

# Wylfa Newydd Project

## 1.5 s55 application checklist

PINS Reference Number: EN010007

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Application Reference Number: 1.5

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Regulation Number: 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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# **The Planning Act 2008**

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

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

(1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.

(2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.

(3) The Secretary of State may accept the application only if the Secretary of State concludes -

- (a) that it is an application for an order granting development consent,
- (b) deleted
- (c) that development consent is required for any of the development to which the application relates,
- (d) deleted
- (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
- (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

(4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -

- (a) the consultation report received under section 37(3)(c),
- (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
- (c) the extent to which the applicant has had regard to any guidance issued under section 50.

(5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
  - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
  - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must -
  - (a) notify that view to the applicant, and
  - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

\* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

**NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.**

## Section 55 Acceptance of Applications

### Section 55 Application Checklist<sup>1</sup>

Section 55(2) Acceptance of Applications				
1	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
		1 <sup>st</sup> June 2018		
	<b>Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-</b>	<b>Planning Inspectorate Comments</b>		
<b>s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>				
2	Is the development a nationally significant infrastructure project <sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order <sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates ie which category or categories in ss14-30 does the application scheme fall)?  If the development does not fall within the categories in	Yes, the development is an NSIP  The authorised development comprises an electricity generating station in Wales with a capacity of more than 350MW and therefore constitutes a nationally significant infrastructure project (“NSIP”) under section 15 of the Planning Act 2008. Accordingly, the authorised development requires development consent under section 31 of the Planning Act 2008.  This is confirmed within Section 4 of the Application Form and within the Explanatory Memorandum to the draft DCO.		

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

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

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

	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?	Development consent may only be granted by an order ("DCO") following an application to the Secretary of State pursuant to section 37 of the Planning Act 2008.
3	<b>Summary – s55(3)(a) and s55(3)(c)</b>	<i>Review and conclude based on evidence provided above.</i>
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) 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?	<p>Yes – (b)</p> <p>The Applicant did not request the Secretary of State to adopt a screening opinion in respect of the development to which the Application relates.</p> <p>The Applicant requested an initial scoping opinion by in November 2009. A Scoping Opinion was received by the Infrastructure Planning Commission in April 2010. In March 2016 Horizon submitted an updated EIA Scoping Report to the Planning Inspectorate. The main purpose of requesting a further Scoping Opinion was to ensure that the following changes to the Wylfa Newydd Project and the legislative and policy framework were taken into account in the scoping process. A Scoping Opinion was received from the Secretary of State in April 2016.</p> <p>In May 2017 the Applicant submitted a third scoping request in the form of an addendum to the 2016 Scoping Report. The addendum had regard to the design changes proposed following a programme of design optimisation and procedural changes subsequent to the enactment of the Wales Act 2017. A Scoping Opinion was received from the Secretary of State in June 2017.</p>

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

		<p>All scoping requests were sent to either the Infrastructure Planning Commission or Planning Inspectorate pursuant to The Infrastructure Planning (Environmental Impact Regulations 2009: Regulation 8 Request for a Scoping Opinion and Regulation 6.</p> <p>Notification under Regulation 6(1)b of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 was sent to the Secretary of State on 31 August 2016 at the start of the Stage Two Pre-Application Consultation. The Secretary of State was notified a second time on the 23 May 2017, prior to the start of the Stage Three Pre-Application Consultation.</p> <p>A copy of the notification letters are provided in Appendix B1 and C1 of the Consultation Report (Application Reference Number 5.1).</p>
5	Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p>Chapter 3 of the Consultation Report (Application Reference Number 5.1) identifies the Isle of Anglesey County Council (IACC) as the only ‘A’ local authority as the proposals are located entirely on the island within its administrative area.</p> <p>“B” do not apply as no local authorities share a boundary with the Isle of Anglesey County Council’s administrative boundary. Authorities “C” and “D” do not apply as the Isle of Anglesey County Council is a County Council.</p> <p>Details of the consultation carried out with the Isle of Anglesey County Council is set out in the Consultation Report (Application Reference Number 5.1).</p> <p>The adequacy of consultation representations will be requested by the Planning</p>

