

Section 55 Acceptance of Applications

Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	20 March 2015	17 April 2015	17 April 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 project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>The Application Cover Letter (Document 1.1) specifies:</p> <p>‘The application is for the installation of a 132 kV electric line above ground located wholly in Wales. Accordingly, the electric line is classed as a Nationally Significant Infrastructure Project pursuant to Section 14(1) (b) and 16 of the Planning Act 2008. Development consent is therefore required for the 132 kV electric lines above ground and all works that form part of that line under Section 31 of the Planning Act 2008’.</p> <p>This is also repeated in Box 4 of the Application Form (Document 1.2).</p> <p>The proposal is classed as a Nationally Significant Infrastructure Project as set out in the Planning Act 2008 as amended for the following reasons:</p> <ul style="list-style-type: none"> • the electric line is above ground; • the length of the proposed line is approximately 17 kilometres thus 		

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

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

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

	<p>exceeding the 2 kilometre threshold;</p> <ul style="list-style-type: none"> • the scheme is based wholly in Wales; • it has a voltage of 132 kV which meets the threshold; and • there is no evidence to indicate that other exclusions in s16(3) apply.
Summary – s55(3)(a) and s55(3)(c)	The applicant has demonstrated that the application that they have submitted is an application for an order granting development consent and that development consent is required for the development to which the application relates.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	<p>SP Manweb undertook three rounds of consultation. The first and second rounds were non-statutory, aimed at selecting a route corridor. The third statutory round was about the preferred route alignment.</p> <p>The applicant requested a Scoping Opinion from the Secretary of State on 10 January 2014; a copy of the letter requesting a Scoping Opinion is provided at Appendix 13.1 of the Consultation Report Appendices 9 to 14 (Document 5.3.2). The request was made on 10 January 2014, prior to the commencement of the s42 consultation on 17 March 2014.</p> <p>In paragraph 1.28 of the Scoping Report (Document 6.30) the applicant states:</p> <p>‘This Report therefore constitutes formal notification to the SoS under Regulation 6(1)(b) of the EIA Regulations that SP Manweb proposes to provide an Environmental Statement in respect of the DCO application’.</p>
2.2 Have any adequacy of consultation representations ⁵ been received from ‘A’, ‘B’, ‘C’ and ‘D’ authorities; and if so do they confirm that the applicant has complied with the duties under s42,	<p>The Planning Inspectorate has received adequacy of consultation representations from the following local authorities:</p> <ul style="list-style-type: none"> • Denbighshire County Council

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

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

s47 and s48?

- Conwy County Borough Council
- Snowdonia National Park Authority
- Powys County Council

Adequacy of consultation representations have not been received from:

- Flintshire County Council
- Gwynedd County Council
- Wrexham County Borough Council

Denbighshire County Council (DCC) (a 'B' Authority) responded to state that it 'has no evidence to confirm whether or not all relevant bodies required to be consulted under Section 42 were actually consulted'. The council stated it has received correspondence from Llanrhaeadr yng Nghinmeirch Community Council (LYNCC), which it has included in appendix 3 of its representation, which DCC requests is taken into consideration by the Planning Inspectorate. However, DCC declares that it has 'no evidence to endorse or dispute the claims of the Community Council or the applicant; however we are concerned that prescribed consultees may not have been consulted'.

With regard to consultation under s47, DCC stated it 'has no evidence to confirm whether or not the Stage 3 [statutory] consultation was carried out in full accordance with the proposals set out in the SoCC, however the Council has received written complaints from LYNCC, a local group called 'Pylon the Pressure Group' and David Jones MP which relate to the adequacy of consultation'. These are addressed in turn below.

With regard to the Duty to Publicise under s48, DCC stated it 'has no evidence to confirm whether or not the consultation was publicised in accordance with Section 48.'

Conwy County Borough Council (a 'B' Authority) responded to say that it 'is unable to form a view within the timescale provided as to the adequacy of consultation exercise'. However the council is aware of complaints in relation to consultation exercises, notably from the Pylon the Pressure Group, and trusts that the Planning Inspectorate 'will give careful consideration to the

issues raised therein’.

Snowdonia National Park Authority (an ‘A’ Authority) responded confirming that the applicant ‘complied with requirement to consult neighbouring local planning authorities on its proposals as required by legislation’. However it did not comment as to whether the applicant has complied with other bodies and persons identified under s42, and duties under s47 and s48.

