

Section 55 Acceptance of Applications

Brechfa Connection EN020016 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
	29/05/15	26/06/15	24/06/15
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 Form (Doc 1.2) states in Box 4: 'The application is for the installation of a 132,000 volt (132kV) electric line of 28.6km above and below ground located in Carmarthenshire, Wales.'</p> <p>The electric line above ground qualifies as an NSIP by virtue of s16 of PA2008 as none of the exclusions in s16(3) apply.</p> <p>The applicant argues in their Planning Statement (Doc 8.1) that the 'underground cable is considered to be integral to the development' as it effectively replaces an above ground section as a mitigation measure.</p> <p>The Planning Inspectorate considers that this is sufficient to allow the application to be accepted for examination.</p> <p>The applicant's approach seems to be accepted by the Energy Wales</p>		

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

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

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

	Unit of the Welsh Government in their letter to the applicant's agent appended to the Draft Explanatory Memorandum (Doc 3.2) .
Summary – s55(3)(a) and s55(3)(c)	Sufficient evidence has been provided that this is an application for a DCO for an NSIP pursuant to s14(1)(b) and s16 of PA2008.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	<p>The applicant made two scoping requests in March and July 2014, the first of which was withdrawn. Both of these notified that they 'proposed to provide an Environmental Statement in respect of the development.' This statement is included in Appendix L of the Environmental Statement Scoping Report (Doc 6.5).</p> <p>The Planning Inspectorate's own records show that the request, and therefore notification, was received on 11 July 2014. This was before undertaking the s42 consultation, which commenced on 28 November 2014.</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, s47 and s48?	<p>The following local authorities have confirmed the applicant's pre-application consultation was adequate:</p> <ul style="list-style-type: none"> • Carmarthenshire County Council (B) • Brecon Beacons National Park Authority (A) • Pembrokeshire Coast National Park Authority (A) • Pembrokeshire County Council (A) <p>The host authority, Carmarthenshire County Council, further reports that despite complaints from some members of the public, 'Inspections of the public events were undertaken by officers of the Council and these were deemed to be acceptable.'</p>

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

	<p>Powys County Council (A) confirmed it did not wish to make a representation on the adequacy of the applicant's consultation.</p> <p>No other representations have been received from the relevant local planning authorities invited to submit them.</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>A list of statutory consultees is provided at Appendix 7.3 of Consultation Report (Doc 5.1).</p> <p>It appears that the following community councils have been omitted from the applicant's consultation:</p> <ul style="list-style-type: none"> • Cynwell Elfred Community Council • Kidwelly Community Council • Llanarthney Community Council • Llanddarog Community Council • Llandysul Community Council • Llangeler Community Council • Llanllwni Community Council • Llansteffan & Llanybri Community Council • Newchurch & Merthyr Community Council • St Ishmael Community Council <p>These community councils neighbour those that have responsibility for the area where the proposals may be sited. While the Planning Inspectorate's Advice Note 3 advocates the inclusion of neighbouring</p>

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

	<p>community councils in statutory consultation, Schedule 1 of the APFP Regulations could also be interpreted to include only the host community councils and those in close proximity to the scheme as the applicant appears to have done.</p> <p>The Inspectorate also advise consulting all utility undertakers with national licenses on a precautionary basis. The applicant has not done this, but should ensure that every affected statutory undertaker is notified of the accepted application.</p>
s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable
s42(1)(b) each local authority within s43 ⁸ ?	<p>Appendix 7.3 of Consultation Report (Doc 5.1) lists the prescribed consultees which includes the local authorities consulted under s42(1)(b). These are:</p> <ul style="list-style-type: none"> • Carmarthenshire County Council (B) • Ceredigion County Council (A) • City and Council of Swansea (A) • Neath Port Talbot County Borough Council (A) • Pembrokeshire County Council (A) • Powys County Council (A) <p>National Park Authorities:</p> <ul style="list-style-type: none"> • Brecon Beacons National Park Authority • Pembrokeshire Coast National Park Authority <p>These comprise all of the prescribed planning authorities.</p>

