Advice Note 6:</p> <ul style="list-style-type: none"> <li>• A GIS shapefile in advance of submission</li> <li>• An application fee of £4,500</li> </ul> <p>The applicant has broadly followed Advice Note 6 in supplying documents bound in folders and grouped as suggested in Appendix 1 of Advice Note 6, and formatted and numbered their documents and plans as suggested in Advice Note 6.</p>
<p><b>Summary - s55(3)(f) and s55(5A)</b></p>	<p>Some of the land plans lack minor detail and clarity. Three non-prescribed plans are not to the prescribed scale, although an adequate explanation has been given for this. Overall the application is of a sufficient standard to be accepted for examination.</p>
<p><b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b></p>	
<p><b>Fees to accompany an application</b></p>	
<p>Was the fee paid at the same time that the application was made<sup>17</sup>?</p>	<p><b>Yes.</b> The acceptance fee was received on 30 July 2014.</p>

<sup>17</sup> 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

**Case Leader**

Oliver Blower

---

---

*Oliver Blower*

**Signed**

**Date:**

**2 September 2014**

---

**Acceptance Inspector**

Andrew Phillipson

---

---

*Andrew Phillipson*

**Signed**

**Date:**

**2 September 2014**

---

## **Section 55 Acceptance of Applications**

### **Appendix One**

#### **Application Checklist**

#### **EN010062 - Internal Power Generation Enhancement for Port Talbot Steelworks**

##### **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