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

		Inspectorate.
<b>s42: Duty to Consult</b>		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed <sup>6</sup> ?	<p>Yes, the Applicant undertook statutory s42 consultation with persons/consultees prescribed under Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 in respect of the following:</p> <ul style="list-style-type: none"> <li>- Stage 2: August – October 2016</li> <li>- Stage 3: May – June 2017</li> <li>- Additional Land Consultation: January – February 2018</li> <li>- Additional PWIL Consultation: February – March 2018</li> </ul> <p>Chapters 5, 6 and 9 of the Consultation Report (Application Reference Number 5.1) sets out the approach to consultation with the prescribed consultees and compliance with legislation and associated guidance, and details the consultation that was carried out in accordance with section 42.</p> <p>Appendix D.1 of the Consultation Report contains the list of all parties consulted pursuant to section 42.</p>
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<p>Yes.</p> <p>Appendix D.1 of the Consultation Report (Application Reference 5.1) details the consultation that took place with the Marine Management Organisation confirming that the organisation were sent consultation letters on the 30<sup>th</sup> August 2016 and on the 23<sup>rd</sup> May 2016.</p>

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

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

8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	Yes- Chapters 4,5,6 and 9 of the Consultation Report (document reference 5.1) detail the consultation that has been undertaken with the Isle of Anglesey County Council as the only applicable section 43 local authority (Category "A" Authority). As detailed in response to question 5 above, there are no category "B", "C" or "D" Authorities.
9	s42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable.
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p>Yes –Chapter 3 (paragraphs 3.4.36 – 3.3.47 of the Consultation Report (Application Number 5.1) outlines the process of the identification of category 1, 2 and 3 land interests' under section 44.</p> <p>Statutory section 42 consultation was undertaken with categories 1-3 persons between the following:</p> <ul style="list-style-type: none"> <li>- Stage 2: August – October 2016</li> <li>- Stage 3: May – June 2017</li> <li>- Additional Land Consultation January – February 2018</li> <li>- Additional PWIL Consultation: February – March 2018</li> </ul> <p>Appendix D.1 of the Consultation Report contains details of all persons who have been consulted in accordance with section 44.</p>

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

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

#### **s45: Timetable for s42 Consultation**

11	<p>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>Chapter 5, 6 and 9 of the Consultation Report (Application Reference Number 5.1) detail the s42 consultation that has been undertaken by the Applicant. The s42 consultation can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Stage Two letter sent on the 30<sup>th</sup> August 2016. Consultation undertaken for eight weeks from 31 August 2016 to 25 October 2016. A copy of the sample letter is contained in Appendix B.6 of the Consultation Report.</li> <li>2. Stage Three letter sent on the 22 May 2017. Due to this letter incorrectly stating that the consultation would commence on the 24 June 2017, a follow up letter was sent on the 24 May 2017, apologising for the confusion and advising that the closing date for feedback would be the 22 Mat 2017. A copy of the sample letters are contained in Appendix C.6 of the Consultation Report.</li> <li>3. Additional Land consultation letter was sent on the 16<sup>th</sup> January 2018. Consultation undertaken for 32 days from 16 January to 16 February 2018. A copy of the sample letter is contained in Appendix E.2 of the Consultation Report.</li> <li>4. Additional PWILs consultation letter sent on the 1 and 8 March 2018. A copy of the sample letter is contained Appendix D.7 of the Consultation Report.</li> </ol>
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#### **s46: Duty to notify Secretary of State of proposed application**

12	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>Yes</p> <p>The first s46 notification letter was sent to the Planning Inspectorate notifying the Secretary of State of the proposed Application on 31<sup>st</sup> August 2016 corresponding to the date on which s42 consultees would receive a copy of the consultation letters (the beginning of the Stage Two consultation). A copy of the first s46 notification letter is provided in Appendix B1 of the Consultation Report (Application Reference Number 5.1).</p>
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		<p>The second s46 notification letter was sent to the Planning Inspectorate on the 23<sup>rd</sup> May 2017, the day before letters were sent to the s42 consultees providing notification of the PAC 3 consultation. A copy of the second s46 notification letter is provided in Appendix C.1 of the Consultation Report.</p>
<b>s47: Duty to consult local community</b>		
13	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>Chapter 3 of the Consultation Report (Application Reference number 5.1) detail the Applicants approach to developing the draft SoCC in consultation with the Isle of Anglesey County Council (IACC). The first SoCC was sent to IACC for review in July 2014. Subsequently the SoCC was updated in December 2015 and January 2016. The SoCC was then subject to a third and final update in May 2017 following consultation with IACC in March 2017.</p> <p>Copies of the three final published SoCCs are provided in the following Consultation Report appendices:</p> <p>2014 Stage One SoCC: Appendix A.4</p> <p>2016 Stage Two SoCC: Appendix B.5</p> <p>2017 Stage Three SoCC: Appendix C.5</p> <p>Each of the three final SoCCs were published in accordance with s47 in local newspapers prior to the start of each formal consultation period. The publication notices are provided in the following Consultation Report appendices:</p> <p>2014 SoCC Stage One : Appendix A.3</p> <p>2016 SoCC Stage Two : Appendix B.4</p>

