



GREEN GEN CYMRU RHIWLAS GRID CONNECTION

PEDW PRE-APPLICATION

SIP CAS-02913-L1W3K0

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Proposed Documentation and Application Approach for Statutory Pre-Application Consultation and Infrastructure Consent Order Submission

1.1 Purpose

Green GEN Cymru (GGC) (the Applicant) is preparing for statutory Pre-Application Consultation (PAC) under the Infrastructure (Wales) Act 2024. Through this request, the Applicant seeks PEDW's confirmation of the proposed suite of documents to be made available during PAC and subsequently those to be submitted as part of the Infrastructure Consent Order (ICO) application submission. In particular, as the Applicant intends to seek compulsory acquisition powers through the ICO, it would welcome clarification on the extent to which documents typically associated with compulsory purchase processes are expected to be available at PAC stage and, where relevant, the degree of maturity required.

The Applicant also seeks PEDW's clarification on a number of procedural and application-related matters, having regard to the relevant legislation and guidance. As the ICO regime remains relatively new and there is limited established practice around the implementation of certain aspects of the process, the Applicant would welcome PEDW's views on consultation requirements, compulsory acquisition, land interests and other application matters where additional certainty, interpretation or practical guidance would assist applicants in preparing proportionate and legally robust submissions.

1.2 Proposed Draft Documents published for PAC

The purpose of PAC is to provide consultees with sufficient information to understand the proposed development, its likely environmental effects and the powers proposed to be sought, enabling meaningful representations to be made prior to the formal submission of an ICO application.

On that basis, the Applicant proposes that the following documents will be made available during statutory PAC in draft form (full suite provided in **Annex 1**):

- the draft Infrastructure Consent Order;
- draft plans;
- draft Environmental Statement;
- technical assessments;
- design documents; and
- supporting planning documentation.

These documents are intended to inform consultation and may be refined following consideration of consultation responses.



Further to the above, there are a number of other documents are more appropriately prepared and finalised at *submission* stage, as they are dependent upon completion of land referencing, negotiations, environmental surveys and finalisation of the proposed Order.

These include:

- Book of Reference;
- Statement of Reasons supporting compulsory acquisition;
- Funding Statement;
- Crown Land Information; and
- other documents dependent upon completion of land referencing or finalisation of the Order i.e PAC Consultation Report.

The Applicant considers that these documents fall outside the core purpose of statutory PAC and are more appropriately prepared at application stage. As they are dependent upon matters that continue to evolve through consultation, land referencing, negotiation and detailed project development, requiring their preparation for PAC would risk imposing a disproportionate burden without materially assisting consultees in understanding the proposed development or providing informed representations.

The Applicant therefore considers that publication of these documents is not necessary to fulfil the purpose of statutory PAC and that they should instead be finalised and submitted as part of the ICO application.

1.3 Request to PEDW

The Applicant would welcome PEDW's confirmation that:

- a) the proposed approach and supporting document suite found in **Table 1.1** at **Annex 1** of this request are appropriate and proportionate for the purposes of the statutory PAC and the ICO application process under the Infrastructure (Wales) Act 2024. Explicitly, we would be grateful for confirmation that the above 'CPO' documents are not required for PAC. The Applicant would also welcome any advice on whether additional documents or supporting information should be provided at either the PAC or application stage beyond those highlighted by this note in **Annex 1**.
- b) In addition, the Applicant would appreciate PEDW's views on the queries set out below, which seek clarification on a number of procedural, consultation and application-related matters.

Clarifications Sought

Application Deliverables

Query 1: Schedule of Negotiations

Does PEDW expect a Schedule of Negotiations (or equivalent landowner negotiations tracker) to form part of a compulsory acquisition application? Neither the SIP application guidance nor the Compulsory Acquisition Regulations appear expressly to require one, although such documents are frequently relied upon within the English DCO regime.



Query 2: Validation Report

There does not appear to be an express legislative requirement for a Validation Report. Does PEDW nevertheless expect applicants to submit a validation report to demonstrate that the ICO has been prepared according to accepted standards of statutory drafting?

Query 3: Green Infrastructure Statement and Net Benefit for Biodiversity

Unlike the DNS regime, the SIP guidance does not appear to identify either a Green Infrastructure Statement or a Net Benefit for Biodiversity assessment as a mandatory application document. Can PEDW confirm whether these documents are nevertheless expected as part of a SIP application and, if not, how biodiversity enhancement and green infrastructure considerations should be presented within the application documentation?

