



Your Ref:

Our Ref: EN010059

Date: 8 June 2015

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Dear Sir/Madam

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

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

**REQUEST FOR COMMENTS FROM THE APPLICANT, THE WELSH GOVERNMENT,  
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL AND OTHER INTERESTED  
PARTIES ON THE APPLICATION FOR THE PROPOSED HIRWAUN POWER  
STATION- EN010059**

Following the completion of the examination on 23 January 2015, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Energy and Climate Change on 23 April 2015. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are several issues on which the Secretary of State should be grateful if parties identified in bold, and any other parties who wish to comment, could provide an update or further clarification. The issues are grouped by topic heading:

**1. Gas and Electrical Connection**

The Secretary of State notes the applicant's arguments as to why it considers that the gas and electrical connections are integral to the Hirwaun Power Station. Subject to any further information received through this consultation, the Secretary of State is minded to exclude the gas and electrical connections from a Development Consent Order (DCO) that she may grant for the Hirwaun Power Station. Given the limited definition of "associated development" in Wales, for the gas and electrical connections to be included in the DCO, they need to be an integral part of the generating station.

While the Secretary of State appreciates that the gas and electrical connections will be necessary for the project, she currently does not consider that they are integral to the generating station. In forming this initial view, the Secretary of State has taken into

account, among other things:

- relevant previous development consent decisions;
- relevant case law;
- the fact that in England such connections are typically treated as “associated development” (rather than development for which development consent is required), therefore indicating that they are not integral; and
- the fact that the gas and electrical connections extend beyond the obvious site boundary (being approximately 900m and 686m in length respectively).

In order to inform her final decision in relation to the gas and electrical connections, the Secretary of State invites views on this issue from the **applicant**, the **Welsh Government** and any other interested parties.

In connection with this, the Secretary of State would like a response to the following from the **applicant**:

- If, following consideration of any further information received through this consultation, the Secretary of State considers that the gas and electrical connections should not be included in the DCO, what consequential amendments would need to be made to the DCO? In addition to knowing what consequential amendments are necessary, it would be helpful for the Secretary of State to see the consequential amendments reflected in a revised draft DCO (and revised versions of anything else that would need to be updated, including a revised book of reference).

## **2. Section 135 Crown Consent**

The Secretary of State notes that while the applicant is not compulsorily acquiring the rights of the Crown, the DCO makes reference to the exclusion of land owned by the Crown. Consent under section 135(2) of the Planning Act is required for the inclusion of the provisions excluding land owned by the Crown within the DCO. The Secretary of State requests the **Welsh Government** to provide a copy of the section 135 consent.

## **3. Ordinary Water Consent**

The Secretary of State notes the applicant’s and Rhondda Cynon Taf County Borough Council’s (RCT) representations during the examination regarding the Ordinary Water Consent (OWC) which may be required in relation to Work No. 2G in the Draft DCO. However, in order to inform her decision making, the Secretary of State requests that the **applicant** and **RCT** provide:

- an update on the current status of discussions as regards the OWC; and
- without prejudice to the determination of any application for an OWC that may be submitted to RCT, confirmation from **RCT** as to whether or not any evidence has been presented that would suggest that the OWC should not be granted.

## **4. Protective Provisions**

The Secretary of State notes that the Protective Provisions to cover South Wales Electricity Limited (SWEL), Wales and West Utilities (WWU) and British Telecommunications plc (BT) were not in an agreed version by the close of the examination period and that SWEL, WWU and BT did not have any engagement with the Applicant. The Secretary of State requests the **applicant** provides an update on this and confirms whether these matters have now been agreed and if not when it is expected that they might be agreed.

**The deadline for any response is 19 June 2015.**

Responses to the points outlined in this letter should be submitted by email to [hirwaun@infrastructure.gsi.gov.uk](mailto:hirwaun@infrastructure.gsi.gov.uk) . Please send any hard copy response to Hirwaun Power Station Project Team, Secretary of State for Energy and Climate Change, c/o the Planning Inspectorate, Eagle Wing 3/18, 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.

Your response will be published on the Hirwaun Power Station project page of the National Infrastructure website as soon as possible after 19 June 2015.

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

Yours faithfully

***Giles Scott***

Giles Scott  
Head of National Infrastructure Consents