Powys County Council (an ‘A’ Authority) wrote to say that they did not wish to make a representation on the adequacy of consultation:

Llanrhaeadr yng Nghinmeirch

LYNCC claim that they were not consulted on the proposals at any stage of the pre-application consultation stages; however the applicant claims that LYNCC were consulted (Consultation Report paragraph 6.1.5, Appendices 5.1, 5.3 and 9.4).

It is evident from the Consultation Report (**Document 5.1**) at chapter 12.7 ‘Summary of Responses from Community Councils’ that the Community Council responded to the applicant’s statutory consultation. LYNCC is referred to as ‘Llanrhaeadr Community Council’ in the table in chapter 12.10 of the Consultation Report. Furthermore the applicant had regard to that response as identified in chapter 12.10 ‘Summary of Responses and SP Manweb’s regard had to responses’ of the Consultation Report (**Document 5.1**).

It is contested whether LYNCC have been statutorily consulted or not. However, the applicant has demonstrated that a submission in respect of the statutory consultation was received from LYNCC. On the basis that LYNCC has made a submission to the statutory consultation and that evidence shows regard was had to that submission by the applicant, the Planning Inspectorate considers that the disputed consultation has not resulted in prejudice to the interests of LYNCC. In addition, LYNCC will be able to make both relevant and written representations to the examination.

Pylon the Pressure Group

The ‘Pylon the Pressure Group’ state in their complaint on the adequacy of the consultation that the pre-application process: ‘failed to consult adequately, did not have due regard to consultees response to earlier stages of consultation,

lacked clarity on what was being consulted upon, contained misleading information and due process has not been followed’.

In response to the group’s concerns regarding the failure to consult adequately and that the consultation lacked clarity, the Consultation Report (**Document 5.1**) provided by the applicant provides detail on the process of the consultation stages throughout pre-application; clearly explaining the approach and methodology undertaken in finalising its application and how the applicant has had regard to guidance on the pre-application stage issued by the Department for Communities and Local Government. Each stage of the pre-application consultation process is clearly identified within the report, with clear conclusions provided at each stage.

The Planning Inspectorate notes that Chapters 12, 13 and 14 of the Consultation Report (Document 5.1) provide detailed tables which summarise the consultation responses. The tables also include the applicant’s comments on the responses, demonstrating regard had to responses. Chapter 16 of the Consultation Report (Document 5.1) explains the changes that were made to the proposal as a result of the three rounds of consultation.

Section 13.6.20 of the Consultation Report (**Document 5.1**) addresses the criticisms made by the Pylon the Pressure Group in relation to misleading information at the consultation stage. The applicant accepts that a number of errors were made, and has documented the steps taken to correct them. The Planning Inspectorate is content that these actions mitigated any potential prejudice to consultees that there may otherwise have been if the applicant had not taken these corrective steps.

Following a review of the Consultation Report and supporting documents, the Planning Inspectorate is satisfied that the applicant has addressed the concerns raised by the group above.

David Jones MP

Mr David Jones MP states in his letter to the council that he has ‘significant concerns about the process adopted by SPEN’ which are ‘amply set out in the letter from Pylon the Pressure Group’. The letter from the Pylon the Pressure Group is addressed above.

	<p>Mr Jones MP also declares that 'given the environmental sensitivity of the area I would suggest very strongly that it should be a condition of the consent that the lines be laid underground'. The Planning Inspectorate considers that this is a matter of substance which is likely to be discussed during the examination of the application.</p> <p>The applicant has provided comprehensive information and responded to points within the Consultation Report which the Planning Inspectorate is satisfied will not prevent the application proceeding to examination. Interested parties will have the opportunity to raise issues of substance during the examination of the application.</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>Yes.</p> <p>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 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</p>

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

	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.
s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable.
s42(1)(b) each local authority within s43 ⁸ ?	<p>Yes.</p> <p>Appendix 9 of the Consultation Report Appendices 9 to 14 (Document 5.2.3) provides a list of local authorities consulted. These are:</p> <ul style="list-style-type: none"> • Conwy County Borough Council (B); • Denbighshire County Council (B); • Flintshire County Council (A); • Gwynedd County Council (A). • Powys County Council (A); • Wrexham County Borough Council (A); <p>Snowdonia National Park Authority were also consulted under s43(3).</p> <p>These authorities are correctly identified in accordance with s43 of the Act. A copy of the letter can be found in Appendix 9.6 of the Consultation Report Appendices 9 to 14 (Document 5.2.3).</p>
s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
s42(1)(d) each person in one or more of s44 categories ⁹ ?	Yes.

