

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

Glyn Rhonwy Pumped Storage Section 55 Application Checklist

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
	21 October 2015	18 November 2015	17 November 2015
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 project¹ (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 order² (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.</p> <p>Part 5 of the Application Form (Document 1.02) states that the development proposal is for "<i>... a pumped storage hydro-electric power plant ... with an output capacity of 99.9MW ...</i>"</p> <p>Footnote 39 of National Policy Statement EN-1 notes that "<i>Pumped storage means using a temporary surplus of electricity to pump water to a high reservoir, and generating hydroelectric power when needed.</i>"</p> <p>The definition of a '<i>generating station</i>' in s235 of the PA 2008 refers back to the definition in the Electricity Act 1989, which states that '<i>in relation to a generating station wholly or mainly driven by water, includes all structures and works for holding or channelling water for a purpose directly related to the generation of electricity by that station</i>'.</p>		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>The Planning Inspectorate agrees with the applicant's view as stated in the Application Form (Document 1.02) and The Introduction to the Applicant (Document 1.01), Paragraph 4.1 that the development is an NSIP as it includes an onshore generating station in England or Wales with a capacity of more than 50MW, is within s15 of the PA2008, and so requires development consent in accordance with s31 of the PA2008.</p>
<p>Summary – s55(3)(a) and s55(3)(c)</p>	<p>Following consideration of the information provided by the applicant, PA2008, the Electricity Act 1989 and National Policy Statement EN-1, that the application as submitted is an application for an order granting development consent, and that development consent under the PA2008 (as amended) is required.</p>
<p>2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</p>	
<p>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 development³?</p>	<p>Yes.</p> <p>Section 14b of the Application Form (Document 1.02) confirms that no Screening Opinion was requested.</p> <p>Notification under Regulation 6(1) (b) of the Infrastructure Planning (Environment Impact Assessment) Regulation 2009 (the EIA Regulations) was sent to the Planning Inspectorate on 5 January 2015. A copy of the letter is supplied at Appendix 8.3 of the Consultation Report (Document 5.01). This was before the s42 consultations commenced on 12 February 2015 (Paragraph 1.1.9 of the Consultation Report).</p>

³ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

2.2 Have any adequacy of consultation representations⁴ 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.

The letter inviting local authorities requesting adequacy of consultation representations was issued by the Planning Inspectorate on 22 October 2015.

Adequacy of consultation (AoC) responses have been received from the following listed local authorities.

The following authority was of the opinion that the applicant had carried out adequate consultation in accordance with the requirements of s42, s47 and s48 of the PA2008:

- Gwynedd Council

The following authority considered the consultation with them was adequate:

- Snowdonia National Park Authority

The following authorities responded but made no comments:

- Conwy County Borough Council
- Denbighshire County Council
- Powys County Council

Copies of the adequacy of consultation representations received from the relevant authorities are published on the Planning Inspectorate website.

⁴ 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

<http://infrastructure.planninginspectorate.gov.uk/projects/wales/glyn-rhonwy-pumped-storage/?ipcsection=docs>

s42: Duty to Consult

2.3 Did the applicant consult the following about the proposed application:

<p>s42(1)(a) persons prescribed⁵?</p>	<p>Yes.</p> <p>Chapter 4 of the Consultation Report (Document 5.01) explains how the applicant carried out their consultation in accordance with s42 of the PA 2008. Paragraph 4.1.16 of the Consultation Report continues, confirming that s42 consultees were written to by the applicant, notifying them that the applicant would be undertaking a period of consultation. A copy of the letter is provided in Appendix 8.8 of the Consultation Report.</p> <p>A cross-check of those in the list of prescribed bodies notified by the Planning Inspectorate under Regulation 9(1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (Appendix 8.5 of the Consultation Report) with the applicant's list of a42(1)(a) consultees (Appendix 8.6 of the Consultation Report) shows that all prescribed consultees have been consulted by the applicant. The applicant's full list of consultees shows that they have consulted a number of non-prescribed consultees in addition to those in the Regulation 9 list.</p>
<p>s42(1)(aa) the Marine Management Organisation⁶?</p>	<p>The requirement to consult the Marine Management Organisation is not applicable as this development does not fall under s42(2).</p>
<p>s42(1)(b) each local authority within s43⁷?</p>	<p>Yes.</p>