Consultation Requirements and Land Interest Information

Query 4: Availability of Consultation Documents

The Applicant's understanding is that the Regulations do not require hard copies of consultation documents to be made available, provided consultation materials identify a location (such as a library) where members of the public can access the documents electronically. Can PEDW confirm whether this interpretation is correct for the purposes of statutory PAC?

Query 5: Draft Environmental Statement at PAC Stage

The Applicant proposes to publish a *draft* Environmental Statement (ES) as part of the PAC process, containing sufficient information to enable consultees and the public to understand the likely significant environmental effects of the proposed development and provide informed representations. We would reiterate that linear infrastructure projects of this nature are inherently complex, involving extensive landownership interests, ongoing design refinement and route optimisation, and survey programmes that are often constrained by seasonal requirements. In addition, the Applicant has experienced programme constraints associated with the Judicial Review of the use of section 172 powers, which has affected the ability to secure access for certain surveys.

As a result, whilst the draft ES will contain sufficient information to support meaningful consultation, it may be necessary to supplement or "top up" elements of the environmental baseline and associated assessments prior to submission of the final ICO application as further survey data becomes available. Any limitations, assumptions, areas of uncertainty or outstanding survey work will be clearly identified within the draft ES, together with an explanation of the reason for the limitation, the status of the relevant work and the anticipated approach to addressing it prior to application submission. The Applicant would ensure that consultees and the public are provided with a transparent understanding of both the available evidence base and any remaining survey or assessment work, enabling informed representations to be made during PAC.

The Applicant would welcome PEDW's confirmation that the proposed approach to the preparation and consultation of the draft ES, including the transparent identification of any outstanding survey work, limitations or assumptions and the completion of further survey



work prior to application submission where necessary, is consistent with PEDW's expectations for statutory PAC.

The Applicant would also welcome confirmation of PEDW's expectations regarding the level of survey completion and assessment maturity required before PAC is commenced.

Query 6: Cross-Referencing Pre-Application Representations

The application requirements include a document cross-referencing pre-application representations with the Book of Reference. Can PEDW confirm the level of information applicants are expected to retain during PAC to enable this requirement to be discharged and whether a prescribed format is intended?

Query 7: Section 28 Land Interest Notices

The guidance on obtaining information about interests in land suggests that Section 28 powers may be used to facilitate compliance with statutory pre-application requirements. Does PEDW expect applicants to have exhausted the section 28 process before commencing PAC where ownership information cannot be obtained voluntarily, or can statutory consultation proceed whilst section 28 processes remain ongoing?

Query 8: Publication of Land Documents during PAC

Regulation 6 of the Pre-Application Regulations requires publication of draft plans and documents necessary to describe the development, but does not expressly require publication of CA plans, land plans or a draft Book of Reference. For a project proposing compulsory acquisition powers, which land documents does PEDW expect to be published on the consultation website and which may instead be used solely for consultation with affected land interests?

Query 9: Draft ICO maturity at PAC stage

The guidance requires publication of a draft ICO and draft Explanatory Memorandum during consultation. What degree of drafting maturity does PEDW expect for those documents at PAC stage, particularly where land rights, protective provisions and deemed consents remain under development?

Query 10: Non-Statutory Consultation

The legislation and guidance prescribe landowner consultation requirements at the statutory pre-application consultation stage but do not appear to address equivalent requirements during non-statutory consultation. Can PEDW confirm whether any particular level of land referencing or landowner engagement is expected prior to commencement of the statutory consultation process?

Query 11: Draft Details of Community Benefit

We note the requirement for draft details of community benefits to be made available as part of the PAC process. Could PEDW please confirm whether this requirement is intended solely for generation projects or whether it applies more broadly to all ICO developments? If the latter, given the nature of our project, we would propose taking a broader view of



community benefits, encompassing wider social, environmental and economic outcomes, and would welcome confirmation that this approach aligns with PEDW's expectations.

Book of Reference and Land Referencing Requirements

Query 12: Book of Reference at PAC stage

Regulations 5 and 6 of the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 require consultation of known interested persons, whilst Regulation 9 requires submission of a Book of Reference as part of the application. However, the Regulations do not expressly require publication of a draft Book of Reference during PAC. Can PEDW confirm whether a draft Book of Reference (or equivalent land interests document) is expected to form part of the PAC documentation package and, if so, what level of detail is required?