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

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

s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable
s42(1)(d) each person in one or more of s44 categories ⁹ ?	<p>Appendix 7.3 of the Consultation Report (Doc 5.1) provides the list of s42 consultees which includes the persons with an interest in land (PILS). This list however, doesn't include all the persons listed in the Book of Reference.</p> <p>Appendix 14.1 of the Consultation Report (Doc 5.1) lists additional newly identified PILS consulted within the original statutory consultation period (up to 16 January 2015). Appendix 14.2 of the Consultation Report (Doc 5.1) listed the newly identified PILS consulted additionally up to 31 March 2015. These appendices still miss a number of persons listed in the Book of Reference.</p> <p>The applicant explains its post-statutory consultation engagement in section 14 of the Consultation Report (Doc 5.1). Paragraph 14.2.21 explains that 'as a part of the preparation of the Book of Reference, a number of rights over land were identified that had not been apparent at the statutory consultation stage. This related to newly identified rights affected by the proposed development.'</p> <p>The applicant judged that there was insufficient time to consult these parties, and so sent a notification letter to them on 28 May 2015. In paragraph 14.2.23, the applicant states that 'WPD made it clear in the letter that because it was about to submit its DCO application, any comments received would not be included in the Consultation Report. They would instead be submitted to the Planning Inspectorate prior to the start of the examination process, if the application is accepted.'</p> <p>Appendix 14.7 lists these 53 newly identified PILs sent the notification letter of 28 May 2015. Many of these were previously</p>

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

	<p>consulted in relation to other plots, as statutory undertakers, or through community consultation. However, 23 parties, all with category 2 interests, were not able to comment on the proposed development to the applicant prior to submission.</p> <p>After cross checking all the lists provided by the applicant, there remain 16 persons identified in the Book of Reference who have not been listed as consulted or notified. The majority of these people appear to be resident at addresses of individuals who had been consulted by the applicant under s42.</p> <p>It is clear that the applicant has sought to consult those with land interests as they were discovered, and has notified them if consultation was not possible at that stage. This is broadly in line with the March 2015 edition of DCLG Guidance on the pre-application process. While land interests do change over time, the applicant must ensure that they have and update a comprehensive record and make their s56 notifications accordingly. The applicant's attention is drawn to the penalties set out in s58 for failing to do so.</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>Paragraph 7.5.1 of the Consultation Report (Doc 5.1) notes that consultees identified under s42 were written to on 26 November 2014. A copy of the letter provided to consultees identified under s42 is provided in Appendix 7.4 of the Consultation Report (Doc 5.1). It states that the consultation period begins on Friday 28 November 2014 and concludes on Friday 16 January 2015. This equates to 50 days, significantly greater than the prescribed 28 days.</p> <p>Chapter 14 of the Consultation Report (Doc 5.1) chronicles a stage of 'Post-statutory consultation engagement' undertaken by the applicant.</p> <p>As part of this stage of consultation, 'previously unknown tenants, mortgage providers and others who might make a relevant claim</p>

regarding the land' came to the attention of the applicant.

Paragraph 14.2.6 of the **Consultation Report (Doc 5.1)** states that where the applicant 'was made aware of PILs sufficiently early that the statutory 28-day consultation period would not go beyond the publicised close of Section 42 consultation', the applicant 'wrote to these PILs and invited them to take part in consultation, stating a deadline for receipt of responses of Friday, 16 January 2015.' Those PILs written to are identified in **Appendix 14.1** of the **Consultation Report (Doc 5.1)**. A copy of the letter provided to those PILs is not provided.

PILs that were identified later and therefore would not be provided 28 days or more to respond to the statutory consultations deadline date of the 16 January 2015 were invited to partake in the consultation and respond by 31 March 2015. The last PIL identified in this manner was written to on 9 February 2015; a copy of the letter provided to 'newly identified' PILs is provided in **Appendix 14.3** of the **Consultation Report (Doc 5.1)**. However, the letter provided at **Appendix 14.3** does not contain a deadline for responses to the consultation.

A number of PILs 'were identified that had not been apparent at the statutory consultation stage' by the applicant as stated in **paragraph 14.2.21** of the **Consultation Report (Doc 5.1)**. These PILs were written to by the applicant on 28 May 2015 to make them aware of their status, and of the possible opportunity to provide comments on the proposed development to the Planning Inspectorate if the application is accepted for examination. The application for development consent was submitted to the Planning Inspectorate on the following day, 29 May 2015. A copy of the letter is provided in **Appendix 14.6** of the **Consultation Report (Doc 5.1)**.

The approach taken above is in line with **paragraph 51** of **DCLG Planning Act 2008: guidance on the pre-application process**. Therefore the Planning Inspectorate is satisfied that those identified PILs have been informed of how they can engage with the process

should they wish to do so.

s46: Duty to notify Secretary of State of proposed application

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?