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

⁶ 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>Paragraphs 4.1.10 and 4.1.11 of the Consultation Report (Document 5.01) provide a breakdown of the authorities within s43 that were consulted in accordance with section 42(1)(b) and lists the following:</p> <p>Gwynedd Council (B)</p> <p>Isle of Anglesey Council (A)</p> <p>Conwy County Borough Council (A)</p> <p>Denigshire County Council (A)</p> <p>Ceredigion County Council (A)</p> <p>Snowdonia National Park Authority (A)</p> <p>Powys County Council (A)</p>
<p>s42(1)(c) the Greater London Authority (if in Greater London area)?</p>	<p>The requirement to consult the Greater London Authority is not applicable as the development is not in the Greater London area.</p>
<p>s42(1)(d) each person in one or more of s44 categories⁸?</p>	<p>Yes.</p> <p>A comparison of the applicant's list of s42(1)(d) consultees in Appendix 8.6 of the Consultation Report (Document 5 .01) with the Book of Reference (Document 4.03) revealed that that there are five additional Category 2 persons in the Book of Reference that are not present in the s42(1)(d) list. It is possible that these are persons added to the Book of Reference after all consultations had been carried out, however no explanation/evidence of this is contained in the Consultation Report.</p> <p>It is noted in Paragraph 4.1.25 of the Consultation Report that</p>

⁷ 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

⁸ 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>as a result of diligent enquiry the applicant identified four additional parties who had not been previously been identified and therefore were not included in the s42 consultation. These parties had, however, been captured by the s47 consultation.</p> <p>The applicant states in Paragraph 4.1.27 of the Consultation Report that they wrote to the four additional persons on 9 March 2015. They do not identify the names of the additional parties so it cannot be certain that the additional people in the Book of Reference are those referred to by the applicant in Paragraph 4.1.27, however it is noted that these additional persons are within the same plot number and that the five persons in the Book of Reference that cannot be identified in the list provided are also within that plot number.</p> <p>The applicant also states in Paragraph 4.1.12 of the Consultation Report that they identified the persons within categories 1, 2 and 3 set out in section 44 PA2008 who were required to be consulted under section 42(1)(d), and listed those persons within Appendix 8.6. It is noted that no persons are listed within category 3 in either the Book of Reference or Appendix 8.6.</p> <p>Based on the evidence provided the Planning Inspectorate is satisfied that the applicant has been diligent in its efforts to identify and contact s44 persons and is satisfied that the applicant has complied with its duties under s(42)(d).</p>
s45: Timetable for s42 Consultation	
<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>Paragraph 4.1.15 of the Consultation Report (Document 5.01) states that consultation under s42 ran for 30 days and was run concurrently with s47 consultation from Thursday 12 February 2015 to Friday 13 March 2015.</p> <p>This section also confirms that a letter was sent to all s42</p>

	<p>prescribed and non-prescribed consultees on 10 February 2015 informing them of the consultation and the date for feedback. A copy of this letter is appended to the Consultation Report at Appendix 8.8 but is actually dated 9 February 2015. It clearly states that consultees have from 12 February 2015 until 13 March 2015 to respond - a total of 30 days.</p> <p>As described in the previous section of this checklist, an additional 4 parties were identified and consulted after the original s42 consultation. The applicant states in Paragraph 4.1.27 of the Consultation Report that they wrote to these parties on 9 March 2015 and extended their deadline for responses to 8 April 2015.</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 this done on or before commencing consultation under s42?</p>	<p>Yes.</p> <p>The Planning Inspectorate, on behalf of the Secretary of State, received a s46 notice and 242 consultation materials on 6 February 2015, notifying the Planning Inspectorate of the applicant's intention to commence statutory consultation under s42. This was prior to letters being sent to s42 consultees on 9 or 10 February 2015 and prior to the start of consultation on 12 February 2015.</p> <p>A copy of the s46 notice is provided at Appendix 8.1 of the Consultation Report (Document 5.01) and a copy of the covering email and acknowledgement from the Planning Inspectorate is provided at Appendix 8.2.</p>
<p>s47: Duty to consult local community</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 of the land?</p>	<p>Yes.</p> <p>A copy of the draft SOCC that was submitted to Gwynedd Council, on 21 November 2014 is located at Appendix 4.1 (Welsh) and Appendix 4.2 (English) of the Consultation Report</p>

	<p>(Document 5.01).</p> <p>The final SOCC can be found at Appendix 4.7 of the Consultation Report.</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>Paragraph 5.1.12 to 5.1.16 of the Consultation Report (Document 5.01) sets out the process used in producing the SOCC.</p> <p>Gwynedd Council are the only "B" Authority. There are no "C" Authorities. Gwynedd Council were issued with the draft SOCC on 21 November 2014 and the final SOCC on 16 January 2015.</p> <p>Gwynedd Council notified the applicant of changes they wished to make to the draft SOCC on 19 December 2014. These suggested changes are listed at Appendix 4.4 of the Consultation Report. Changes that the applicant actually made are shown in Appendix 4.5.</p> <p>The applicant had a conference call with Gwynedd Council on 19 January 2015 and changes to the final SOCC were agreed. These changes are also shown in Appendix 4.5 of the Consultation Report.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SOCC?</p>	<p>Yes.</p> <p>Appendix 4.4 of the Consultation Report (Document 5.01) is a letter that from Gwynedd Council detailing their response to the draft SOCC. Appendix 4.5 of the Consultation Report outlines changes made to the draft SOCC in response to Gwynedd Council's comments.</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</p>	<p>Yes.</p> <p>Table 5.1 located at Paragraph 5.1.19 of the Consultation Report (Document 5.01) lists locations where the SOCC was available for inspection from 29 January 2015 to the end of the</p>

