



SP MANWEB

The North Wales Wind Farms Connection Project

Submission in response to
Section 55 Checklist

Application reference EN020014

July 2015



The Planning Act 2008

The Planning Act 2008

Submission in response to Section 55 Checklist

The North Wales Wind Farms Connection Project

Author	SP Manweb
Date	June 2015
Version	V1
Planning Inspectorate Reference No.	EN020014

SP Manweb plc, Registered Office: 3 Prenton Way Prenton CH43 3ET. Registered in England No. 02366937

1	Introduction	1
1.1	Introduction.....	1
1.2	Structure.....	1
2	SP Manweb Response's to Section 55 Checklist.....	2
2.1	SP Manweb Response to point 2.3 s42 (1)(a).....	2
2.2	SP Manweb Response to s42(1)(d)	4
2.3	SP Manweb Response to 2.12 a).....	5
2.4	SP Manweb Response to 3.3(i).....	6
2.5	SP Manweb Response to 3.3(l).....	7
2.6	SP Manweb Response to 3.3(m).....	8
2.7	SP Manweb Response to 3.4	8
2.8	SP Manweb Response to 3.5.....	9
3	Updated Documents and Plans	10
3.1	Photomontages	10
3.2	Book of Reference and Associated Plans	10

Appendix 1	Planning Inspectorate's Section 55 Application Acceptance Checklist
Appendix 2	Document 1.4 Newspaper Notices Updated
Appendix 3	Document 2.2 Land Plans (Sheet 11 only) Updated
Appendix 4	Document 6.19.9 Arb Survey (Figures only) Updated
Appendix 5	Documents 6.20.3 Photomontages (Viewpoints 34 and 47 only) Updated
Appendix 6	Document 2.5 Crown Land Plans (Overall Location Plan and Master Key Plan and Sheets 1 to 3) Updated

1 Introduction

1.1 Introduction

- 1.1.1 This document is submitted to the Secretary of State for Energy and Climate Change through the Planning Inspectorate (as responsible agency) in relation to the application by SP Manweb PLC ("SP Manweb") for development consent under the Planning Act 2008 (the "Application") for a 132kV Overhead Line together with required pedestrian and vehicular accesses, temporary construction compound, construction laydown areas, mitigation planting and other integral works (the "Proposed Development"). The application was submitted to the Planning Inspectorate on 20 March 2015.
- 1.1.2 The Application was accepted for examination on 17 April 2015. As part of the acceptance process the Planning Inspectorate produced a Section 55 Acceptance of Applications Checklist (Section 55 Checklist).
- 1.1.3 This document is SP Manweb's response to the Section 55 Checklist produced by the Planning Inspectorate (Appendix 1). The document contains SP Manweb's position and sets out supporting information that has been produced in response to comments made in the Section 55 Checklist.
- 1.1.4 SP Manweb has also identified the need to update two further application documents. These are two photomontages and the Crown Land Plans. These updated documents are explained further and updated versions supplied as part of this submission.

1.2 Structure

- 1.2.1 Reference is made to the relevant section of the Section 55 Checklist and a response by SP Manweb is provided. Where applicable, supporting information is provided as an appendix to this document.

2 SP Manweb Response's to Section 55 Checklist

Section	Planning Inspectorate Comments
2. S55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
s42: Duty to Consult	
2.3 Did the applicant consult the following about the proposed application:	
S42(1)(a) persons prescribed?	<p>The applicant has produced a Consultation Report (Document 5.1). Appendix 9.3.3 of the Consultation Report Appendices 9 to 14 (Document 5.2.3) provides a list of prescribed consultees. The applicant has consulted the majority of those required in the regulations; however there are a few who have not been included on their list as detailed below.</p> <p>The applicant states in 12.5.5 of the Consultation Report (Document 5.1) that it has carried out a detailed search of infrastructure in the area and consulted the relevant utility bodies. However, the following bodies with national licences do not appear to have been consulted:</p> <ul style="list-style-type: none"> • Utility Assets Limited; • Scotland Gas Networks Plc; • Southern Gas Networks Plc; <p>Whilst it may be the case that the applicant is satisfied that these bodies do not have any interests in the vicinity of the application area, the Planning Inspectorate advises that undertakers with licences covering Great Britain should be consulted on a precautionary basis. Unless the applicant is certain that these operators do not have an interest in the area, the applicant would need to notify these bodies of an accepted application.</p>

2.1 SP Manweb Response to point 2.3 s42 (1)(a)

2.1.1 SP Manweb can confirm that the three utilities listed above were added to the prescribed consultee list used for the notification of the accepted application pursuant to section 56 of the Planning Act 2008. Each of the additional parties were notified in accordance with the requirements of section 56 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009).