		<p>2017 SoCC Stage Three: Appendix C.4</p> <p>Chapter 9 of the Consultation Report detail that the 'Additional Land Consultation was carried out in accordance with the Stage Three SoCC following consultation with IACC (see Appendix E.1 of the Consultation Report).</p>
14	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?	As detailed earlier in the responses to this checklist there are no category "B" or "C" authorities.
15	Has the applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>Appendices A.2, B.3, C.3 and E.1 of the Consultation Report (Application Reference Number 5.1) detail the responses received by IACC on the draft SoCC's.</p> <p>Chapters 4, 5 and 6 of the Consultation Report detail the responses received from the Isle of Anglesey County Council on the SoCCs explaining how the Applicant has had regard to these responses.</p>
16	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>The SoCCs was made available for inspection at a number of locations. The published newspaper notices advising how and where the SOCCs can be viewed and inspected are contained in Appendices A.3, B.4 and C.4 of the Consultation Report (Application Reference Number 5.1).</p> <p>The SoCCs were also made available to view on the Horizon Nuclear Power website.</p> <p>The Applicant published notice of the SoCC's in the following newspapers:</p>

		<p><b>Stage One Consultation (Appendix A.3)</b></p> <ul style="list-style-type: none"> <li>- Daily Post: 16 September 2014</li> <li>- Holyhead and Anglesey Mail: 17 September 2014</li> <li>- Caernafon and Denbigh Herald: 18 September 2014</li> <li>- North Wales Chronicle 18 September 2014</li> </ul> <p><b>Stage Two Consultation (Appendix B.4)</b></p> <ul style="list-style-type: none"> <li>- Daily Post: 22 January 2016</li> <li>- North Wales Chronicle: 21 January 2016</li> <li>- Golwg: 22 January 2016</li> </ul> <p><b>Stage Three Consultation (Appendix C.4)</b></p> <ul style="list-style-type: none"> <li>- Daily Post: 26 April 2017 and 19 May 2017</li> <li>- Holyhead and Anglesey Mail: 26 April 2017 and 17 May 2017</li> <li>- North Wales Chronicle: 27 April 2017</li> <li>- Golwg: 27 April 2017</li> </ul> <p>Copies of all newspaper notices can also be found in Application Reference Number 1.4 of the Application.</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p>Yes.</p> <p>Page 4 of the published of the Stage One Consultation and Stage Two Consultation SoCC's (Appendix A.4 and B.5 of the Consultation Report (Application Reference Number 5.1)) confirms that the Scheme is EIA development and that the ES has been produced in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012. . Page 4 on both of the Stage One and Two published SoCC's refers to preliminary environmental information.</p>

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		Page 5 of the Stage Three Consultation published SoCC (Appendix C.5) confirms that the Scheme is EIA development in addition to providing references to the preliminary environmental information.						
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p>Yes.</p> <p>Chapter 3 of the Consultation Report (Application Reference Number 5.1) details the approach taken to consultation which demonstrates that the consultation was carried out in accordance with the published SoCC's.</p>						
<b>s48: Duty to publicise the proposed application</b>								
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	See responses to 20 below:						
	<table border="1"> <thead> <tr> <th><i>Newspaper(s)</i></th> <th><i>Date</i></th> </tr> </thead> <tbody> <tr> <td>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;</td> <td>Daily Post     19 August 2016 26 August 2016 19 May 2017 10 January 2018 15 January 2018</td> </tr> <tr> <td>once in a national newspaper;</td> <td>The Guardian     26 August 2016</td> </tr> </tbody> </table>	<i>Newspaper(s)</i>	<i>Date</i>	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Daily Post     19 August 2016 26 August 2016 19 May 2017 10 January 2018 15 January 2018	once in a national newspaper;	The Guardian     26 August 2016	
<i>Newspaper(s)</i>	<i>Date</i>							
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once in a national newspaper;	The Guardian     26 August 2016							