<p>states where and when the SOCC can be inspected?</p>	<p>consultation period.</p> <p>Paragraph 5.1.20 of the Consultation Report details the notices on where and when the SOCC could be inspected that were published in local and regional newspapers on 29 January 2015. These are:</p> <ul style="list-style-type: none"> · The Caernarfon and Denbigh Herald · The North Wales Daily Post <p>Copies of these notifications in situ, in Welsh and English, are provided within Appendix 6.1 of the Consultation Report.</p>
<p>2.10 Does the SOCC set out whether the development is EIA development⁹; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>Paragraph 3.1 of the SOCC (Appendix 4.7 of the Consultation Report (Document 5.01)) states that <i>'The development will require an Environmental Impact Assessment (EIA). Accordingly, an Environmental Statement, which will present the findings of the EIA, will be provided with the DCO application in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.'</i></p> <p>Paragraph 6.4 of the SOCC lists the methods in which the preliminary environmental information will be publicised in Welsh and English. These include statutory advertising in newspapers, advertisements, press releases, a newsletter, email updates and posters.</p> <p>Paragraph 6.5 of the SOCC lists the methods by which the preliminary environmental information will be consulted and how both Welsh and English speakers will be catered for. These include a list of consultation documents and details of locations where these could be inspected, details of exhibitions, a website, and the use of a feedback form, an email address and a freepost address.</p>

⁹ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p>Paragraph 6.6 of the SOCC also describes how ‘hard to reach groups’ have been identified, and how the applicant plans to prepare their material to be accessible.</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SOCC?</p>	<p>Yes.</p> <p>The applicant has carried out consultation in accordance with the SOCC. Paragraphs 5.2.1 – 5.2.44 of the Consultation Report (Document 5.01) describes the consultation activities that were undertaken.</p> <p>Table 5.3 at Paragraph 5.2.44 of the Consultation Report describes the applicant’s compliance of the consultation with the commitments made in the SOCC.</p> <p>Evidence is provided in the Consultation Report for advertising (Appendix 6.2), press releases (Appendix 6.3), inspection copy delivery notices (Appendix 6.9), posters (Appendix 6.11), the newsletter (Appendix 6.12), the feedback form (Appendix 6.13), the email updates (Appendix 6.14), the consultation overview report (Appendix 6.15), exhibition boards (Appendices 6.16 - 6.17), the website (Appendix 6.18), a screen shot of DVD contents (Appendix 6.19), community letter receipt notes (Appendix 6.20), photographs of a consultation event (Appendix 6.21), sign-in sheets from the exhibition (Appendix 6.22) and evidence of consultation with schools (Appendices 6.23 - 6.25).</p> <p>The applicant stated in Paragraph 6.5 of the SOCC that all consultation documents, with the exception of detailed technical documents that would be provided in English only, would be translated and made available in both English and Welsh. The applicant has provided example documents in both English and Welsh to illustrate this in Appendices 6.2, 6.11-6.18 and 6.22 of the Consultation Report.</p> <p>Paper copy deposit locations that the SOCC stated they would use, Paragraph 5.2.45 – 5.2.48 of the Consultation Report</p>

describes a deviation to the commitments whereby the inspection copy was removed from Llanberis Surgery.

The email correspondence with Gwynedd Council regarding the removal of the inspection copy point from Llanberis Surgery, the Notice placed at Llanberis Surgery in English and Welsh advertising the removal of the inspection copy and a copy of this Notice in situ have been provided within **Appendix 6.10** of the **Consultation Report**.

Aside from this one location, evidence that the deposit location copies were in the locations as stated by the **SOCC**, can be found at **Appendix 6.9** of the **Consultation Report** in the form of proof of delivery receipts.

The **Consultation Report** confirms that public exhibitions were held at on the days, times and locations stated in the **SOCC**. Evidence of the exhibition boards used at these are located at **Appendix 6.16 and 6.17** of the **Consultation Report**. Other evidence is provided in the **Consultation Report**:

- Draft Environmental Statement and Non-Technical Summary – **Appendix 6.18**
- Press releases – **Appendix 6.3**
- Website – **Appendix 6.18**
- Posters – **Appendix 6.11**

The applicant states in **Paragraph 5.2.33** of the **Consultation Report** that they undertook a targeted consultation with hard to reach groups in the community. Gwynedd Council identified 87 such groups. A list of these groups is attached to the **Consultation Report** at **Appendix 6.5** and predominantly consists of a variety