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

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

Paragraph 9.7.21 to 9.7.31 of the **Consultation Report (Document 5.1)** explains the 'due diligence enquiries' carried out by the applicant to identify those persons with an interest in the land (PIL). Paragraph 9.7.24 specifies:

'Initial contact was made with PIL in the early stages of the project to gain access for ecological surveys. Land registry searches and local enquiries utilising the information from the land registry searches were carried out. The local enquiries involved face to face meetings with owners and occupiers along identified surveys corridors. Owners and occupiers were asked to confirm or to provide information on land ownership boundaries and to confirm contact details as appropriate. Also gathered at these meetings were details of any agent or representative and permission where possible for on-going ecological surveys. Local enquiries began 30 April 2013 with the enquiries were mostly complete by 6 June 2013. The Hafod route option which was identified later on in the project was land referenced in October 2013'.

Paragraph 9.7.25 specifies:

'Further, more detailed, land registry searches were carried out in October 2013 which included a search of the Index Map with HMLR [Land Registry]. Land interest questionnaires and request for information packs were sent out on 6 February 2014, with additional parties receiving letters on 4 March 2014 and 19 August 2014'.

While persons with an interest in the land are not recorded in the consultation report as having been directly consulted during the non-statutory stages, paragraph 9.7.27 states that the applicant 'directly engaged with PILs in the run up to and during statutory consultation'.

The applicant wrote to PIL on 17 March 2014 (**Appendix 9.5 of the Consultation Report, Document 5.2.3**) inviting their comments on the proposal. A subsequent letter (**Appendix 11.4 of the Consultation Report, Document 5.2.3**) was sent extending the deadline for their comments.

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

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

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'.

It has been reported to the Planning Inspectorate by a third party that Mrs Jones has independently made herself known to the developer, which suggests that she was aware of the consultation and that her interests had not been prejudiced.

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.

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:

- Iona Wyn Jones
- SP Power Systems Limited
- Dewi Parry
- Thomas Mark Wynne Burton Smith
- Nicola Davies
- Anwen Williams
- Mena Vaughan-Lloyd
- Philip Lloyd

	<ul style="list-style-type: none"> • Maelor Evans • Iwan Rhodri Wynne • Richard Williams 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> <p>It is likely those persons would have had an opportunity to respond to consultation under s47 and 48 and will later have the opportunity to provide relevant and written representations and will therefore not have been denied the opportunity to participate. Therefore the Planning Inspectorate is in agreement with the applicant and does not consider that those listed above have been substantially or irrevocably prejudiced.</p>
<p>s45: Timetable for s42 Consultation</p>	
<p>2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Yes.</p> <p>Appendices 9.5 and 9.6 of the Consultation Report Appendices 9 to 14 (Document 5.2.3) provide a copy of the letters sent to Persons Interested in the Land (PIL) and Statutory Consultees.</p> <p>The letters were sent on 17 March 2014 and the deadline specified in the letters for responses was 18 May 2014 which was subsequently extended to 28 June 2014; this was greater than the minimum of 28 days required by legislation.</p> <p>All s42 consultees were notified of the extension in a letter dated 15 May 2014, which is contained in Appendix 11 of the Consultation Report (Document 5.2.3).</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>Appendix 9.1 of the Consultation Report (Doc 5.2.3) includes a copy of the letter sent to the Planning Inspectorate on behalf of the Secretary of State.</p> <p>The letter sent to the Secretary of State was sent on the same day as the notification to s42 consultees (17 March 2014). A copy of the letter can be found in Appendix 9.6 of the Consultation Report (Document 5.2.3).</p> <p>The information was provided to the Secretary of State prior to commencement of statutory consultation; the letter was dated 17 March 2014 and statutory consultation began on 20 March 2014.</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>Paragraph 10.3 of the Consultation Report (Document 5.1) documents the 'Development of the SoCC'.</p> <p>At paragraph 10.5.1 it states that the SoCC was published on the applicant's website and made available for inspection at various locations on 4 March 2014.</p> <p>A copy of the published SoCC, which sets out how the applicant proposed to consult people living in the vicinity, can be found in Appendix 7.1 (English version) and 7.2 (Welsh versions) of the Consultation Report Appendices 1 to 7 (Document 5.2.1).</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>Denbighshire County Council and Conwy County Borough Council, who are identified as 'B' authorities, were provided with copies of a draft SoCC, a copy of which is provided in appendix 6.1 (English) and 6.2 (Welsh) of the Consultation Report Appendices 1 to 7 (Document 5.2.1). The councils were provided with a copy of the draft SoCC on 19 December 2013 and asked to respond by 7 February 2014; therefore greater than the minimum required 28 days. There are no 'C' authorities relevant to this application.</p>

