



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Our Ref: 130516_EN010055_further
info

Date: 20 May 2013

Dear [REDACTED]

By email only

SECTION 53: THE PLANNING ACT 2008 PROPOSED WREXHAM ENERGY CENTRE ("the proposed development") WREXHAM POWER LIMITED ("the Applicant")

The Planning Inspectorate has now had the opportunity to consider your requests made on 19 December 2012 for rights to enter land under section 53 of the Planning Act 2008 (as amended) ('the Act') for the purpose of surveying and taking levels in relation to the proposed development. This letter refers to the following authorisation requests:

- Land Parcel 1 – unregistered land (termed '**Authorisation Request 1**' by the Planning Inspectorate)
- Land Parcel 2 – unregistered land (termed '**Authorisation Request 2**' by the Planning Inspectorate)
- Land Parcel 3 – registered title number WA655857 (termed '**Authorisation Request 3**' by the Planning Inspectorate)
- Land Parcel 4 – registered title number CYM413391 (termed '**Authorisation Request 4**' by the Planning Inspectorate)
- Land Parcel 5 – registered title number CYM165549 (termed '**Authorisation Request 5**' by the Planning Inspectorate)
- Land Parcel 6 – registered title number CYM123301 (termed '**Authorisation Request 6**' by the Planning Inspectorate)
- Land Parcel 7 – unregistered land (termed '**Authorisation Request 7**' by the Planning Inspectorate)

Payment of the authorisation fee

The Planning Inspectorate acknowledges receipt of [REDACTED] received by the Planning Inspectorate on 4 April 2013 and confirms that this is the correct payment for the number of section 53 authorisation requests made.

Landowner notification of section 53 authorisation requests

The Planning Inspectorate notes that letters dated 2 April 2013 have been sent to each of the landowners identified for the seven authorisation requests, and/or their agents, notifying them that a section 53 authorisation request has been made to the Secretary of State in relation to their land. In accordance with the deadline of 24 April 2013 stated in each of the notification letters, the Planning Inspectorate originally gave each of the landowners the opportunity, until the expiry of this deadline, to provide comments to the Planning Inspectorate on the authorisation requests. However as all the landowners affected requested an extension to the deadline the Planning Inspectorate wrote to the landowners or their representative extending the deadline for response until the 8 May 2013.

Within this time period, the Planning Inspectorate received the following correspondence:

- (i) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 1 (dated 2 May 2013)
- (ii) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 2 (dated 2 May 2013)
- (iii) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 3 (dated 2 May 2013)
- (iv) Letter from Forge Property Consultants on behalf of [REDACTED] and [REDACTED] and the [REDACTED] [REDACTED] Ltd regarding Authorisation Requests 4 and 5 (dated 2 May 2013)
- (v) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 6 (dated 2 May 2013)
- (vi) Letter from Forge Property Consultants on behalf of [REDACTED] and [REDACTED] regarding Authorisation Request 7 (dated 2 May 2013)

Copies of these letters are attached to this letter. Please could you provide to the Planning Inspectorate any response you wish to make to the above correspondence by no later than **10 June 2013**. Please note that we have asked Forge Property Consultants to clarify one of the comments made in these letters and have asked them to provide a response by **10 June 2013**. A copy of this letter is attached.

Request for further information

The Secretary of State may only authorise entry onto land if the requests can be properly justified. In order to assess the authorisation requests made by the Applicant under section 53 of the Act, the Planning Inspectorate requires additional information and clarification as set out below.

Demonstrating reasonable efforts and last resort

The Secretary of State needs to be satisfied that the Applicant has made all reasonable efforts to agree access to land for the purpose of undertaking surveys and that the authorisation request is a last resort. The Planning Inspectorate therefore requests that the following further information and points of clarification be provided by the Applicant: -

Authorisation requests 1-7

It is not entirely clear from the copies of correspondence, meeting notes etc.

contained within Tabs 9.1-9.7 of the application documents precisely when requests for access for the purposes of carrying out ecological surveys were actually made. Some of the earlier meetings and letters appear to deal with land referencing rather than access requests. For each authorisation request please confirm (referenced to the appropriate document in the relevant Tab):

- i) The date when access for the purposes of carrying out ecological surveys was specifically requested.
- ii) The date when the specific areas of land covered by the section 53 application requests was identified to Landowners.

Authorisation request 2

The letter to [REDACTED] dated 7 December 2012 (addressed 'To whom it may concern') is included in the application documents (Tab 9.7) under a tab labelled '7 January 2013'. Please could you confirm when this letter was sent to [REDACTED].

Draft conditions

We note that the application documents include draft conditions to be attached to the authorisation as advised by Advice Note 5. However, should any authorisations under section 53 be granted, the Planning Inspectorate is minded to attach the conditions shown in the attached document. Please provide any comments you have on these proposed conditions.

Please provide the requested information by **10 June 2013**. Provided satisfactory replies have been received by this date, the Planning Inspectorate will move to make a recommendation to the Secretary of State regarding the authorisation requests, on the basis of the information which has been provided.

If there are any queries regarding the contents of this letter, please contact Helen Lancaster on 0303 444 5000.

Yours sincerely,

Helen Lancaster

Senior EIA and Land Rights Advisor

cc Sarah Merritt, Pinsent Mason

Enclosed:

- (i) Letter dated 7 May 2013 from [REDACTED]
- (ii) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 1 (dated 2 May 2013)
- (iii) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 2 (dated 2 May 2013)
- (iv) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 3 (dated 2 May 2013)
- (v) Letter from Forge Property Consultants on behalf of [REDACTED] and [REDACTED] and the [REDACTED] regarding Authorisation Requests 4 and 5 (dated 2 May 2013)
- (vi) Letter from Forge Property Consultants on behalf of [REDACTED] regarding Authorisation Request 6 (dated 2 May 2013)

- (vii) Letter from Forge Property Consultants on behalf of [REDACTED] and [REDACTED] regarding Authorisation Request 7 (dated 2 May 2013)
- (viii) Letter to [REDACTED] dated 20 May 2013 seeking clarification of comments
- (ix) Draft licence conditions

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.