The Planning Inspectorate, on behalf of the Secretary of State, was notified of the consultation under s42 by the applicant on 26 November 2014 as identified in the **paragraph 7.3.1** of the **Consultation Report (Doc 5.1)**. A copy of this letter is provided in **Appendix 7.1** of the **Consultation Report (Doc 5.1)**.

As outlined above consultees identified under s42 were written to on 26 November 2014. The Planning Inspectorate was therefore notified on the same date s42 consultees were notified which was before the commencement of the statutory consultation stage of 28 November 2014.

s47: Duty to consult local community

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?

Paragraph 8.1.1 of the **Consultation Report (Doc 5.1)** states that a SoCC was published bilingually on 19 November 2014.

English and Welsh copies of the published SoCC are provided in **Appendix 8.4** of the **Consultation Report (Doc 5.1)** dated 'November 2014'.

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?

The applicant states it formally consulted with Carmarthenshire County Council (CCC) ('B' Authority) on the content of the SoCC in **paragraph 8.3.2** of the **Consultation Report (Doc 5.1)**. The same paragraph states that a draft of the SoCC was provided to CCC on 1 September 2014.

A copy of the request for comments on the SoCC from CCC is provided in **Appendix 8.1** of the **Consultation Report (Doc 5.1)**. It requests 'comments on the attached draft within the next 28 days as prescribed under Section 47 of the Planning Act 2008' from CCC.

A copy of the response from the council (dated 12 September 2014)

	is provided in Appendix 8.4 of the Consultation Report (Doc 5.1) .
2.8 Has the applicant had regard to any responses received when preparing the SoCC?	<p>Table 8.1 – SoCC comments from CCC and WPD’s response, of the Consultation Report (Doc 5.1) displays the regard the applicant has had to responses received when preparing their SoCC.</p> <p>Each ‘observation’ made by CCC is included in the left hand side of the table, a ‘response’ from the applicant is provided to each observation made on the right hand side of the table.</p> <p>It is evident from the responses provided by the applicant and the published SoCC that regard has been had to the response provided by CCC. In some instances the observations made by CCC have led to changes to the content of the published SoCC. For example, CCC advised the applicant provide consultees with CDs containing project documents on request as some consultees would be unable to download the documents over the internet due to variable broadband speeds. The applicant updated the SoCC to include ‘Electronic copies of all project materials and reports will be made available to consultees on disk.’ Observations made by CCC also resulted in the consultation period being extended from 35 to 50 days over the 2014 Christmas period.</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>Paragraph 8.3.7 of the Consultation Report (Doc 5.1) notes that a copy of the SoCC was made available for inspection at the following locations:</p> <ul style="list-style-type: none"> • Carmarthenshire County Council Offices, Carmarthen • Carmarthen Library, Carmarthen • Penbontbren Stores, Llanpumsaint • Gwalia Garage, Llanllawddog • Peniel Community School, Peniel <p>Paragraph 8.3.9 of the Consultation Report (Doc 5.1) states that a notice publicising the SoCC was placed in ‘two local and</p>

	<p>regional newspapers on Wednesday, 19 November 2014.’ The local newspapers are as follows:</p> <ul style="list-style-type: none"> • The Carmarthen Journal • The Llanelli Star <p>Copies of the notices as published above are provided in Appendix 8.7 of the Consultation Report (Doc 5.1).</p> <p>The Planning Inspectorate is therefore satisfied that the notices were published in a satisfactory manner.</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>Paragraph 6.1 of the published SoCC states the applicant will ‘carry out an Environmental Impact Assessment (EIA) and will submit a full Environmental Statement as part of its application for development consent.’</p> <p>The applicant states in paragraph 6.2 that ‘copies of the up to date Preliminary Environmental Information (PEI) will be made available on our website and inspection copies provided at the various locations as detailed in appendix A.’ The applicant goes on to state that it ‘invites comments on the PEI gathered and will present this information as a draft Environmental Statement as part of this consultation.’</p>
<p>2.11 Has the applicant carried out the consultation in accordance with the SoCC?</p>	<p>Chapter 8.6 – Consultation Delivery of the Consultation Report (Doc 5.1) outlines the approach the applicant undertook at the public exhibitions and information points during the statutory consultation stage under s47.</p> <p>The applicant demonstrates how it has carried out the consultation in accordance with the SoCC in Appendix 8.10 – ‘Table showing how statutory consultation was carried out in accordance with the SoCC’ of the Consultation Report (Doc 5.1).</p> <p>The commitments made in the SoCC are clearly identified in the</p>