	<p>A copy of the letter provided to the local authorities requesting comments on the draft SoCC is provided at Appendix 6.3 of the Consultation Report Appendices 1 to 7 (Doc 5.2.1).</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes.</p> <p>Table 10.4.2 of the Consultation Report (Document 5.1) includes the comments received by Denbighshire County Council on the draft SoCC. The table includes a response from the applicant to each individual comment made by the council in response to the draft SoCC.</p> <p>It is evident from the responses provided by the applicant in table 10.4.2 that suggestions made by Denbighshire County Council were noted and in some cases led to the SoCC being updated.</p> <p>Paragraph 10.4.1 states that Conwy County Council informed the applicant it had no comments to make in relation to the draft SoCC in a response received on 14 February 2014.</p>
<p>2.9 Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes.</p> <p>As stated in the Consultation Report (Document 5.1) a notice publicising the details of the consultation under s47 of the PA 2008 was included in the following newspapers circulating in the vicinity of the proposals on the dates below as identified in table 10.5.2.</p> <ul style="list-style-type: none"> • Daily Post – 6 March 2014 • Denbighshire Free Post – 5 March 2014 • North Wales Weekly News – 6 March 2014 <p>Copies of the notice appearing in the newspapers identified at the dates above can be found in Copies of Newspaper Notices (Document 1.4).</p> <p>A copy of the notice is provided at paragraph 10.5.4 and explains that the SoCC was made available in full on the applicant's website and at the following locations:</p> <ul style="list-style-type: none"> • Denbigh One Stop Shop

	<ul style="list-style-type: none"> • Denbighshire County Council • St. Asaph One Stop Shop • Conwy County Borough Council, Civic Offices • SP Energy Networks, Rhostyllen, Wrexham <p>All locations were reasonably convenient for people living in the vicinity. Denbighshire County Council stated that ‘The venues are spread along the route corridor’ in its response to the applicant’s draft SoCC provided at table 10.4.2 of the Consultation Report (Document 5.1).</p> <p>A copy of the letter which was provided to each individual deposit location alongside a copy of the SoCC, is provided in Appendix 7.3 of the Consultation Report Appendices 1 to 7 (Document 5.2.1).</p>
<p>2.10 Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>Yes.</p> <p>At paragraph 4.7 of the SoCC, a copy of which is provided at Appendix 7 of the Consultation Report Appendices 1 to 7 (Document 5.2.1), it states that:</p> <p>‘The proposed project is classified as ‘EIA Development’ for the purposes of the Environmental Impact Assessment Directive’.</p> <p>Paragraph 6.5 of the Consultation Report Appendices 1 to 7 (Document 5.2.1) under the heading, ‘What will we be consulting on?’ states the applicant’s intention to consult on ‘the preliminary environmental information which has been compiled on the environmental effects of the Project’.</p> <p>Paragraph 6.12 explains the applicant’s approach in relation to how it would publicise and consult on the preliminary environmental information; it also states ‘the information will be presented in a Preliminary Environmental Information Report’ which was one of several consultation documents listed in paragraph 6.10.</p>
<p>2.11 Has the applicant carried out the consultation in accordance</p>	<p>Yes.</p>

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

with the SoCC?	<p>A table identifying the applicant's adherence to the commitments made in the SoCC is provided at paragraph 10.6.1 of the Consultation Report (Document 5.1).</p> <p>The table identifies each commitment made in the applicant's SoCC, including a paragraph number, and demonstrated that the applicant adhered with that commitment during its consultation with the community under s47 of the PA 2008.</p> <p>None of the adequacy of consultation responses provided by local planning authorities has reached conclusions as to whether the applicant carried out consultation in accordance with the SoCC.</p>
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 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

