



Department for
Business, Energy
& Industrial Strategy

Wrexham Power Limited, Wales and West Utilities, SP
Manweb plc/Scottish Power Energy Networks, Mr Gerard
Owen & Earthworm Energy Limited
(BY E-MAIL)

**Department for Business, Energy &
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8 May 2017
Our ref: EN010055

Dear Sir/Madam,

**Planning Act 2008 and The Infrastructure Planning (Examination
Procedure) Rules 2010**

**Application by Wrexham Power Limited (“the Applicant”) for an Order
granting Development Consent for the Wrexham Energy Centre project**

**REQUEST FOR COMMENTS FROM THE APPLICANT AND OTHER
ADDRESSEES ON THE APPLICATION FOR THE PROPOSED WREXHAM
ENERGY CENTRE PROJECT**

Following the completion of the examination on 19 January 2017, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 18 April 2017. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are issues relating to the compulsory acquisition (CA) and temporary possession (TP) powers sought by the Applicant on which the Secretary of State would be grateful if parties identified in bold could provide further clarification and information:

Wales and West Utilities (WWU) objection and proposed DCO Protective Provisions

The Secretary of State notes that although not objecting in principle, in order not to prejudice its ongoing operations and ability to provide a secure perimeter for its existing Maelor Gasworks site, WWU objected in respect of the CA of land, rights and TP at and surrounding the site, subject to negotiations on protective provisions (i.e. to be included in any Development Consent Order (DCO) that may be granted by the Secretary of State) and also a commercial lease agreement.

The Secretary of State understands that whilst a final design review by WWU for its critical national infrastructure was not yet complete, it was content that this would not impinge on the intended Wrexham Power Lease area or above ground installation (AGI) compound footprint. A 4m strip was identified adjacent to the boundary between the intended lease area and the existing Maelor Gasworks perimeters during the ExA's examination where measures to enable the operation of perimeter surveillance equipment may be required. On that basis it is understood that the Applicant would prepare a commercial lease and protective provisions and that WWU would withdraw its objection to CA and TP.

It is noted that the Applicant provided an updated Land Plan [REP9-006] in which the land subject to CA for the AGI is identical to the lease area shown on 'WWU PSUP Exclusion Zone' plan annexed to its written representation [REP8-003]. The Secretary of State understands that the Applicant also agreed to amend the definition of "specified works" to provide for the 4m surveillance strip within the lease area in Article 2(1) of the relevant protected provisions of its preferred draft DCO [submitted at examination Deadline 9 and available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010055/EN010055-001588-EN010055%20WPL%203.1%20Draft%20Order%20Revision%207.pdf>].

However, it is noted that WWU did not confirm its agreement to the above change. Nor did it prove possible to agree the final form of protective provisions benefitting WWU before the end of the examination. As such, the statutory undertaker's objection is outstanding. For these reasons, and without prejudice to his decision on the DCO application, the Secretary of State should be grateful if **the Applicant** would provide:

- i) a final form of protective provisions in Schedule 9 Part 6 of the draft DCO; and
- ii) a definition of "specified works".

The above should also be copied to WWU as a matter of urgency and by Monday 15 May 2017 at the latest in order that it can also offer its view by the close of the consultation period specified below (i.e. by 24 May 2017).

The Secretary of State also seeks confirmation from **the Applicant** and **WWU** that the outstanding objection has been withdrawn.

SP Manweb plc/SPEN proposed DCO Protective Provisions

The Secretary of State understands that SP Manweb plc/SPEN played no active role in the examination beyond its written representation of 11 July 2016 [REP1-021]. Whilst noting that its expectation at that time was of a positive conclusion on negotiations in relation to CA and TP, rights, a grid connection agreement for the application proposal, effects on installed apparatus and protective provisions, these matters have not been addressed in a final written submission or withdrawal of its representations. Although noting the representations do not amount to an objection to CA, without prejudice to his decision on the application, the Secretary of State should be grateful if **the Applicant** and **SP Manweb plc/SPEN** would provide confirmation that the protective provisions in Schedule 9 Part 5 of the Applicant's preferred draft DCO are agreed [available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010055/EN010055-001588-EN010055%20WPL%203.1%20Draft%20Order%20Revision%207.pdf>].

Consented Solar Farm/Pickhill Bridge Farm

The Secretary of State notes that proposed gas connection alignment passes across land owned by Mr Owen on which planning permission has previously been granted to Earthworm Energy Ltd to develop and operate a solar farm. It is understood the permission is in the process of being implemented and construction commenced shortly before the end of the examination. It is also understood that the Applicant, Mr Owen and Earthworm Energy Ltd were engaged in the preparation of a commercial agreement, under which a diversion could route the gas connection alignment away from the solar farm and negate the need to dismantle it (or part of it) should development consent be granted. The Secretary of State also notes that this route realignment would require a further grant of planning permission pursuant to the Town and Country Planning Act 1990. In the circumstances, the Secretary of State should be grateful if **the Applicant, Mr Owen** and **Earthworm Energy Limited** would provide an update on:

- i) construction of the consented Solar Farm;
- ii) the commercial agreement referred to above for the diversion of the gas connection (including confirmation by **the Applicant** that any commercial agreement in place for the realignment negates the need for the CA and TP powers sought at plots GC12,GC12A and GC12B); and
- iii) any further planning permission application made under the Town and Country Planning regime and, if so, its current status.

The deadline for responses is Wednesday 24 May 2017.

Response should be submitted by email to: WrexhamEnergy@pins.gsi.gov.uk

Please also send any hard copy response to the Wrexham Energy Centre Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

Responses will be published on the Wrexham Energy Centre project page of the National Infrastructure Planning website as soon as possible after 24 May 2017.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Wrexham Energy Centre project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott
Head of Energy Infrastructure Planning and Coal Liabilities