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

	<p>table; the applicant has responded to each commitment made explaining how the consultation complied with the SoCC and referenced back (where applicable) to the relevant sections of the Consultation Report (Doc 5.1) containing supporting evidence.</p> <p>In their adequacy of consultation response, dated 16 June 2015 Carmarthenshire County Council state 'it is considered that the applicant has provided sufficient evidence to comply with sub-section (7) of S.47.'</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>Appendix 9.2 of the Consultation Report (Doc 5.1) provides dated copies of s48 notices published on 26 November 2014 and 03 December 2014 in the following two newspapers:</p> <ul style="list-style-type: none"> • The Carmarthen Journal • The Llanelli Star
(b) once in a national newspaper;	Appendix 9.2 of the Consultation Report (Doc 5.1) provides a dated copy of the s48 notice published in 'The Times' on 28 November 2014.
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	Appendix 9.2 of the Consultation Report (Doc 5.1) provides a dated copy of the s48 notice published in 'The London Gazette' on 28 November 2014.
(d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable.

2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	Paragraph 1 of the s48 notice provided at Appendix 9.1 of the Consultation Report (Doc 5.1) contains the name and address of the applicant.
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	Paragraph 1 of the s48 notice states that the applicant intends to make an application to the Secretary of State for development consent.
(c) a statement as to whether the application is EIA development;	Paragraph 4 of the s48 notice states that the application is EIA development.
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Paragraph 2 of the s48 notice gives a summary of the proposal and location of the development.
(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;	Paragraph 5 of the s48 notice states that the documents, plans and maps showing the nature and location of the proposed development may be inspected free of charge from 28 November 2014 to 16 January 2015. The table after paragraph 5 provides the five locations (including addresses in the vicinity of the proposed development) and times as set out in the notice.
(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));	Paragraph 5 of the s48 notice states the latest date for inspection was 16 January 2015. This is the same date as the deadline for the receipt of responses in sub paragraph (i).
(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;	Paragraph 6 of the s48 notice provides a web address where documents, plans and maps can be accessed online. It also provides email address, telephone and freepost address to request the copies electronically. Electronic copies on CD were provided free of charge. A maximum charge of £250 was stated as the amount for a hard

	copy of the full suite of documents.
(h) details of how to respond to the publicity; and	Paragraph 7 of the s48 notice states that the representations should be made in writing to a Freepost address or by email.
(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?	Paragraph 8 of the s48 notice states that the deadline for receipt of responses was midnight 16 January 2015. The last notice was published on 3 December 2014 in 'The Llanelli Star' and 'The Carmarthen Journal'. Hence, more than 28 days were given following the last publication date of the notice.
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 ?	Paragraph 9.3.5 of the Consultation Report (Doc 5.1) states that 'WPD sent a copy of the Section 48 notice to the prescribed consultation bodies (as defined by the EIA Regulations).' The letter is provided at Appendix 9.3 , but the list of consultees is not provided.
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?	Appendices 11.1, 11.2 and 12.1 of the Consultation Report (Doc 5.1) detail the regard the applicant has had to responses to their statutory consultation from s42 consultees, PILs and s47 consultees respectively. Provided in the appendices are tables which document who responded to the consultation, a summary of the response they provided, whether the response led to a change to the application and the regard that applicant had to the response. Summaries of responses received under sections 42, 47 and 48 are also provided in chapters 11, 12 and 13 of the Consultation

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

Report (Doc 5.1). Responses are categorised and attributed to individuals and/or organisations; no responses to the applicant's consultation under section 48 were received.

Chapters 5 and 6 of the Consultation Report (Doc 5.1) document the activities undertaken during the non-statutory stages of the pre-application consultation. **Paragraph 5.4.1** of the **Consultation Report (Doc 5.1)** notes the conclusions and impact on the project following stage 1, non-statutory consultation. **Paragraphs 6.4.1 to 6.4.16** of the **Consultation Report (Doc 5.1)** notes the conclusions and impact on the project following stage 2, non-statutory consultation.