	<p>of charitable organisations and includes local schools. The email that was sent to these groups can be found at Appendix 6.6 of the Consultation Report and a copy of the letter that was posted has been provided at Appendix 6.7 of the Consultation Report.</p> <p>The consultation materials contained the helpline contact number and freepost address mentioned in Paragraph 6.5 of the SOCC.</p> <p>The applicant confirms at Paragraph 5.2.45 of the Consultation Report that the only deviation from the SOCC was the removal of the inspection copy from Llanberis surgery. The examples of compliance listed in this section of the checklist support this statement.</p> <p>The Planning Inspectorate considers that the removal of the inspection copy from the Llanberis surgery was adequately addressed by a notice being provided at the surgery and by another copy being available nearby at Llyfrgell Llanberis Library,. Based on this and the other evidence provided, the Planning Inspectorate concludes that the applicant has complied with its duty under s47(7) to consult in accordance with the proposals set out in the statement (i.e. with the SOCC).</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</p> <p>Paragraph 6.1.8 of the Consultation Report (Document 5.01) lists the dates and names of newspapers in which the s48 notices were published:</p> <p>5 & 12 February 2015 The Caernarfon and Denbigh Herald</p>

	<p>5 & 12 February 2015 The North Wales Daily Post</p> <p>Copies of the notices in situ have been provided within Appendix 9.3 of the Consultation Report.</p>
<p>(b) once in a national newspaper;</p>	<p>Paragraph 6.1.8 of the Consultation Report (Document 5.01) lists the date and name of the newspaper in which the s48 notice was published:</p> <p>5 February 2015 The Times</p> <p>A copy of the notice in situ has been provided within Appendix 9.3 of the Consultation Report.</p>
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Paragraph 6.1.8 of the Consultation Report (Document 5.01) lists the date and name of the newspapers in which the notice was published:</p> <p>5 February 2015 The London Gazette</p> <p>A copy of the notice in situ has been provided within Appendix 9.3 of the Consultation Report.</p>
<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>Not applicable.</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>Yes.</p> <p>Copies of the s48 notice have been provided as Appendix 9.1 (in Welsh) and Appendix 9.2 (in English) of the Consultation Report (Document 5.01). The name and address of the applicant</p>

	<p>is provided in Paragraph 1 of the s48 notice:</p> <p><i>'Notice is hereby given that Snowdonia Pumped Hydro Limited (SPH) of c/o Stephenson Harwood, 1 Finsbury Circus, London, EC2M 7SH.'</i></p>
<p>(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;</p>	<p>Yes.</p> <p>A statement that the applicant intends to make an application for development consent to the Secretary of State is provided in Paragraph 1 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)):</p> <p><i>'Notice is hereby given that Snowdonia Pumped Hydro Limited (SPH) of c/o Stephenson Harwood, 1 Finsbury Circus, London, EC2M 7SH proposes to apply to the Planning Inspectorate under section 37 of the Planning Act 2008 for a Development Consent Order.'</i></p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>Yes.</p> <p>A statement as to whether the application is EIA development is provided in Paragraph 3 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)):</p> <p><i>'The proposed application is 'EIA development' for the purposes of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.'</i></p>
<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>Yes.</p> <p>Paragraph 1 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) provides a summary of the main proposals as well as the location of the proposed development:</p> <p><i>'Notice is hereby given that Snowdonia Pumped Hydro Limited (SPH) of c/o Stephenson Harwood, 1 Finsbury Circus, London, EC2M 7SH proposes to apply to the Planning Inspectorate under</i></p>

	<p><i>section 37 of the Planning Act 2008 for a Development Consent Order to authorise the construction, operation and maintenance of a 99.9MW pumped hydro-electric storage (pumped storage) scheme on the slopes of Cefn Du mountain approximately 1.5 kilometres (km) north west of Llanberis and 11km south east of Caernarfon.'</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>Yes.</p> <p>Paragraph 4 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) states that:</p> <p><i>'The environmental information gathered to date together with the plans and maps of the proposed application have been compiled in a draft Environmental Statement and a Non- Technical Summary. These documents, including the Statement of Community Consultation, a Consultation Overview Report and other publicised notices, are available for download free of charge from our website: www.snowdoniapumpedhydro.com (in the 'Document Library' section of the website).</i></p> <p>Paragraph 4 of the s48 notice then goes on to list six locations, including addresses, dates and opening times, where the documents will be available for viewing.</p> <p>Paragraph 5 of the s48 notice lists two locations, dates and times of public exhibitions where the Draft Environmental Statement and Non-Technical Summary will be available for inspection.</p> <p>Paragraph 6 of the s48 notice also states that <i>'Copies of the Draft Environmental Statement and the Non-Technical Summary can be obtained by:</i></p> <ul style="list-style-type: none"> <i>· online at www.snowdoniapumpedhydro.com (as above)</i> <i>· email at info@snowdoniapumpedhydro.com</i> <i>· calling us on 0800 157 7344 (English) or 0800 054 2181 (Welsh)</i> <i>· writing to us on FREEPOST RTCX-ULAC-BGBA, Ceeda, 14 High</i>

