



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS Pre-application Advice

3163511 Valero Cogen Project

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Appendix 1: DNS Notices

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This advice should be read in conjunction with the Planning Inspectorate's procedural guidance on Developments of National Significance. Advice is provided on the basis of the information in the Scoping Report submitted to the Planning Inspectorate on 17 January 2017. The advice is not binding and does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to a development of this nature on this site.

1. General Requirements

Article 12 of The Developments of National Significance (Procedure) (Wales) Order 2016 ("the Procedure Order") states that applications for Developments of National Significance (DNS) must consist of the following components.

Application form

Article 12(1)(a) of the Procedure Order requires the submission of the [application form](#) published by the Welsh Ministers (or a form substantially to the like effect), including the particulars specified or referred to in the form.

Plans

The application must include a plan which identifies the land to which the application relates, and any other plans, drawings and information necessary to describe the development which is the subject of the application. Any plans or drawings must be drawn to a scale identified by the applicant and, in the case of plans, must show the direction of north.

Notice under article 6 of the Procedure Order

The application must include the notice of acceptance of notification of proposed development. The notice for the development in question was given on 7 February 2017.

Design and Access Statement

In accordance with article 14 of the Procedure Order, the design and access statement must explain the design principles and concepts that have been applied to the development; demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account; explain the policy or approach adopted as to access, and how policies relating to access in the development plan have been taken into account; and explain how any specific issues which might affect access to the development have been addressed.

Certificate required by article 17

Where an application is made, the applicant must certify, that the requirements of article 16 of the Procedure Order have been satisfied. This should be done under sections 10 and 11 of the application form published by the Welsh Ministers. Article 16 of the Procedure Order states that an applicant must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of any of the land to which the application relates, or a tenant by serving the notice on every such person whose name and address is known to the applicant. A template for the notice under Article 16 can be found in Schedule 3 of the Procedure Order, and is included in **Appendix 1**. Where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, they should give notice of the application in a newspaper circulating in the locality in which the land to which the application relates is situated.

Pre-application Consultation Report

Article 11 of the Procedure Order states that an application for a DNS must be accompanied by a pre-application consultation report which gives particulars of how the applicant complied with section 61Z of the Town and Country Planning Act 1990 (“the 1990 Act”), any response to the consultation received from persons consulted under section 61Z(3) or (4) of the 1990 Act; and the account taken of those responses. Further information on information to be included in a pre-application consultation report can be found under [Article 11\(2\) of the Procedure Order](#).

Particulars or evidence required by the Welsh Ministers

The application must include such particulars and such evidence in support of anything in or relating to the application that the Welsh Ministers think necessary, as set out in 62(3) of the 1990 Act. In light of information submitted to the Planning Inspectorate on 17 January 2017 and the related consultation responses from the local planning authority, Pembrokeshire County Council (PCC), and Natural Resources Wales, further information on particulars and evidence required by the Welsh Ministers are set out in the topic-specific sections below.

Environmental Statement

The development in question was subject to a negative screening direction on 17 January 2017, and as such an Environmental Statement will not be a requirement of the DNS application.

Secondary Consents

The application must include a written statement about secondary consents connected with the proposed application in respect of which the applicant considers a decision is to be made or should be made by the Welsh Ministers. It is noted, as suggested in Table 4.4.1 of the Scoping Report, that secondary consents are not considered probable at this stage.

Planning obligations

The application must include a written statement about the status of discussions between the applicant and PCC in respect of obligations under section 106 of the 1990 Act.

Fees

The application must be accompanied by any fee payable in respect of the initial administration of the application; and any local impact report required under section 62I(2) of the 1990 Act.

Submission format

Where an application is made by electronic communications, the applicant must on the same day as making the application deposit one hard copy of the application with the Welsh Ministers; and PCC. The applicant must, as soon as reasonably practicable, confirm that they have deposited one hard copy with PCC to the Welsh Ministers in writing.

2. Flexibility

Section 3.1.1 of the Scoping Report discusses the flexibility of the application. While it is acknowledged that a degree of flexibility is necessary for the development, and that assessments based on worst-case scenarios are acceptable, the scheme will need to be finalised before submission. As a minimum, location of the generation plant and associated components will need to be decided. Any changes to the scheme once submitted are limited to minor changes, and are likely to prolong the examination.

3. Planning Policy Framework

Current Development Plan

- Pembrokeshire County Council Local Development Plan (LDP) (up to 2021)

National planning policy and guidance

- Planning Policy Wales (PPW) (Edition 9, November 2016)
- Technical Advice Notes (TANs)

It states in Section 3.3 of the Scoping Report, that a Planning Statement and a Design and Access Statement will be prepared to support the DNS application.

The Planning Statement should be the main document for presenting the planning merits of the development, while the Design and Access Statement should present a narrative of the design evolution of the scheme and satisfy the requirements of TAN 12 (Design), rather than become an advocacy document.

4. Air Quality

The methodology for air quality assessments identified in Section 3.4 of the Scoping Report seems reasonable, provided that the responses from NRW and PCC in relation to required permits are taken into consideration.