				19 May 2017 15 January 2018	
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette		30 August 2016 19 May – 21 May 2017 15 January 2018	
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Lloyd's List  Fishing News		25 August 2016 17 May 2017 15 January 2018  1 September 2016 18 May 2017 11 January 2018	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes. Copies of the s48 notices are contained in Appendices B.7, C.7 and E.4 of the Consultation Report (Application Reference Number 5.1) with each containing the required information as set out below:			
	Information	Paragraph		Information	Paragraph
a)	The name and address of the applicant.	Stage Two: Paragraph 1  Stage Three:	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	Stage Two: Paragraph 1  Stage Three:

		Paragraph 1  Additional Land: Paragraph 1			Paragraph 1  Additional Land: Paragraph 1
c)	a statement as to whether the application is EIA development	Stage Two :Paragraph 10  Stage Three: Paragraph 7  Additional Land: Paragraph 8	d)	a summary of the main proposals, specifying the location or route of the proposed development	Stage Two: Paragraph 4  Stage Three: Paragraph 4  Additional Land: Paragraph 4
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	Stage Two Paragraph 13  Stage Three: Paragraphs 12 and 14.  Additional Land: Paragraph 12	f)	the latest date on which those documents, plans and maps will be available for inspection	Stage Two: Paragraph 13  Stage Three: Paragraph 14  Additional Land: Paragraph 14
g)	whether a charge will be made for copies of any of the documents, plans or maps and the	Stage Two: Paragraph	h)	details of how to respond to the publicity	Stage Two: Paragraph

	amount of any charge	13 Stage Three: Paragraph 13  Additional Land: Paragraph 12			17 Stage Three: Paragraph 15  Additional Land: Paragraph 15			
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	Stage Two: Paragraph 18  Stage Three: Paragraph 16  Additional Land: Paragraph 16						
21	Are there any observations in respect of the s48 notice provided above?  <i>If there are any concerns in particular about the s48 notice, they will be noted here.</i>							

22	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 the EIA Regulations <sup>11</sup> ?	<p>Yes.</p> <p>Chapter 3 of the Consultation Report (Application Reference Number 5.1) details that the prescribed consultees and the relevant local authority were sent a copy of the section 48 notices advising that the Scheme is an EIA development at PAC 2, PAC 3 and during the Additional Land consultation. A copy of the notices are provided in Appendix B.7, C.7 and E.4 of the Consultation Report.</p>
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>Appendices A.8, B.10, C.10 and E.9 of the Consultation Report (Application Reference Number 5.1) presents a summary of the consultation feedback received in response to the s42, s 47 and s48 consultation.</p> <p>The relevant chapters also include Horizon's response to comments received during the statutory consultation and an explanation as to whether changes have been made to the proposals as a result of the consultation. Where changes have been requested but not made, Horizon have explained the reasons for this.</p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	Chapter 3 in section 3.3 of the Consultation Report (document reference 5.1) confirms that the Applicant has had regard to the guidance provided by the DCLG in " <i>The Planning Act 2008: Guidance on the pre-application process</i> ".

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

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

25	<b>Summary - s55(3)(e)</b>	Review and conclude based on evidence provided above.
<b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	Yes.  Box 4 of the Application Form (Application Document Reference 1.1) explains why the Wylfa Newydd Project falls within the remit of the Secretary of State.  Box 5 of the Application Form (Application Document Reference 1.1) provides a brief summary of the Wylfa Newydd Project, whilst Box 6 details of its location.
27	Is it accompanied by a consultation report?	Yes. The Application is accompanied by a Consultation Report (Application Reference Number 5.1).
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	Yes
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. An Environmental Statement and supporting documentation as well related documents have been submitted. The Environmental Statement has been prepared in accordance with the applicable EIA Regulations and the Scoping Opinion received from the Secretary of State.  The documents and information required by the APFP regulation 5(2) are set out in the documents and locations within the Application as listed below:

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Information		Document	Information		Document
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	Application Reference Numbers: 6.1.1 to 6.11	b)	The draft proposed order	Application Reference Number: 3.1
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	Application Reference Number: 3.4	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	Application Reference Number: 4.3
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any flood risk assessment	Application Reference Number: 5.5	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	Application Reference Number: 5.4
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	Application Reference Numbers: 4.1 and 4.2	i)	A land plan identifying:- <ul style="list-style-type: none"> <li>(i) the land required for, or affected by, the proposed development;</li> <li>(ii) where applicable, any land over which it is proposed to exercise powers of compulsory</li> </ul>	Application Reference Number: 2.2

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

				<p>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>	
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	<p>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>	Application Reference Number: 2.3	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	Application Reference Number: 2.4
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p>	Application Reference Number: 6.4.9	m)	Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (eg 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	Application Reference Number: 6.4.11

	<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>			be caused by the proposed development	
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Application Reference Number: 2.5	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	Application Reference Numbers: 2.6.1 to 2.16
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Grid Connection Statement: Application Reference Number 7.1	q)	Any other documents considered necessary to support the application.	Yes as listed in Box 30 below:
	Are they of a satisfactory standard?			Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided above?				