	Street, Yarm, TS15 9AE'
(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>Yes.</p> <p>Paragraph 4 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) states Friday 13th March 2015 as the last date when the documents will be available for inspection. This date is not earlier than the deadline of 13th March 2015 noted in sub-paragraph (i) for the receipt of responses by the applicant.</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>Yes.</p> <p>Paragraph 4 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) states that <i>'Those documents are also available for viewing in hard copy from Thursday 12th February 2015 to Friday 13th March 2015 (inclusive) at the following inspection points (please note that a reasonable copying charge may be made by these outlets for the reproduction of any of the documents).'</i></p> <p>Paragraph 6 of the s48 notice states that <i>'The Draft Environmental Statement is available at a cost of £250 in hard copy format or on DVD (price £5). The draft Non-Technical Summary of the Environment Statement is available free of charge.'</i></p>
(h) details of how to respond to the publicity; and	<p>Yes.</p> <p>Paragraph 6 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) provides details of the website, email address, English & Welsh telephone numbers and Freepost address. Paragraph 7 of the s48 notice states that <i>'If you wish to respond to the consultation please</i></p>

	<i>contact us with your comments on either of the above email or Freepost addresses. Feedback forms are available on our website or you can request a form from the above contact details and we will return one to you free of charge in the post so that you can complete it and return it to us.'</i>
(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?	Yes. Paragraph 7 of the s48 notice (Appendix 9.1 and Appendix 9.2 of the Consultation Report (Document 5.01)) states that <i>'Consultation will close at midnight on 13th March 2015'.</i>
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) ¹⁰ ?	Yes. Section 14c of the Application Form (Document 1.3) confirms that the consultation bodies were sent a copy of the s48 notice.
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?	Yes. <u>S42</u> Paragraphs 9.1.3 to 9.1.21 of the Consultation Report (Document 5.01) provide an overview of the responses received under S42 consultation and changes made to the development as a result. A table has also been provided at Page 80 to Page 134 of the Consultation Report organised by issue category, outlining the responses received under s42 consultation, noting if the response led to change, and describing the regard had by the applicant to the response.

¹⁰ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

	<p><u>S47</u></p> <p>Paragraphs 10.1.2 to 10.1.23 of the Consultation Report provide an overview of responses received under S47 consultation, and changes made to the development as a result.</p> <p>A table has also been provided at Page 142 to Page 209 of the Consultation Report, organised by issue category, outlining the responses received under S47 consultation, noting if the response led to change, and describing the regard had by the applicant to the response.</p> <p><u>S48</u></p> <p>Table 2.2 Table of compliance with requirements of the Planning Act 2008 on Page 20 of the Consultation Report states that <i>'There were no responses to s48 consultation'</i>.</p> <p>A <i>'s42 Issues Grid'</i> has been provided at Appendix 8.9 of the Consultation Report and lists all responses received during statutory consultation, as well as which area of consultation the response was received under (i.e. s42, s47 or s48), the method of which the response was received, if the response led to change or not, and the regard had by the applicant to the response.</p>
<p>Guidance about pre-application procedure</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'¹¹?</p>	<p>Paragraph 2.3.5 of the Consultation Report (Document 5.01) provides a list of guidance documents that the applicant stated that it followed and complied with and includes <i>'Department for Communities and Local Government, Planning Act 2008 – Guidance on the pre-application process (March 2015)'</i>.</p> <p>A Table of compliance with Planning Act 2008: Guidance on the pre-application process has been provided within the Consultation Report as Table 1 of Appendix 11.1. This table</p>

¹¹ The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	<p>lists the requirements set out in the Department for Communities and Local Government Planning Act 2008 – Guidance on the pre-application process (March 2015), and provides the applicant's responses to each requirement listed, describing how they have complied with this guidance.</p>
<p>Summary - s55(3)(e)</p>	<p>A comparison of the applicant's list of s42(1)(d) consultees in Appendix 8.6 of the Consultation Report (Document 5 .01) with the Book of Reference (Document 4.03) revealed that that there are 5 additional Category 2 persons in the Book of Reference that are not present in the s42(1)(d) list.</p> <p>Notwithstanding this, evidence has been provided to satisfy the Planning Inspectorate that the applicant has been diligent in its efforts to identify and contact s44 persons. Paragraph 5.2.45 – 5.2.48 of the Consultation Report describes a deviation to the SOCC commitments whereby the inspection copy was removed from Llanberis Surgery. The Planning Inspectorate considers that this was adequately addressed by a notice being provided at the surgery and by another copy being available nearby at Llyfrgell Llanberis Library.</p> <p>Based on the above and the other evidence provided regarding the applicant's approach to the pre-application process, the Planning Inspectorate, on behalf of the Secretary of State, is satisfied that that the applicant has demonstrated compliance with Chapter 2 of Part 5 (pre-application procedure) of the PA2008.</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>	
<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 	<p>Yes.</p> <p>The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations Application Form,</p>