Chapter 7.6 of the **Consultation Report (Doc 5.1)** notes 'change requests' received from PILs following one to one on-site meetings with the applicant. 57 change requests were received which the applicant 'considered alongside relevant consultation responses when the route of the Proposed Development was reviewed and finalised at a project workshop on 28 and 29 January 2015.' All change requests, including the regard the applicant had to those requests are included in **Appendix 7.7** of the **Consultation Report (Doc 5.1)**.

It is evident from the information provided that the applicant had regard to responses received during the non-statutory and statutory pre-application consultation periods. It is also evident that a number of the responses received led to changes to the application submitted for development consent.

Responses received have led to changes to the micro-siting of poles on PILs land and to the submitted Environmental Statement. A summary of the changes as a result of consultation responses is also provided at **Chapter 15.3** of the **Consultation Report (Doc 5.1)**.

Guidance about pre-application procedure

<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>The consultation process spans two editions of the relevant DCLG Guidance which was updated in March 2015, the previous edition being dated August 2014.</p> <p>The applicant has consulted iteratively in line with the guidance and appears to have had regard to the outcomes of these consultation periods.</p> <p>The consultation of community councils was not in accordance with the Planning Inspectorate Advice Note 3, as referenced in the latest edition of guidance, but appears to meet the minimum statutory requirements.</p> <p>The consultation of persons with an interest in land was broadly in accordance with the revised guidance, though some omissions remain.</p> <p>Despite these omissions and departures, consultation appears to have been adequate.</p>
<p>Summary - s55(3)(e)</p>	<p>The applicant has satisfied the consultation requirements contained in Part 5, Chapter 2, of the Planning Act 2008 as set out above.</p> <p>The applicant is urged to investigate the omitted consultees and ensure that all appropriate parties are notified in accordance with s56.</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 the remit of the Secretary of State; and 	<p>The Application Form (Doc 1.2) submitted is in the prescribed format and includes in Box 4 a statement as to why the application is for development for which development consent is required under PA2008.</p> <p>Box 6 briefly yet clearly identifies the start, middle and end points of</p>

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

<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? 	the route.
3.2 Is it accompanied by a consultation report?	The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices 3.1 – 14.7 .
3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:	
(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;	<p>The Environmental Statement (ES) is provided in the following volumes:</p> <ul style="list-style-type: none"> Volume 1: Non-Technical Summary (Doc 6.1) Volume 2: Environmental Statement (main text) (Doc 6.2) Volume 3: Figures (Doc 6.3) Volume 4: Appendices (Doc 6.4) Volume 5: Applicant’s EIA Scoping Report (Doc 6.5) Volume 6: Secretary of State’s EIA Scoping Opinion(Doc 6.6) Volume 7: EIA Regulation 11 Publicity notice (Doc 6.7) <p>The ES meets the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. This does not preclude the Examining Authority from seeking further explanation during the course of the examination.</p> <p>As listed above, a copy of the scoping opinion issued by the Secretary of State in August 2014 is provided at Doc 6.6.</p>

<p>(b) the draft proposed order;</p>	<p>A draft Development Consent Order (DCO) (Doc 3.1) has been provided which appears to be in the statutory instrument template.</p>
<p>(c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order;</p>	<p>An explanatory memorandum (Doc 3.2) has been provided which explains the purpose and effect of the provisions of the draft DCO.</p>
<p>(d) where applicable, a book of reference (where the application involves any compulsory acquisition);</p>	<p>A Book of Reference (Doc 4.3) has been provided.</p> <p>The description of rights or interests to be acquired is set out in broad terms for each plot, but further detailed descriptions of rights, land and interests affected for each plot may need to be set out in future editions of the Book of Reference. The Planning Inspectorate also observes that some parties listed in Part 3 of the Book of Reference do not appear in Part 1; contrary to DCLG guidance.</p>
<p>(e) a copy of any flood risk assessment;</p>	<p>A Flood Consequence Assessment (FCA) has been provided as part of the application (Doc 5.2). The FCA is stated as having been prepared in accordance with Planning Policy Wales, Technical Advice Note 15 (TAN 15), the Interim Code of Practice for Sustainable Drainage and BS 8533-2011 Assessing and Managing Flood Risk in Development Code of Practice.</p>
<p>(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;</p>	<p>A Statement of Statutory Nuisance has been provided by the applicant in accordance with Regulation 5(2)(f) of the APFP Regulations (Doc 5.3).</p> <p>The document identifies the matters set out in Section 79(1) of the Environmental Protection Act 1990 with regard to statutory nuisance and concludes that there is not expected to be a breach of the 1990 Act.</p>