Section	Planning Inspectorate Comments
<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>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>S42(1)(d) each person in one or more of s44 categories?</p>	<p>Paragraph 9.7.31 of the Consultation Report (Document 5.1) explains that new information and land owners came to light after the consultation exercise had ended. There are 2 land owners (Brynbach Limited & Glenys Jones) who were not identified as having a relevant interest at the time of the s42 consultation, and thus not included. The applicant states its belief that both parties they identify have 'not been prejudiced given the section 47 and section 48 consultation and the opportunity to provide representations as part of the section 56 process if the application is accepted by the Planning Inspectorate'.</p> <p>Another land owner has made themselves known to the Planning Inspectorate reporting that the change in ownership of their property has not been reflected in the Book of Reference or the list of statutory consultees, despite them notifying the applicant. The applicant should ensure that their Book of Reference is up to date, but it appears that the interests of the new owners were not prejudiced in this instance as they were aware of the consultation.</p> <p>There are also discrepancies between the list of those persons consulted under s42 in paragraph 9.4 of the Consultation Report Appendices 9 to 14 (Document 5.2.3) and those persons listed in the Book of Reference (Document 4.3). Those persons identified in the Book of Reference but do not appear in the s42 list of consultees are:</p> <ul style="list-style-type: none"> • Iona Wyn Jones • SP Power Systems Limited • Dewi Parry • Thomas Mark Wynne Burton Smith • Nicola Davies • Anwen Williams • Mena Vaughan-Lloyd • Philip Lloyd • Maelor Evans

	<ul style="list-style-type: none"> • Iwan Rhodri Wynne • Richard William Kenrick Price • David Heneage Wynne-Finch • Rupert Thomas Mead <p>It appears that those listed above are either at the same address as other consultees, or are trustees of organisations who have been notified.</p>
--	--

2.2 SP Manweb Response to s42(1)(d)

2.2.1 SP Manweb sought clarity from the Planning Inspectorate in respect of the point made in relation to the Book of Reference not showing changes in the ownership of a property. This comment was made by Joanne Elizabeth Morris, the owner of Hendy College, who has rights over plots 29, 29A, 29B and 29C. This has been recorded in the revised Book of Reference submitted to the Planning Inspectorate on 10 June 2015 and SP Manweb confirms that both Joanne Elizabeth Morris and Barry Wyn Morris were notified in accordance with the requirements of section 56 of the Planning Act 2008.

2.2.2 SP Manweb can further confirm that Brynbach Limited and Glenys Jones were included in the notification procedure pursuant to section 56 of the Planning Act 2008.

Section	Planning Inspectorate Comments
2. S55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
s48: Duty to publicise the proposed application	
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;	<p>Yes.</p> <p>Paragraph 11.2.4 of the Consultation Report (Document 5.1) states where and when the s48 notice was published; the notice was published in the following publications on the following dates:</p> <ul style="list-style-type: none"> • The Daily Post – Thursday 20 March 2014 & Thursday 27 March 2014 • Denbighshire Free Press – Wednesday 19 March 2014 Wednesday 26 March 2014 • North Wales Weekly News – Thursday 20 March 2014 & Thursday 27 March 2014 <p>While the notices are reproduced in Document 1.4, the following newspapers pages did not display the</p>

	<p>date of publication or the publication name:</p> <ul style="list-style-type: none"> • The Daily Post – Thursday 20 March 2014 & Thursday 27 March 2014 • North Wales Weekly News – Thursday 20 March 2014 & Thursday 27 March 2014
--	---

2.3 SP Manweb Response to 2.12 a)

2.3.1 An updated version of document 1.4 Newspaper Notices has been provide as Appendix 2. This now contains the additional missing pages for the four notices that did not display the date of publication or the publication name (The Daily Post; 20 March 2014 and 27 March 2014, North Wales Weekly News; 20 March 2014 and 27 March 2014).