<p>the remit of the Secretary of State; and</p> <ul style="list-style-type: none"> · a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>(Document 1.02).</p> <p>Section 4 of the Application Form explains that the applicant is obliged to submit the application to the Secretary of State because the development comprises an electricity generating station development over 50MW and constitutes a nationally significant infrastructure project that falls under s15 of the Planning Act 2008.</p> <p>Paragraph 1.3 of the Introduction to the Applicant & Application (Document 1.01) provides a further brief statement explaining why the application falls within the remit of the Secretary of State:</p> <p><i>'As the Development comprises an electricity generating plant with a gross electrical output in excess of 50MW, it falls within the definition of a "nationally significant infrastructure project" (NSIP) under section 15(2)(c) of the Planning Act 2008 ("the Act"). It is, therefore, necessary for SPH to apply to the Secretary of State for development consent to construct, operate and maintain the Project under Section 31 of the Act.'</i></p> <p>The matter of why the development falls within the remit of the Secretary of State is discussed further in paragraph 1 of this checklist.</p> <p>Section 6 of the Application Form describes the location of the scheme.</p> <p>The applicant provides a further brief statement identifying the location of the application site within Paragraph 2.1 of the Introduction to Applicant & Application:</p> <p><i>'SPH is seeking to develop the generating station, together with the integral dams, reservoirs, penstock, tailrace, spillways, and pumping station as well as other works on the slopes of Cefn Du mountain above Llyn Padarn, approximately 1.5km north west of Llanberis and 11km south east of the town of Caernarfon in the</i></p>
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	<p><i>County Borough of Gwynedd.</i></p> <p>The location of the site is also identified within Paragraphs 3.2.1 and 3.2.2 of the Environmental Statement (Document 6.02, Chapter 3), which includes references to the Location Plan (Volume 4, Figure 1.1) and the Order Limits (Volume 4 Figure 1.2):</p> <p><i>'3.2.1 The Development site is located to the west of Cefn Du mountain above Llyn Padarn, centred at National Grid reference SH 56268 60660.</i></p> <p><i>3.2.2 The site is approximately 1.5km north west of Llanberis and 11 km south east of Caernarfon. Volume 4, Figure 1.1 shows the location of the Development, and the Order Limits shown in Volume 4, Figure 1.2'.</i></p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>Yes.</p> <p>The application is accompanied by a Consultation Report (Document 5.01) incorporating Appendices 1 -11.</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 (Document 6.01). • Volume 2: Text (Document 6.02) • Volume 3: Appendices (Document 6.03), • Volume 4: Figures and LVIA Photomontages (Document 6.04) <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</p>

	<p>information for inclusion in environmental statements. This does not preclude the ExA from seeking further explanation during the course of the examination.</p> <p>The applicant did not request a Screening Opinion from the Secretary of State.</p> <p>A copy of the Scoping Opinion issued by the Secretary of State in February 2015 is provided at in Appendix 2.4 of the Environmental Statement (Document 6.03).</p>
(b) the draft proposed order;	<p>Yes.</p> <p>A Draft Development Consent Order (DCO) (Document 3.01) has been provided which appears to be in the statutory instrument template.</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>Yes.</p> <p>The Draft Development Consent Order (Document 3.01) is accompanied by an Explanatory Memorandum (Document 3.02). The document explains in brief terms, the purpose and the effect of provisions in the Draft Development Consent Order.</p>
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p>Yes.</p> <p>The Draft Development Consent Order (Document 3.01) includes proposed provisions for compulsory acquisition and the application is accompanied by a Book of Reference (Document 4.03).</p> <p>It appears that the Book of Reference meets the requirements of DCLG Guidance on Compulsory Acquisition in its form and content, and with the format set out in APFP Regulation 7. Persons recorded in Part 3 also appear in Part 1, which accords with guidance.</p>
(e) a copy of any flood risk assessment;	<p>A Flood Consequences Assessment has been provided in Appendix 10.1 of the Environmental Statement (Document</p>