	<p>March 2014</p> <p>As the notice was clearly published and referenced in the Denbighshire Free Press on two successive weeks, it is considered that the applicant has complied with Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations).</p>
<p>(b) once in a national newspaper;</p>	<p>Yes.</p> <p>Paragraph 11.2.4 of the Consultation Report (Document 5.1) states where and when the s48 notice was published in a national newspaper; the notice was published in the following publication on the following date:</p> <ul style="list-style-type: none"> • The Times – Thursday 20 March 2014 <p>In Copies of Newspaper Notices (Document 1.4), a copy of the notice is provided.</p>
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>Yes.</p> <p>Paragraph 11.2.4 of the Consultation Report (Doc 5.1) states where and when the s48 notice was published; the notice was published in the London Gazette on:</p> <ul style="list-style-type: none"> • Thursday 20 March 2014 <p>In Copies of Newspaper Notices (Document 1.4), a copy of the notice is provided.</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>Paragraph 2 of the notice (Consultation Report Appendix 10.1 and 10.2) confirms the name and address of the applicant as SP Manweb plc of 3 Prenton Way, Prenton, Merseyside, CH43 3ET.</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>Paragraph 2 of the notice (Consultation Report Appendix 10.1 and 10.2) states that the applicant proposes to apply to the Secretary of State for Energy and Climate Change under section 37 of the Planning Act 2008 for the North Wales Wind Farms Connection project.</p>
<p>(c) a statement as to whether the application is EIA development;</p>	<p>Yes.</p> <p>Paragraph 3 of the notice (Consultation Report Appendix 10.1 and 10.2) states that the proposed project is EIA development.</p>
<p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>Yes.</p> <p>Paragraph 2 of the notice (Consultation Report Appendix 10.1 and 10.2), points (a) to (f), provide a summary of the main proposals and the location of the development.</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 notice (Consultation Report Appendix 10.1 and 10.2) says that the documents, plans and maps may be inspected free of charge from 20 March to 18 May 2014 at five locations listed. They also give the opening times for these locations. They also state that copies of documents can be provided on request by email/phone/writing or contact form, though these may incur a printing charge.</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes.</p> <p>Paragraph 4 of the notice (Consultation Report Appendix 10.1 and 10.2) states the latest date for inspection is 18 May. This is the same date as the deadline for sending responses as stated in Paragraph 6.</p>

<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes. Paragraph 5 of the notice (Consultation Report Appendix 10.1 and 10.2) states that it may be necessary to make a charge of up to £250 for a paper copy of the full suite of technical documents and plans, and that a DVD with digital copies of the documents will be made available free of charge.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes. Paragraph 6 of the notice (Consultation Report Appendix 10.1 and 10.2) provides an email and Freepost postal address for response.</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?</p>	<p>Yes. Paragraph 6 of the notice (Consultation Report Appendix 10.1 and 10.2) states that the deadline for sending responses to the applicant is 18 May 2014. The last notice was published in the Daily Post and North Wales Weekly News on 27 March, so more than 28 days was given, exceeding the statutory number of days required.</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)¹¹?</p>	<p>Yes. Section 11 of the Consultation Report (Document 5.1) states that a copy of the section 48 notice was sent to prescribed consultees (as defined in section 9.7 of this report) including EIA Regulation 9 list consultee bodies and community councils, and A-D Authorities. This list is provided in Appendix 9.4 of the Consultation Report.</p>
<p>s49: Duty to take account of responses to consultation and publicity</p>	
<p>2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p>Yes. The Application Letter (Document 1.1) states that the applicant has had regard to all feedback to consultation under s42, s47 and s48 consultation. Chapters 12, 13 and 14 of the Consultation Report (Document 5.1) provide</p>

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

	<p>detailed tables which summarise the consultation responses. The tables also include the applicant's comments on the responses, thus demonstrating regard had to responses.</p> <p>Chapter 16 of the Consultation Report (Document 5.1) explains the changes that were made to the proposal as a result of three rounds of consultation. The first and second rounds were non-statutory, aimed at selecting a route corridor. The third statutory round was about the preferred route alignment.</p> <p>The changes made to the scheme include the change from steel structures to wooden poles, and to the final alignment of the line. Modifications were also made to the Environmental Statement with the additions of a Cumulative Impact Assessment (Document 6.4), Tourism Impact Assessment (Document 6.11), Residential Visual Amenity Assessment (Document 6.20.1) and amendments to the Flood Risk and Water Quality Chapters (Document 6.9) of the Environmental Statement. Mineral Safeguarding Areas have been considered as part of the Land Use assessment (Document 6.10).</p> <p>The Consultation Report (Document 5.1) shows that the proposal has evolved over the three rounds of consultation, which the applicant ascribes to having had regard to responses received and amending the scheme accordingly when choosing the final route.</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'¹²?</p>	<p>Paragraph 5.3 of the Consultation Report (Document 5.1) explains how the applicant has had regard to the DCLG's The Planning Act 2008: Guidance on the pre-application process, during its statutory consultation.</p> <p>Table 5.3.1 documents how the applicant has had regard to the relevant guidance by listing those statements included in the guidance and how the applicant complied with those statements in a 'response'.</p> <p>Paragraph 9.4 of the Consultation Report (Document 5.1) explains that the guidance the applicant had had regard to during the beginning of the</p>