Section	Planning Inspectorate Comments
<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>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(i) a land plan identifying:-</p> <ul style="list-style-type: none"> (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land; 	<p>The plots in the land plans have been checked against the descriptions in the Book of Reference (BoR). Small errors were found for the following plots:</p> <ul style="list-style-type: none"> • Plot no 38A, 39B and 39C (Land Plan Sheet 5) – The BoR describes these plots as north west of Pandy. On the plan they are north and north east of Pandy, but north west of Pandy Wood. • Plot 68C (Land Plan Sheet 9) – Described in BoR as to the west of Llys Bedydd. On plan it is west of Gwenallt as with the surrounding plots. • Plots 80, 80A, 80B and 80C (Land Plan Sheet 10) – Described in the BoR as to the west of Ty-celyn. On the plan it is to the east. • Plots 95 and 95A (Land Plan Sheet 11) – Described in BoR as to the south east of Bryniau Bychain but appears on plan to be to the south west. • Plots 96, 96A and 96B (Land Plan Sheet 11) – Described in BoR as to the east of Tal Y Bryn but this doesn't show clearly on the plan. • Plot 101D (Land Plan Sheet 12) – Described in BoR as situated to the north of Bodysgaw Isa but part of the plot is also to the south west.

	<p>Some of the plots are also listed in the Draft Development Consent Order (Document 3.1). Schedule 8 Article 26 Table 9. Small errors were found for the following plots:</p> <ul style="list-style-type: none"> • Plot 68B (Land Plan Sheet 9) – Described in BoR as to the south of Caeau Mawr. On plan it is located west. • Plots 80A and 80B (Land Plan Sheet 10) – Described in the BoR as to the west of Ty-celyn. On the plan it is to the east. • 96A (Land Plan Sheet 11) – Described in BoR as to the east of Tal Y Bryn but this doesn't show clearly on the plan. <p>The applicant will be able to correct these minor errors in later versions of these documents.</p>
--	---

2.4 SP Manweb Response to 3.3(i)

- 2.4.1 SP Manweb has updated Land Plan (Sheets 11) to correct the identified error and it is included as Appendix 3.
- 2.4.2 SP Manweb has updated the Book of Reference and this was submitted as part of the Certificates of Compliance submission to the Planning Inspectorate on the 10th June 2015. A schedule of changes document was included to highlight where changes have been made.
- 2.4.3 SP Manweb has not included within this submission a revised draft of the Development Consent Order. The amendments required in Schedule 8 of the draft DCO, as a result of the amendments to the Book of Reference, relate only to the descriptions of land, which are minor in nature. SP Manweb does not, therefore, consider it necessary to submit a new draft dealing with these changes at this stage.
- 2.4.4 SP Manweb will submit a revised draft of the DCO in accordance with the timetable set by the examining authority, which will include amendments necessary to Schedule 8.

Section	Planning Inspectorate Comments
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)	
3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	
(l) where applicable, a plan with accompanying	Figure X.1 – X. 5: Arb Survey, Technical Appendix

<p>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>6.9 (Document 6.19.9). These figures are all marked '[DRAFT]'.</p>
--	--

2.5 SP Manweb Response to 3.3(I)

2.5.1 The figures were incorrectly marked 'draft'. SP Manweb has produced updated copies of the figures contained in document 6.19.9. These figures can be found in Appendix 4.

Section	Planning Inspectorate Comments
<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>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</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</p>	<p>Historical sites and features are numbered and listed in Tables 8.9 and 8.12 of ES Chapter 8. These cross-refer to plans identifying their location at Figures 2 – 32 of Appendix 8.2, dated 6/3/15 (Document 6.21.2). However, Figures 2 – 32 of Appendix 8.1 (Document 6.21.1) appear to be versions of the same plans but are dated 11/3/15, and three additional plans are included, Figures 33 – 35, which do not appear to be referenced in the ES chapter.</p>

caused by the proposed development;	
-------------------------------------	--

2.6 SP Manweb Response to 3.3(m)

- 2.6.1 Tables 8.9 and 8.12 in ES Chapter 8 refer to the figures in Appendix 8.2 (as noted in the footnote to the table).
- 2.6.2 Figures 2 – 32 of Appendix 8.1 also show historical sites and features (as Appendix 8.2). Figures 33 – 35 (the three additional plans included in Appendix 8.1) show the archaeological information for the proposed underground cable route which has been considered as part of the cumulative assessment.
- 2.6.3 Tables 8.9 and 8.12 should therefore refer to Appendix 8.1, which includes the full suite of figures, instead of Appendix 8.2. SP Manweb has not updated the documents to reflect this error however it will provide updated documents with the correct reference if required by the Examining Authority.