	6.03).
(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;	<p>A Statement in Respect of Statutory Nuisance (Document 5.02) has been provided.</p> <p>This statement confirms that nuisance may arise from dust, noise and light. The Statement provides a description of the measures proposed to mitigate the identified nuisances.</p> <p>The Statement of Statutory Nuisance refers to the details of assessments in the ES (Document 6.02) for Noise (Chapter 13) and Air Quality (Chapter 14).</p>
(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹² 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>A No Significant Effects Report (Document 5.03) has been provided.</p> <p>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>Note: the Examining Authority will be able to ask questions during the examination. This may result in additional information being required to inform the HRA report and the competent authority. Depending upon the type and availability of information required, it may not be possible to obtain this during the statutory timetable of the examination.</p>
(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);	<p>Yes.</p> <p>The application seeks compulsory acquisition powers and is accompanied by a Statement of Reasons (Document 4.01) and a Funding Statement (Document 4.02).</p>
(i) a land plan identifying: - (i) the land required for, or affected by, the proposed	<p>Yes.</p> <p>Land Plans (Document 2.03) are provided showing the land</p>

¹² Now Regulation 61 of the [Conservation of Habitats and Species Regulations 2010 SI2010/490](#).

<p>development;</p> <p>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to 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>	<p>required for, or affected by the proposed development.</p> <p>The Land Plans comprise:</p> <ul style="list-style-type: none"> · Land Plans Key Plan (provided at 1:5,000) · Land Plans (Sheet numbers 1-2) <p>The Land Plans all contain a key showing land required for, or affected by, the authorised development with the Order Limits outlined in red.</p> <p>Land over which it is proposed to acquire ownership interests or rights, replacement land and special category land are also identified on the Land Plans.</p> <p>The plots annotated on the Land Plans appear to be consistent with the information within the Book of Reference (Document 4.03) and the Draft Development Consent Order (Document 3.01).</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>Works Plans (Document 2.04) are provided and comprise:</p> <ul style="list-style-type: none"> · Works Plans Key Plan (Document 2.04) · Work Plan Sheet 1 (Document 2.04.1) · Work Plan Sheet 2 (Document 2.04.2) · Work Plan Sheet 3 (Document 2.04.3) <p>All the Works Plans have a key clearly showing the order limits in red, and the works described in the Works Plan appear to be consistent with the works described in Schedule 1 of the Draft Development Consent Order (Document 3.01).</p> <p>The Works Plans do not indicate any limits of deviations, which are quoted in Article 6(2) of the Draft Development Consent Order (Document 3.01) as being '<i>only permitted if it is unlikely to give rise to any materially new or materially different environmental</i></p>

	<p><i>effects from those assessed in the environmental statement'.</i></p> <p>The Planning Inspectorate considers that the matter of limits of deviation would be unlikely to have a bearing on the pre-application consultations and, based on this and the other evidence provided, concludes that the Works Plans are sufficient for acceptance.</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>Access and Rights of Way Plans (Document 2.09) are provided, indicate means of access, temporary and permanent closures and diversions of roads and footpaths and comprise:</p> <ul style="list-style-type: none"> · Right of Way Plan – Existing (Document 2.09.1) · Right of Way Plan – Construction (Document 2.09.2) · Right of Way Plan – Operation (Document 2.09.3) · Access Plan (Document 2.09.4)
<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>Volume 4 Document 2.07.1 identifies nature conservation sites, habitats and diversity features including:</p> <ul style="list-style-type: none"> · Woodland · Ancient Woodland · Local Wildlife Sites · Local Nature Reserves · Sites of Special Scientific Interest · Special Areas of Conservation; and · Surface Water. <p>Phase 1 Habitat Maps are provided in Volume 4, Figures 7.1.1 to 7.1.6.</p> <p>An assessment of effects on these features is provided in Chapter</p>

	<p>7 (Ecology) of the Environmental Statement (Document 6.02). Volume 4 Document 2.07.2 identifies sites of landscape importance including:</p> <ul style="list-style-type: none"> · National Parks; and · Dinorwig Landscape of Outstanding Historic Interest. <p>An assessment of effects on these features is provided in Chapter 6 (Landscape) and Chapter 11 (Archaeology and Cultural Heritage) of the Environmental Statement (Document 6.02) and Appendix 6.1 (Assessment of the Significance of Impact of Development on Historic Landscapes) of the Environmental Statement (Document 6.03).</p> <p>Volume 4 Document 2.07.3 (the drawing reference states 2.01.3 which is assumed to be an error) identifies water bodies in a river basin management plan. An assessment of effects on water bodies in a river basin management plan is provided in Chapter 10 (Flood Risk) of the Environmental Statement (Document 6.02) and the Water Framework Directive Compliance Assessment in Appendix 9.1 of the Environmental Statement (Document 6.03).</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>Volume 4 Document 2.08 identifies historic environment features including:</p> <ul style="list-style-type: none"> · Scheduled Monuments · Listed Buildings; and · Known Archaeology. <p>An assessment of effects on these features is provided in Chapter 11 (Archaeology and Cultural Heritage) of the Environmental Statement (Document 6.02).</p>
<p>(n) where applicable, a plan with any accompanying</p>	<p>Yes.</p>