<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>A Habitat Regulations Assessment (HRA) No Significant Effects Report (NSER) has been provided (Doc 5.4).</p> <p>The report identifies two relevant European sites and the likely effects on those sites. The sites are:</p> <ul style="list-style-type: none"> • Afon Tywi / River Towy Special Area of Conservation (SAC); and • Bae Caerfyrddin ac Aberoedd / Carmarthen Bay and Estuaries SAC <p>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>A statement of reasons (Doc 4.1) and a funding statement (Doc 4.2) have been provided.</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 	<p>The Land Plans have been provided showing the land required, or affected by, the proposed development.</p> <p>The Land Plans (Doc 2.2) comprise:</p> <ul style="list-style-type: none"> • Overall Location Plan and Master Key to Sections Plan • Land Affected Plans – Section A (Key Plan) • Land Affected Plans – Section A (Sheet nos. 1-7) • Land Affected Plans – Section B (Key Plan)

¹³ Now Regulation 61 of the [Conservation of Habitats and Species Regulations 2010 SI2010/490](#).

<p>rights; and</p> <p>(iv) any special category land and replacement land;</p>	<ul style="list-style-type: none"> • Land Affected Plans – Section B (Sheet nos. 1-2) • Land Affected Plans – Section C (Key Plan) • Land Affected Plans – Section C (Sheet nos. 1-10) • Land Plans – Section A (Key Plan) • Land Plans – Section A (Sheet nos. 1-7) • Land Plans – Section B (Key Plan) • Land Plans – Section B (Sheet nos. 1-2) • Land Plans – Section C (Key Plan) • Land Plans – Section C (Sheet nos. 1-10) <p>The Land Plans identify any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; specifically the:</p> <ul style="list-style-type: none"> • Power to create, acquire rights & impose restrictions <ul style="list-style-type: none"> ○ Class 1 – Construction, operation & maintenance (green shading); ○ Class 2 – Access (blue shading); and • Temporary Use of land <ul style="list-style-type: none"> ○ Class 3 – Construction (pink shading); ○ Class 4 – Mitigation (yellow shading) <p>The plots and descriptions listed within the Book of Reference are consistent with the plots shown on land plans except few anomalies as listed below:</p> <ul style="list-style-type: none"> • A121, A123 – Description doesn't match • B31 – Not shown on map clearly – Class 3 on BoR • B34 – Class 2 on BoR but highlighted as Class 1 on plans
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	<ul style="list-style-type: none"> • B50 – Description doesn't match • B91 and B92 – Not marked correctly • C131, C132, C133, C134, C135, C136 – Description doesn't match <p>The applicant will be able to correct these discrepancies in future editions of the Book of Reference and Land Plans.</p>
<p>(j) a works plan showing, in relation to existing features: -</p> <ul style="list-style-type: none"> (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (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>The Works Plans (Doc 2.1) comprise:</p> <ul style="list-style-type: none"> • Overall Location Plan and Master Key to Sections Plan • Works Plans – Section A (Key Plan) • Works Plans – Section A (Sheet nos. 1-7) • Works Plans – Section B (Key Plan) • Works Plans – Section B (Sheet nos. 1-2) • Works Plans – Section C (Key Plan) • Works Plans – Section C (Sheet nos. 1-10) <p>The plans show the proposed route, alignment of the development and works. These also show the limits of deviations and order limits.</p> <p>Works as described in the draft DCO appear to be consistent as shown in the works plan, though neither is especially detailed.</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>The Access and Right of Way Plans (Doc 2.3) comprise:</p> <ul style="list-style-type: none"> • Overall Location Plan and Master Key to Sections Plan • Access and Rights of Way Plans – Section A (Key Plan) • Access and Rights of Way Plans – Section A (Sheet nos. 1-7) • Access and Rights of Way Plans – Section B (Key Plan) • Access and Rights of Way Plans – Section B (Sheet nos. 1-2)

