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Your Ref:

Our Ref: EN010059

Date: 9 January 2015

Dear Sir / Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 8(3) and Rule 17

Application by Hirwaun Power Limited for an Order Granting Development Consent for the Hirwaun Power Station

Request for information from the Applicant, Hirwaun Power Limited

I have made a procedural decision for further written questions; **these are directed towards the Applicant**. May I request that you provide full and clear answers to all questions relevant to their circumstances. I will be most grateful for your commitment in this regard.

Even though all the questions in this letter are directed towards the applicant, you may nevertheless choose to answer them if an answer would be relevant to the issues that concern you

1. CA3-01 to **the applicant**

Paragraph 25 of the DCLG '[Guidance related to procedures for the compulsory acquisition of land](#)' states that *"Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail....."*

Please can you provide a chronological table or tables summarising the discussions and correspondence that has taken place between the applicant and each of the Affected Persons with a view to avoiding the need for the exercise of compulsory powers. The table or tables will be published on the Hirwaun Power Station project pages of the National Infrastructure website; commercial and/or confidential details need not be given.

2 CA3-02 to **the applicant**

Please provide an update to Doc ref WSCPO - Appendix 1, Rev 1 "*Schedule of landowner negotiations as at 13 November 2014*" which was part of your written response to the ExA 2nd round question CA2-01.

3 CA3-03 to **the applicant**

In Revision 3 of the Book of Reference, the Welsh Government's interests in some plots have been relocated from Part 2 (Category 3) and Part 3 (Easements or other private rights proposed to be interfered with, suspended or extinguished) to Part 4 (Crown interests). These are plots numbered 1_MS to 7_MS inclusive) in the Main Site, and plot 4_ER in the Electrical Connection [PD-017].

- (a) This appears to recognise that, by s135(1) PA 2008, the DCO, if made, cannot authorise the compulsory acquisition of those Crown interests.

Can the applicant confirm the position?

- (b) Paragraph 5 of Annex B to the DCLG '[Guidance related to procedures for the compulsory acquisition of land](#)' states that "*Section 135(2) of the Planning Act allows a development consent order to include any provision which applies "in relation to Crown land or rights benefiting the Crown", but only if the appropriate Crown authority consents to the inclusion of the provision. These provisions could include, for example, a power to use Crown land temporarily for construction or maintenance of a project.....*".

Can the applicant provide evidence that the Welsh Government has given express consent to the terms of the latest draft of the DCO which relate to its interests?

4 DCO3-01 to **the applicant**

Can the applicant provide an update on the current status of the negotiations for the S106 Agreement relating to:

- Power Station Habitat Management;
- Bat Mitigation; and
- Emissions monitoring

5 DCO3-02 to **the applicant**

Can the applicant provide a definition of "rated electrical output" in gross and net terms?

Responses to these written questions should be received no later than **Friday 16 January 2015**.

If you have any further queries, please do not hesitate to contact the case team.

Yours faithfully

Martin Broderick

Martin Broderick
Examining Authority

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.