Section	Planning Inspectorate Comments
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)	
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?	The Plan and Profile/Section Drawings (Document 2.7.0 to 2.7.3 key plan plus 29 sheets) show only linear scales (of 1:1,000 horizontal and 1:200 vertical, though this is not stated). For these plans, there is also a duplication of document number, as the key plan and 29 sheets only have four reference numbers (2.7.0, 2.7.1, 2.7.2 and 2.7.3) between them.

2.7 SP Manweb Response to 3.4

- 2.7.1 Documents 2.7.0 to 2.7.3 show the plan and profile of the Proposed Development. Due to the nature of the information provided, the plans would not clearly show the required data at a larger scale such as 1:2500. The plans show the scales as 10m horizontal (1:1,000) and 2m vertical (1:200).
- 2.7.2 SP Manweb therefore considers that it would not assist the Examining Authority to supply these plans at 1:2500. It will however provide updated documents properly referenced if required by the Examining Authority.

Section	Planning Inspectorate Comments

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)

3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets?

The following have no key plan:

- Landscaping Plans: Enhancement and Replacement Planting (13 sheets)
- Nature Conservation Plans (4 sheets)
- Historic Sites Plans (4 sheets)

2.8 SP Manweb Response to 3.5

- 2.8.1 Documents 2.6 (Landscaping Plans), 2.8 (Nature Conservation Plans) and 2.9 (Historic Sites Plans) all have a key plan included on each individual sheet rather than a separate key plan.
- 2.8.2 SP Manweb will provide a separate key plan for each of the relevant plans if this will assist the Examining Authority.

3 Updated Documents and Plans

3.1 Photomontages

- 3.1.1 As part of the Application, SP Manweb submitted documents with the environmental impact assessment that illustrate the Proposed Development in the landscape. These photomontages can be found in documents 6.20.3A, 6.20.3B and 6.20.3C.
- 3.1.2 It has come to SP Manweb's attention, since submission of the Application that the reduction in file size of the documents to meet the 50mb limit on the Planning Inspectorate website has led to some increased pixilation in relation to the photomontages that have been prepared. Although this slight pixilation doesn't contravene best practice and industry recognised guidance (as the files were saved at 300dpi), it does mean that it is not possible to identify some parts of the Proposed Development on two of the photomontages.
- 3.1.3 SP Manweb has therefore included at Appendix 5 to this document the two affected photomontages. Each photomontage and its associated wireframe model is included as a separate file, in a loss-less format, and therefore at an increased size to ensure the Proposed Development is more visible in the distance.

3.2 Book of Reference and Associated Plans

- 3.2.1 SP Manweb submitted a certificate to certify compliance with S.59 of the Planning Act 2008 on the 10 June 2015. This included an updated book of reference. This document has not been reproduced in this submission, as SP Manweb did not want to duplicate documents previously submitted.
- 3.2.2 SP Manweb has undertaken on going due diligence checks in respect of land interests within the order limits. It has identified, through information held at the land registry that the Crown Estate has registered an interest in mines and minerals on additional plots of land affected by the Proposed Development. These plots are 19, 19A, 19B, 19C, 21A and 21B and this change has been recorded in the updated book of reference. SP Manweb has updated the Crown Plans to reflect this change and they are included in Appendix 6.

Appendix 1 - Planning Inspectorate's Section 55 Application Acceptance Checklist

Appendix 2 - Document 1.4 Newspaper Notices Updated

Appendix 3 - Document 2.2 Land Plans (Sheet 11 only) Updated

Appendix 4 - Document 6.19.9 Arb Survey (Figures only) Updated

**Appendix 5 - Documents 6.20.3 Photomontages (Viewpoints 34 and 47 only)
Updated**

**Appendix 6 - Document 2.5 Crown Land Plans (Overall Location Plan and
Master Key Plan and Sheets 1 to 3) Updated**