	<ul style="list-style-type: none"> • Access and Rights of Way Plans – Section C (Key Plan) • Access and Rights of Way Plans – Section C (Sheet nos. 1-10)
<p>(I) 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>(i) Features of nature conservation interest are presented in the Environmental Features Plans (Doc 2.4). These plans include identification of:</p> <ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSI) • Special Area of Conservation (SAC) • Tree Preservation Orders • Ancient and semi natural woodland <p>No plan of non-statutory nature conservation sites has been provided. In respect of non-statutory nature conservation sites, Paragraph 10.5.4 of ES Chapter 10: Ecology (Doc 6.2) states that 'There is no official list of Local Wildlife Sites for Carmarthenshire.'</p> <p>Impacts on statutory nature conservation sites and features of nature conservation are assessed in ES Chapter 10: Ecology (Doc 6.2).</p> <p>A Habitat Regulations Assessment No Significant Effects Report (NSER) (Doc 5.4) has been provided. The NSER includes a plan identifying the European sites, (SACs) considered (Figure 1, Doc 5.4).</p> <p>Regionally Important Geological and Geomorphological Sites (RIGS) and SSSIs are shown on Figure 12.3 (maps 1-22) of Doc 6.3, and impacts assessed in ES Chapter 12: Geology, hydrogeology and ground conditions (Doc 6.2).</p> <p>Sites of landscape importance are shown on Figure 9.2 (maps 1-4)</p>

(**Doc 6.3**), and assessed in **Chapter 9: Landscape and Visual Assessment (Doc 6.2)**. The figures include the locations of:

- Historic Parks and Gardens
- Conservation Areas
- Special Landscape Areas (SLA)
- NRW LANDMAP Visual and Sensory Areas

(ii) Habitats of protected species, important habitats or other diversity features are presented in the **Environmental Features Plans (Doc 2.4)**. These plans include identification of habitats under S42 of the Natural Environment and Rural Communities (NERC) Act 2006.

Figure 10.2 (Maps 1-20) of the **ES (Doc 6.3)** present the results of the habitats and species identified during a Phase 1 habitat survey.

Trees and hedges potentially affected by the proposed development are shown on **Figure 2.8**.

The results of surveys for habitats and protected species, including accompanying figures, are presented in the following Technical Reports that form appendices to **ES Chapter 10: Ecology (Doc 6.2)**:

- ES Appendix 10.1 Bat Technical Report (**Doc 6.4**)
- ES Appendix 10.2 Botany Technical Report (**Doc 6.4**)
- ES Appendix 10.3 Bird Technical Report (**Doc 6.4**)
- ES Appendix 10.4 Dormouse Technical Report (**Doc 6.4**)
- ES Appendix 10.5 Marsh Fritillary Technical Report (**Doc 6.4**)
- ES Appendix 10.6 Otter and Water Vole Technical Report (**Doc 6.4**)

Plans presenting the results of badger surveys have been provided as **Figure 10.3** (Maps 1 to 11) (**Doc 6.3**). These have been marked as confidential.

	<p>(iii) Figure 13.1 (Doc 6.3) of ES Chapter 13: Hydrology, Drainage and Flood Risk (Doc 6.2) identifies watercourses within a 250m study area along the cable route.</p> <p>The applicant cites the Western Wales River Basin Management Plan as a source of baseline data in ES Chapter 13: Hydrology Drainage Flood Risk (Doc 6.2). Water Framework Directive (WFD) waterbodies are identified in ES Chapter 13 (Doc 6.2) and the supporting Appendix 13.1: Hydrology, Flood Risk and Drainage Data Tables (Doc 6.4) and ES Chapter 13 provide an assessment of effects on these features. Figure 13.1 presents the 'detailed river network' within and adjacent to the scheme.</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>Features of the historic environment including statutory and non-statutory designations are shown on plans in Doc 2.5. The plans show:</p> <ul style="list-style-type: none"> • Listed Buildings; • Scheduled Monuments; • Historic Parks and Gardens; • Conservation Areas; • Registered Landscape of Special/Outstanding Historical Importance In Wales; • Buried Archaeological Remains; • Built Heritage Assets; and • Historic Landscape Components <p>These features and designations are also presented in Figures 11.1 – 11.3 of the ES (Doc 6.3).</p> <p>An assessment of effects on these features is presented in ES Chapter 11: Historic Environment (Doc 6.2). This Chapter is supported by Appendices 11.1 and 11.2 (Doc 6.4):</p>