<p>information identifying any Crown land;</p>	<p>Crown Land Plans are provided and comprise:</p> <ul style="list-style-type: none"> · Crown Land Plans Key Plan (Document 2.10) · Crown Land Plan Sheet 1 (Document 2.10.1) · Crown Land Plan Sheet 2 (Document 2.10.2)
<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.</p> <p>The applicant has submitted plans necessary to describe the development as follows:</p> <ul style="list-style-type: none"> · Existing Site Layout Plan (Document 2.02) · Indicative Site Layout Plans (Documents 2.05 and 2.05.1-5) · Indicative Elevations and Sections (Documents 2.06.1-12)
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹³;</p> <p>Regulation 1(a) requires that if the application is for a generating station, that is not an offshore generating station, it must be accompanied by —</p> <p>(i) a statement of who will be responsible for designing and building the connection to the electricity grid.</p>	<p>Yes.</p> <p>The applicant has submitted a Grid Connection Statement (Document 7.01) pursuant to Regulation 6(1)(i) of the APFP Regulations. Responsibilities for the grid connection are set out in Paragraphs 4.1 to 4.5 of the Grid Connection Statement.</p>
<p>(q) any other documents considered necessary to support the application; and</p>	<p>Yes.</p> <p>The applicant has submitted the following documents:</p> <ul style="list-style-type: none"> · Introduction to Applicant (including an introduction to the

¹³ 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>development and a document index) (Document 1.01)</p> <ul style="list-style-type: none"> · Common, Access Land and Public Rights of Way Strategy (Document 4.04) · Planning Statement (Document 8.01) · Planning Statement Summary (Document 8.02) · Design & Access Statement (Document 8.03) · Glossary (Document 8.04)
(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	<p>Yes.</p> <p>Two paper copies of the documents and plans were provided on 21 October 2015</p>
3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale (not smaller than 1:2,500 on land) and, in the case of plans, show the direction of north ¹⁴ ?	<p>Yes.</p> <p>All relevant land and works plans, site layouts, elevations and sections have been submitted on A0 size or smaller and (except for the key plans) are drawn to a scale no smaller than 1:2,500. All relevant land and works plans and site layouts (except for the key plans) show the direction of North.</p> <p>The Planning Inspectorate considers that the deficiencies in scale and indication of North on the key plans are not significant issues for acceptance as sufficient information is provided in the more detailed plans that do comply with these requirements.</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 ¹⁵ ?	<p>Yes.</p> <p>In all instances where three or more separate sheets comprise a plan, a key plan is provided showing the relationship between the different sheets.</p>

¹⁴ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁵ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<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.</p> <p>The Inspectorate considers that the applicant appears to have had regard to the DCLG Guidance 'Planning Act 2008: Application form guidance'.</p> <p>The format of documents and the manner in which the application was submitted is consistent with the guidance.</p> <p>The application form is complete and there are no obvious issues of non-conformity. Paragraph 4.2 of the Introduction to the Applicant (Document 1.01) states that the applicant '<i>... has had regard to and complied with the relevant guidance issued by the Secretary of State</i>'.</p> <p>The application is accompanied by documents of a prescribed nature as set out in s37(3) of the Planning Act 2008. In addition it is noted that the applicant has complied with the guidance in choosing to submit additional documentation to support the application. This additional documentation is set out at Section 3.3(q) of this checklist.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>The Works Plans do not indicate any limits of deviations, which are quoted in Article 6(2) of the Draft Development Consent Order (Document 3.01) as being '<i>only permitted if it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement</i>'. The Planning Inspectorate considers that the quoted limits of deviation would be unlikely to have a bearing on the pre-application consultations and, based on this and the other evidence provided, concludes that the Works Plans are sufficient for acceptance.</p> <p>The Planning Inspectorate considers that the deficiencies in scale and indication of North on the key plans are not significant issues for acceptance as sufficient information is provided in the more detailed</p>

plans that do comply with these requirements.

Based on the above, and other evidence provided, the Planning Inspectorate is content that the submitted application and accompaniments accord with the requirements of s55(3)(f) having regard to s55(5A) of the PA2008, complies with sections 37(3) and 37(5) and follows applicable guidance under section 37(4) of the PA2008.

The Infrastructure Planning (Fees) Regulations 2010 (SI 106)

Fees to accompany an application

Was the fee paid at the same time that the application was made¹⁶?

Yes.
The application fee of £4,500 was received on 14 October 2015, before the application was submitted on 21 October 2015.

Case Leader

Jackie Anderson

Jackie Anderson

Signed

Date: 17 November 2015

Acceptance Inspector

Stuart Cowperthwaite

Stuart Cowperthwaite

¹⁶ 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

Signed

Date: 17 November 2015

Section 55 Acceptance of Applications

Appendix One

Application Checklist

Glyn Rhonwy Pump Storage

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