**Other documents considered necessary to support the application:**

Guide to the Application (Application Reference Number 1.3)

General Glossary (Application Reference Number 1.4)

s55 application checklist (Application Reference Number 1.5)

Newspaper Notices (Application Reference Number 1.6)

Mark-up of the proposed Order against model provision (Application Reference Number 3.2)

Draft Heads of Terms for Planning Obligations (Application Reference Number 3.4)

Details of other Consents, Licenses and Agreements (Application Reference Number 5.4)

Planning Statement (Application Reference Number 8.1)

Design and Access Statement - Volume 1 - Project-wide (Application Reference Number 8.2.1)

Design and Access Statement – Volume 2 - Power Station Site (Application Reference Number 8.2.2)

Design and Access Statement - Volume 3 - Associated developments and Off-Site Power Station Facilities (Application Reference Number 8.2.3)

Jobs and Skills Strategy (Application Reference Number 8.3)

Workforce Accommodation Strategy (Application Reference Number 8.4)

Workforce Management Strategy (Application Reference Number 8.5)

Wylfa Newydd Code of Construction Practice (Application Reference Number 8.6)

Main Power Station Site sub-CoCP (Application Reference Number 8.7)

Marine Works sub-CoCP (Application Reference Number 8.8)

Off-Site Power Station Facilities sub-CoCP (Application Reference Number 8.9)

Park and Ride sub-CoCP (Application Reference Number 8.10)

Logistics Centre sub-CoCP (Application Reference Number 8.11)

A5025 Off-line Highway Improvements sub-CoCP (Application Reference Number 8.12)  
Wylfa Newydd Code of Operational Practice (Application Reference Number 8.13)  
Mitigation Route Map (Application Reference Number 8.14)  
Carbon and Energy Report (Application Reference Number 8.15)  
Landscape and Habitat Management Strategy (Application Reference Number 8.16)  
Sustainability Statement (Application Reference Number 8.17)  
Health Impact Assessment Non-Technical Summary (Application Reference Number 8.18)  
Health Impact Assessment Report (Application Reference Number 8.19)  
Welsh Language Impact Assessment Non-Technical Summary (English) (Application Reference Number 8.2)  
Welsh Language Impact Assessment (Application Reference Number 8.21)  
Equality Impact Assessment (Application Reference Number 8.22)  
Community Impact Report (Application Reference Number 8.23)  
Site Selection Report - Volume 1 – Introduction and Context (Application Reference Number 8.24.1)  
Site Selection Report - Volume 2 – Wylfa Newydd Development Area (Application Reference Number 8.24.2)  
Site Selection Report - Volume 3 – Off-Site Power Station Facilities (Application Reference Number 8.24.3)  
Site Selection Report - Volume 4 – Temporary Workers’ Accommodation (Application Reference Number 8.24.4)  
Site Selection Report - Volume 5 – Park and Ride (Application Reference Number 8.24.5)  
Site Selection Report - Volume 6 – Logistics Centre (Application Reference Number 8.24.6)  
Site Selection Report - Volume 7 – A5025 Off-Line Highway Improvements (Application Reference Number 8.24.7)  
Statement of Common Ground Position Statement (Application Reference Number 8.25)  
Water Framework Directive Information to Support Article 4(7) Derogation (Application Reference Number 8.27)  
Combined Heat and Power Feasibility Study (Application Reference Number 8.28)

Phasing Strategy (Application Reference Number 8.29)		
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 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)? <sup>15</sup>	The Application is accompanied by a Shadow Habitat Regulations Assessment report and associated appendices (Application Reference Number 5.2)
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	Two full paper copies of the complete Application have been provided.
33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	The Applicant has provided all of the required Application documents and has referenced in this section any additional plans, documents and drawings prepared.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	<i>Review and conclude based on evidence provided above.</i> <i>State whether the application has been prepared to a standard that the Secretary of State considers satisfactory.</i>

## The Infrastructure Planning (Fees) Regulations 2010 (SI106)

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

**Fees to accompany an application**

35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	The Application fee of £6,939 has been paid.
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Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

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<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.