	<ul style="list-style-type: none"> • Appendix 11.1: Historic Environment Technical Report (including an assessment of impacts within the Towy Valley Registered Historic Landscape in accordance with ASIDOHL2) • Appendix 11.2: Historic Environment Planning Compliance (legislative and planning framework for the historic environment).
(n) where applicable, a plan with any accompanying information identifying any Crown land;	<p>The Crown Plans (Doc 2.6) comprise:</p> <ul style="list-style-type: none"> • Location Plan – Key to Sections Plans • Crown Land Plans – Section B (Key Plan) • Crown Land Plans (Sheet nos. 1) • Crown Land Plans – Section C (Key Plan) • Crown Land Plans (Sheet nos. 1-3)
(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>Box 23 of the Application form (Doc 1.2) identifies any other plans, drawings and sections necessary to describe the proposal for which development consent is sought:</p> <ul style="list-style-type: none"> • Design Drawings and Profiles (Doc 2.7) <p>Trees and Hedges with the potential to be affected (Doc 2.8)</p>
(p) any of the documents prescribed by Regulation 6 of the APFP Regulations ¹⁴ ;	No additional information is required by Regulation 6 of the APFP Regulations.
(q) any other documents considered necessary to support the application; and	<p>The applicant has provided the following documents to support the application, as listed in the Application Form (Doc 1.2);</p> <ul style="list-style-type: none"> • Volume 1.1 Covering Letter including schedule of documents (including a s55 checklist and navigation document)

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

- Volume 1.2 Planning Inspectorate Application Form: this document
- Volume 1.3 PINS Electronic Application Index (Electronic copy only)
- Volume 1.4 Newspaper Notices: copies of the publicity undertaken
- Volume 1.5 Red Line Boundary Shape Files (Electronic Copy only)
- Volume 1.6 Glossary and abbreviations: a comprehensive glossary for all application documents
- Volume 8.1 Planning Statement: demonstrating compliance with national policy
- Volume 8.2 Strategic Optioneering Report: explaining the process leading to the preferred option
- Volume 8.3 Draft Section 106 agreement: setting out the heads of terms
- Volume 8.4 Lifetime Costs Report: explaining the respective construction and operation costs for underground and overhead
- Volume 8.5 Construction Management Strategy: providing a description of the construction techniques to be employed
- Volume 8.6 Construction Environmental Management Plan: providing the means by which environmental effects will be managed during construction
- Volume 8.7 Construction Traffic Management Plan: providing the means by which traffic will be managed during construction
- Volume 8.8 Transport Assessment: A detailed assessment of construction traffic movements

	<ul style="list-style-type: none"> Volume 8.9 Written Scheme of Investigation: setting out a programme of archaeological work
(r) if requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans.	Three complete paper copies of the application have been submitted.
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 ¹⁵ ?	The plans and drawings are submitted A0 size or smaller. All relevant plans have been drawn to an identified scale not smaller than 1:2500 and show the direction of north.
3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets ¹⁶ ?	The key plans have been provided for the following sets: <ul style="list-style-type: none"> Works Plans – Section A, B & C (Doc 2.1) Land Affected and Land Plans – Section A, B & C (Doc 2.2) Access and Rights of Way Plans – Section A, B & C (Doc 2.3) Environmental Features Plans – Section A, B & C (Doc 2.4) Heritage Designations Plans – Section A, B & C (Doc 2.5) Crown Land Plans – Section B & C (Doc 2.6) Detailed Design Drawings (Doc 2.7) Trees and Hedges with the potential to the affected – Section A, B & C (Doc 2.8)
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?	The application is submitted in the format described by guidance and is generally well laid out and legible. The description of the Works in the DCO and as laid out in the Works Plans may need refining over the course of the examination to make clear what is proposed at each location, but is of a sufficient

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

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

	<p>standard to enable the application to be examined.</p> <p>The Book of Reference does not follow DCLG Guidance related to procedures for the compulsory acquisition of land (September 2013) and will need to be amended prior to the commencement of the examination.</p>
Summary - s55(3)(f) and s55(5A)	<p>The application is of a satisfactory standard and is accompanied by the requisite supporting documents that identify the proposed works and assess their environmental, social and economic effects.</p> <p>At Examination the detail of the works will be investigated, and the areas of investigation will be identified in the initial assessment of principal issues (Rule 6) and ExA questions.</p>
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 made ¹⁷ ?	The fee of £4,500 was received on 21 May 2015, prior to the submission of the application.

Case Leader

Nicholas Coombes

Nicholas Coombes

Signed

Date:

24 June 2015

Martin Broderick

Martin Broderick

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

**Acceptance
Inspector**

Signed

Date:

24 June 2015