It is recommended that an agreement on the air quality assessment should be included in Statements of Common Ground (SoCG) with NRW and PCC in order to assist the Inspector with understanding air quality issues in a timely fashion.

5. Noise and Vibration

The methodology for the noise assessment identified in Section 3.5 of the Scoping Report seems reasonable, provided that the responses from NRW and PCC are taken into consideration (in particular in relation to noise travelling across Angle Bay with very little noise attenuation, affecting the settlement of Angle).

It is noted that vibration effects will be scoped out of the assessment. Although this seems reasonable, the final noise assessment should make it clear as to why vibration effects are scoped out.

It is recommended that an agreement on the noise and vibration assessment should be included in SoCGs with NRW and PCC in order to assist the Inspector with understanding noise and vibration issues in a timely fashion.

6. Geology, Hydrogeology and Hydrology

The approach to ground conditions, flood risk and climate change identified in Section 3.6 of the Scoping Report seems reasonable, provided that the responses from NRW and PCC are taken into consideration.

It is recommended that an agreement on the approach to geology, hydrogeology and hydrology should be included in SoCGs with NRW and PCC in order to assist the Inspector with understanding those issues in a timely fashion.

7. Traffic and Transport

The methodology for the transport assessment identified in Section 3.7 of the Scoping Report seems acceptable, and it is considered reasonable that a Travel Plan would not be required to support the DNS application.

8. Landscape and Visual

Due to the likely scale of the development, and its location, the proposed methodology in relation to the landscape and visual impact assessment (LVIA), including the study area and viewpoints identified in Section 3.8 of the Scoping Report seems reasonable. However, as noted by NRW, the study area for the LVIA will need to be confirmed once aspects such as the stack height are confirmed.

It is recommended that an agreement on the LVIA should be included in SoCGs with NRW and PCC in order to assist the Inspector with understanding landscape and visual issues in a timely fashion. It is welcomed that under paragraph 3.8.3 of the Scoping Report, it is proposed that consultation will also take place with Pembrokeshire Coast National Park Authority in relation to viewpoints used in the LVIA.

9. Setting of Cultural Heritage Assets

The approach to assessing the effect on the historic environment (i.e. the LVIA to include an assessment of potential effects on the setting of cultural heritage assets rather than a standalone cultural heritage assessment) identified in Section 3.9 of the Scoping Report is acceptable. The viewpoints chosen for the LVIA provide a good representation of views from nearby cultural heritage assets that should allow for an adequate assessment of potential effects on the setting of those assets.

It is noted that Cadw did not comment on the Scoping Report; however, it is recommended that an agreement on the LVIA (in particular the relevant sections on the setting of cultural heritage assets) should be included in a SoCG with Cadw in order to assist the Inspector with understanding cultural heritage issues in a timely fashion.

10. Ecology and Nature Conservation

The methodology for ecological assessments identified in Section 3.10 of the Scoping Report seems reasonable, provided that the response from NRW is taken into consideration.

The competent authority for determining the DNS application (the Welsh Ministers) will need to have regard to The Conservation of Habitats and Species Regulations 2010, and undertake an appropriate assessment of the implications for European sites. For DNS applications, the competent authority will be given a recommendation by the appointed Inspector. As noted by NRW in their response to the Scoping Report, an applicant for a DNS must provide the competent authority with such information as may reasonably be required for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. The applicant should therefore submit that information in a Habitats Regulations Assessment Report (HRA Report). The HRA Report should include a SoCG (or an extract from a SoCG) with NRW in relation to any likely significant effects on nearby European sites (as identified in Table 3.4 of the Scoping Report).

It is also recommended that an agreement on wider ecological issues should be included in SoCGs with NRW and PCC in order to assist the Inspector with understanding ecological issues in a timely fashion.

11. Other Topics

It is accepted that, based on the available information, the following topics can be scoped out of the assessment (as identified in Section 3.11 of the Scoping Report):

- Direct effects on cultural heritage
- Socio-economics
- Waste
- Natural Resources

12. Cumulative Effects

The methodology for assessing cumulative effects identified in Section 3.12 of the Scoping Report is reasonable on the whole. The cumulative schemes identified in Table 3.7 are acceptable, although consideration should also be given to effects in combination with existing activities within the wider development site.

It is noted that Table 3.7 identifies a potential for cumulative noise effects in combination with Egnedol Biomass energy facility, but Table 3.5 suggests that cumulative noise effects are scoped out of the assessment. Where a potential for cumulative effects has been identified, these effects should be included in the relevant assessments accompanying the DNS application.

13. Consultation

The approach to consultation set out in Section 4 of the Scoping Report seems acceptable, and would meet the minimum requirements for consultation set out in the Procedure Order. The draft application documents described in Section 4.3 of the Scoping Report should include all information necessary for consultees to make an informed response to the proposed application. If there are significant changes to the scheme as a result of the consultation, then it may be necessary for an additional consultation period in relation to the revised scheme.