



Planning Inspectorate Reference No. EN020014

Document reference: SPM NWWFC ExA2 Appendices - 11.2(a)

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Second Round Written Questions - Appendix 11.2(a)



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BY EMAIL

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6 November 2015

WITHOUT PREJUDICE

Dear Mr Turnbull

**SP MANWEB PLC - NORTH WALES WIND FARM CONNECTION - APPLICATION FOR A
DEVELOPMENT CONSENT ORDER
PROTECTIVE PROVISIONS
OUR CLIENT: SP MANWEB PLC ("SPM")**

We refer to the above matter and confirm that we continue to act for SPM.

As you are aware, SPM is proposing to construct, install and maintain an approximate 17.4 km overhead electricity line from Clocaenog Forest to a terminal point to the south of St Asaph ('**proposed development**'). SPM has applied to the Secretary of State for Energy and Climate Change for a development consent order to authorise the proposed development. The Secretary of State has appointed an examining authority ("**Examining Authority**") to consider SPM's application over a period of 6 months (which will conclude on 28 January 2016).

We write in relation to SPM's proposal to include protective provisions in the draft Development Consent Order ("**DCO**") for the purposes of protecting BT Openreach's assets from damage and service interruption that may result from the proposed development, construction of the proposed development or subsidence resulting from those works.

We understand that your colleague, Norman Morton, provided you with a copy of the draft protective provisions on 18 August 2015 for your approval. We also understand that you responded to Mr Morton's request as follows:

"These provisions are fine. To note; and alterations will be under Para 23 of the Code. No cost share".

Mr Morton subsequently forwarded this correspondence to Jake Dabscheck of our office on 1 September 2015 for consideration.

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The Examining Authority has issued a series of questions that SPM is required to respond to as part of the examination process. One such question, issued on 27 October 2015, is in relation to the draft protective provisions for the benefit of BT Openreach. It provides that:

"Appendix 3 to the Applicant's written summary of oral evidence for the ISH on CA matters on the 24 and 25 September provides a long email chain between BT and the Applicant. The final email from a BT representative states, "These provisions are fine. To note; any alterations will be under Para 23 of the Code. No cost share.

*The Panel considers that this does not provide sufficient evidence that BT is in agreement with the Protective Provision wording that is provided in Schedule 9, Part 1 (For the Protection of Operators of Electronic Communications Code Networks) in draft DCO v3 (dated October 2015). For the avoidance of doubt, **please could the Applicant ask BT to provide a signed, dated letter from BT stating that they are in agreement with the wording contained in the relevant Protective Provision in the most recent edition of the draft DCO, with the original (signed version of the paper document) submitted to the Examination.**"*

[Emphasis added]

We would appreciate if you could assist us by providing a letter addressed to the Examining Authority in accordance with the Examining Authority's request above. We have prepared a suggested form of wording for this letter at **Annexure 1**. SPM is required to provide this letter to the Examining Authority by **16 November 2015** at the latest.

We enclose for your reference at **Annexure 2** a copy of the relevant protective provisions in the draft DCO (version 3 dated October 2015) together with a copy of the email chain referred to above (at **Annexure 3**).

Please feel free to contact us should you have any questions and we thank you in advance for your assistance.

Yours faithfully



Pinsent Masons LLP

Enclosure(s): As above