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

	<p>consultation period has since been updated in August 2014. The applicant has explained how the guidance differs from its previous form which was the version as of January 2013 and that version it complied with during the statutory consultation stage.</p> <p>As statutory consultation in line with sections 42, 47 and 48 of the PA 2008 was held prior to August 2014, it appears to the Planning Inspectorate that the applicant has had regard to the relevant guidance in their approach to the pre-application consultation.</p> <p>The Planning Inspectorate has received a complaint suggesting that the application as made includes wooden poles more closely spaced than consulted upon, and that 'the resulting discrepancy is very misleading'.</p> <p>Both current and superseded DCLG Guidance state that 'if the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation'. The Planning Inspectorate considers that any difference to the extent alleged does not in this instance meet the threshold at which a new pre-application consultation is required, and considers that the application submitted is not fundamentally different from that consulted upon.</p>
<p>Summary - s55(3)(e)</p>	<p>It is concluded that the applicant has complied with Chapter 2 of Part 5 of the PA 2008, regarding pre-application procedures. The applicant has also had regard to the relevant guidance in their approach to the pre-application consultation.</p> <p>The applicant is urged to investigate the claims of omitted consultees and ensure that all appropriate parties are notified in accordance with s56, noting the penalties in s58 for failure to comply.</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>	<p>Yes.</p>

<ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Box 4 of the Application Form (Document 1.2) specifies:</p> <p>‘The application is for the installation of a 132 kv electric line above ground located wholly in Wales. Accordingly, the electric line is classed as a Nationally Significant Infrastructure Project pursuant to Section 14(1) (b) and 16 of the Planning Act 2008’.</p> <p>Box 6 of the Application Form (Document 1.3) specifies:</p> <p>‘The proposed development is in North Wales and crosses the administrative boundaries of Denbighshire and Conwy. The proposed 132 kv connection will start in Clocaenog Forest, Denbighshire and will be routed to a terminal point at Groesffordd Marli, just south of Glascoed Road, also in Denbighshire. It crosses into the county of Conwy near to Henllan and back into Denbighshire at the Afon Elwy.’</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 5.1), a Consultation Report Summary Welsh Translation (Document 5.1.1), Consultation Report Appendices 1 to 7 (Document 5.2.1), Consultation Appendix 8 (Document 5.2.2) and Consultation Report Appendices 9 to 14 (Document 5.2.3).</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 Volume 6 and comprises the following documents::</p> <ul style="list-style-type: none"> • Document 6.1- 6.15: Main Report • Document 6.16: Environmental Statement Figures • Document 6.17- 6.26: Appendices • Document 6.27: Glossary • Document 6.28: Non-Technical Summary

	<p>In identifying the ES, this is in terms of meeting the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ('the EIA Regulations'), regarding the information for inclusion in ESs. It will 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 scoping opinion was requested, and a copy of the Secretary of State's Scoping Opinion dated February 2014 is provided (Document 6.29).</p>
(b) the draft proposed order;	<p>Yes.</p> <p>A draft Development Consent Order has been provided (Document 3.1).</p>
(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;	<p>Yes.</p> <p>An Explanatory Memorandum has been provided (Document 3.2).</p>
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	<p>Yes.</p> <p>A Book of Reference has been provided (Document 4.3).</p>
(e) a copy of any flood risk assessment;	<p>Yes.</p> <p>A Flood Consequences Assessment has been provided (Document 5.3).</p>
(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>Yes.</p> <p>A statement relating to Statutory Nuisance has been provided (Document 5.5). It is stated that this should be read alongside:</p> <ul style="list-style-type: none"> • The Design and Construction Report (Document 7.1 – 7.2); • The Environmental Statement (ES) (Document 6.1-6.28); and • The Construction Environmental Management Plan (CEMP) (Document 6.18) <p>It identifies the following potential impacts of the proposed development according to Section 79 (1) of the EPA 1990 and proposes mitigation</p>