Query 13: Level of land referencing required before PAC

For the purposes of Regulations 5 and 6 of the Compulsory Acquisition Regulations, what level of land referencing and ownership identification is expected to have been completed before statutory consultation commences? Is it sufficient for applicants to have undertaken reasonable enquiries and consulted all identified interests at that point, with further refinement occurring prior to application submission? Similarly, does PEDW expect land parcels used during PAC consultation materials to correspond directly with the parcel referencing system adopted in the final Book of Reference and compulsory acquisition plans, or is further refinement of parcel references between PAC and submission acceptable?

Query 14: Treatment of unidentified interests

Where diligent inquiry has been undertaken but ownership or other interests cannot be fully identified before PAC commences, does PEDW consider statutory consultation may proceed provided reasonable endeavours have been undertaken and any subsequently identified interests are consulted in accordance with Regulation 7 of the Compulsory Acquisition Regulations?



Annex 1: Rhiwlas SIP Proposed Deliverables

Table 1.1: Proposed Deliverables for PAC & ICO Submission

Document	PAC	ICO Submission	Comments
Application Form	✓ (Draft)	✓	
Non-technical description of the proposed development	✓ (Draft)	✓	
Notice of Acceptance given by the Welsh Ministers	✓	✓	
Infrastructure Consent Order (English & Welsh)	✓ (Draft)	✓	
Guide to Application / Cross Referencing Document	×	✓	
Explanatory Memorandum (English & Welsh)	✓ (Draft)	✓	
Draft details of the Community Benefits / Wellbeing Statement	✓ (Draft)	✓	If required by PEDW.
Draft Requirements	×	✓	Subject to refinement following technical discussions.
Protective Provisions	×	✓	Subject to ongoing discussions with statutory undertakers and affected bodies.
Site Location Plan	✓	✓	Fixed for consultation.
Application Suite of Drawings	✓ (Draft)	✓	
Works Plans	✓ (Draft)	✓	Minor amendments may arise following consultation.
Land Plans	×	✓	May evolve following land



Document	PAC	ICO Submission	Comments
			negotiations and design refinement.
Cross-sections	×	✓	
Details of Consultation Events	✓	×	
Access Plans	✓ (Draft)	✓	Refined as necessary.
Rights of Way Plans (where applicable)	×	✓	Updated where required.
Engineering Drawings	✓ (Draft)	✓	Sufficient detail for consultation.
Design and Access Statement	✓ (Draft)	✓	Reflects consultation outcomes where appropriate.
Green Infrastructure Statement & NBB	✓ (Draft)	✓	If required by PEDW.
Planning Statement	✓ (Draft)	✓	Policy assessment updated where necessary.
Environmental Statement (including Appendices & Figures)	✓ (Draft)	✓	Consulted upon during PAC.
Non-Technical Summary	✓ (Draft)	✓	Updated to reflect final ES.
Shadow Habitats Regulations Assessment	×	✓	Where required.
Flood Consequences Assessment	✓ (Draft)	✓	Where required.
Outline Construction Environmental Management Plan	✓ (Draft)	✓	Refined through design development.
Outline Landscape and Ecological Management Plan	✓ (Draft)	✓	Updated following consultation where necessary.



Document	PAC	ICO Submission	Comments
Outline Construction Traffic Management Plan	✓ (Draft)	✓	Refined following consultation and highway discussions.
Outline Soils Management Plan	✓ (Draft)	✓	Updated as design develops.
Outline Habitat Management Plan	✓ (Draft)	✓	Updated as design develops.
Consultation Materials	✓	✗	Produced specifically for PAC.
Pre-Application Consultation Report	✗	✓	Prepared following completion of PAC.
EMF Fact Sheet	✗	✓	Application document.
Book of Reference	✗	✓	Application document prepared following completion of land referencing.
Statement of Reasons (Compulsory Acquisition)	✗	✓	Application document reflecting final land requirements and acquisition strategy.
Funding Statement	✗	✓	Application document.
Crown Land Information	✗	✓	Application document following confirmation of land interests.
Certificates and Statutory Notices	✗	✓	Submitted with application.
Schedule of Negotiations (where applicable)	✗	✓	Application document.



Document	PAC	ICO Submission	Comments
Draft other Consents Statement	×	✓	Application document.
Statement of Common Ground	✓ (Draft) (where available)	✓	Continued throughout examination where necessary.