	<p>measures in relation to these:</p> <ul style="list-style-type: none"> • smoke; • fumes and gases; • dust or other effluvia; and • noise from premises. <p>It states the following in paragraph 3.1.2:</p> <p>'With the proposed best practice methods and mitigation measures in place, it is not expected that there would be a breach of Section 79(1) of the 1990 Act during construction or decommissioning activities. The operation of the Proposed Development is unlikely to cause nuisances as defined in Section 79(1)'.</p>
<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Yes.</p> <p>A Habitats Regulations Assessment 'No Significant Effects Report' (HRA NSER) has been provided (Document. 5.7). It 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>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Yes.</p> <p>A Statement of Reasons has been provided (Document 4.1) and a Funding Statement (Document 4.2).</p>
<p>(i) a land plan identifying:- (i) the land required for, or affected by, the proposed</p>	<p>Yes.</p> <p>A Land Plan is provided (Document 2.2.0 to 2.2.13) which comprises a key</p>

¹³ 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>plan and sheets 1 to 13. The plans show ‘Order land - new rights to be compulsorily acquired, and temporary use of land, and in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights’.</p> <p>Special category land is shown separately in the Crown Land Plan (Document 2.5).</p> <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.
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	<ul style="list-style-type: none"> 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>
<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 are provided (Document 2.3.0 to 2.3.13) which comprises a key plan and sheets 1 to 13. These show the centre line of proposed route alignment of the works, the order limits and the limits of deviation.</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 are provided (Document 2.4.0 to 2.4.13) which comprise a key plan and sheets 1 to 13.</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>Yes.</p> <p>(i) Plans identifying statutory and non-statutory nature conservation sites and features are provided as follows:</p> <ul style="list-style-type: none"> HRA No Significant Effects Report, Figure 5.1: Elwy Woods SAC (Document 5.7) Figure 2: Statutory and Non-statutory Designations, Technical Appendix 6.5 (Document 6.19.5) Figure 7.4:Landscape Designations and Landscape Related Cultural Heritage Designations, Figures Document (Document 6.16) Figure 7.5: Ancient Woodland, Figures Document (Document 6.16) Figure 7.10 LANDMAP Visual and Sensory Aspect Areas, Figures Document (Document 6.16) <p>(ii) Plans identifying habitats of protected species, important habitats or other</p>

diversity features are provided as follows:

- ES Chapter 6, Figure 6.1: Location of Local Wildlife Sites (**Document 6.6**)
- ES Chapter 6, Figure 6.2: Location of Dormouse Survey Sites (**Document 6.6**)
- Figures 1 - 21, Phase 1 Habitat Survey Results, Technical Appendix 6.1 (**Document 6.19.1**). [These appear to be replicated at Figures 1.1 – 1.21, Technical Appendix 6.10 (**Document 6.19.10**.)]
- Figures 7.1 – 7.6 Great Crested Newt Survey Results, Technical Appendix 6.2 (**Document. 6.19.2**)
- Figure 1.1: Dormouse Survey Area and Results, Technical Appendix 6.3 (**Document 6.19.3**)
- Figures 3, 9, 9.1 - 9.3, 10, 10.1 – 10.6, 11, 11.1 – 11.3 : ornithological survey results, Technical Appendix 6.5 (**Document 6.19.5**)
- Figures 1 – 4, Otter Transect Results, Technical Appendix 6.6 (**Document. 6.19.6**)
- Figure 3.2: Reptile Survey Sites, Technical Appendix 6.7 (**Document 6.19.7**)
- Figure X.1 – X.6: Extended Phase 1 Habitat Survey - Badger Records, Technical Appendix 6.8 (**Document 6.19.8**)
- Figure X.1 – X. 5: Arb Survey, Technical Appendix 6.9 (**Document 6.19.9**). These figures are all marked '[DRAFT]'.

(iii) Plans identifying water bodies are provided at Figure 9.1: Surface Water Features along the Route of the Proposed Development, Figures Document (**Document 6.16**).

An assessment of the potential impacts on the above sites, features, habitats and bodies is provided in the following chapters of the ES respectively:

- Chapter 6: Ecology and Biodiversity (**Document 6.6**)

	<ul style="list-style-type: none"> • Chapter 7: Landscape and Visual (Document 6.7) • Chapter 9: Flood Risk and Water Resources (Document 6.9)
(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>Yes.</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> <p>Figure 7.4: Landscape Designations and Landscape Related Cultural Heritage Designations, Figures Document (Document 6.16) also identifies historical sites and features.</p> <p>An assessment of the potential impacts on the above sites, features and structures is provided in Chapter 8 of the ES: Historic Environment.</p>
(n) where applicable, a plan with any accompanying information identifying any Crown land;	<p>Yes.</p> <p>Crown Land Plans are provided (Document 2.5.1 to 2.5.2) which comprises 2 sheets.</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>Yes.</p> <p>The following plans have also been submitted:</p> <p>Location Plan (Document 2.1) – 1 sheet</p> <p>Landscaping Plans: Enhancement and Replacement Planting (Document 2.6.1 to 2.6.13 – 13 sheets)</p> <p>Plan and Profile/Section Drawing (Document 2.7.0 to 2.7.3) – Key plan and 29 sheets</p> <p>Construction Compound Layout (Draft) (Doc 2.7.4) 1 sheet</p> <p>Nature Conservation Plans (Doc 2.8.1 to 2.8.4) 4 sheets</p>

	Historic Sites Plans (Doc 2.9.1 to 2.9.4) 4 sheets.
(p) any of the documents prescribed by Regulation 6 of the APFP Regulations ¹⁴ ;	Not applicable
(q) any other documents considered necessary to support the application; and	<p>Yes.</p> <p>The applicant has submitted the following documents to support the application:</p> <ul style="list-style-type: none"> • Design & Construction Report (Document 7.1); • Design & Construction Report Technical Appendices (Document 7.2); • Strategic Options Report (Document 7.3); • Planning Statement (Document 7.4); • Planning Statement Summary Welsh Language Version (Document 7.4.1); • Planning Statement Technical Appendices (Document 7.5).
(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.	<p>Yes.</p> <p>Three paper copies of all supporting documents were provided at submission on 20 March 2015.</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 north¹⁵?</p> <p>NB:- 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</p>	<p>Yes.</p> <p>All plans (not including key plans) are not smaller than 1:2500 with the exception of the following, non-Environmental Statement, plans:</p> <p>Nature Conservation Plans sheets 1 to 4 (Document 2.8.1 to 2.8.4) are to a scale of 1:10,000.</p> <p>Historic Sites Plans sheets 1 to 4 (Document 2.9.1 to 2.9.4) are to a scale of</p>

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

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

<p>relevant information – see DCLG Guidance on application forms paragraphs 33 – 38.</p>	<p>1:10,000.</p> <p>The applicant asked for advice regarding the scale of these plans prior to submission, and the Planning Inspectorate confirmed that such scales would be acceptable given the nature of the information shown.</p> <p>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.</p> <p>All plans have a north direction.</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>Generally.</p> <p>Key plans have been provided for the following plans with three or more sheets:</p> <ul style="list-style-type: none"> • Land Plan (13 sheets) • Works Plan (13 sheets) • Access and Rights of Way Plan (13 sheets) • Plan and Profile/Section Drawing (29 sheets) <p>The following have no key plan:</p> <ul style="list-style-type: none"> • Landscaping Plans: Enhancement and Replacement Planting (13 sheets) • Nature Conservation Plans (4 sheets) • Historic Sites Plans (4 sheets)
<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</p>	<p>Yes.</p> <p>The applicant has submitted an application which accords with the format and standard described by DCLG Guidance ‘Planning Act 2008: Application form</p>

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

<p>State considers satisfactory?</p>	<p>guidance’.</p> <p>In addition to standard material, the applicant has provided a number of other documents (Volume 7) which describe the scheme in detail (Design and Construction Report Doc 7.1) and its wider context (Strategic Options Report Doc 7.3 and Planning Statement Doc 7.4).</p> <p>Where the application documents have reasonably departed from criteria prescribed, the applicant generally discussed this in advance with the Planning Inspectorate, as per guidance.</p> <p>The application describes the scheme in a sufficient degree of detail to enable the Secretary of State and interested parties to fully consider the proposal. The supporting documents are comprehensive and clearly indexed.</p>
<p>Summary - s55(3)(f) and s55(5A)</p>	<p>The applicant has submitted an application (including its accompaniments) that is of a standard that is considered to be satisfactory and is in accordance with guidance.</p> <p>An updated Book of Reference should be submitted alongside s59 certificates and the DCO updated prior to the examination to rectify the errors identified.</p>
<p>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</p>	
<p>Fees to accompany an application</p>	
<p>Was the fee paid at the same time that the application was made¹⁷?</p>	<p>Yes.</p> <p>The application fee was received by cheque and banked on 9 March 2015, prior to the submission of the application.</p>

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

Case Leader

Nicholas Coombes

Nicholas Coombes

Signed

Date:

17 April 2015

Acceptance Inspector

Lillian Harrison

Lillian Harrison

Signed

Date:

17 April 2015
