



**Planning Inspectorate Reference No. EN020014**

**Document reference: SPM NWWFC ExA2 Appendices - 11.2(d)**

**Author: SP Manweb**

**Second Round Written Questions - Appendix 11.2(d)**

## DABSCHECK Jake

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**From:** DABSCHECK Jake  
**Sent:** 01 September 2015 12:49  
**To:** norman.morton@openreach.co.uk  
**Cc:** ian.thomas@openreach.co.uk; clive.majski@openreach.co.uk; EDWARDS Tom; GRIFFITHS Richard  
**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Norman

Can I please confirm that your email below is confirmation that BT agrees that these protective provisions should be included in any Development Consent Order made in relation to the North Wales Wind Farm Connection Project.

I look forward to your response.

Regards

Jake

**Jake Dabscheck**  
Lawyer (qualified in Australia (Victoria))  
for Pinsent Masons LLP

D: +44 20 7490 6401 Ext: 816401

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**From:** [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk) [<mailto:norman.morton@openreach.co.uk>]  
**Sent:** 01 September 2015 10:55  
**To:** DABSCHECK Jake  
**Cc:** [ian.thomas@openreach.co.uk](mailto:ian.thomas@openreach.co.uk); [clive.majski@openreach.co.uk](mailto:clive.majski@openreach.co.uk)  
**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Jake  
Please accept our apologies for the late reply.. and see the attached response from our Senior Regulatory Advisor, received today.  
As I will be retiring later this month, should you have any further enquiries please contact either Clive Majski or the new Project Manager for Wales Mr Ian Thomas

Regards

**Norman Morton BLM343**

Repayment Projects Manager - Wales & the Marches

Mob: 07850235700

Fax: 01332 577295

e-mail: [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk)

[https://intra.bt.com/bt/openreach/how-we-work/repayment\\_works/Pages/index.aspx](https://intra.bt.com/bt/openreach/how-we-work/repayment_works/Pages/index.aspx)



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**From:** Turnbull,D,Dave,BJK R  
**Sent:** 01 September 2015 09:52

**To:** Morton,NW,Norman,BLM343 R

**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Norman,

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

*Regards*

*Dave*

**Dave Turnbull BA LLB Hons**

Senior Regulatory Specialist

Legal, Risk and Equivalence | Openreach

Telephone: 020 8587 8195

Fax: 020 8587 8196

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**From:** Morton,NW,Norman,BLM343 R

**Sent:** 18 August 2015 10:24

**To:** Turnbull,D,Dave,BJK R

**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Dave

I cannot seem to find any response regarding the attached... (I hope I did pass it on, but please accept apologies if I did not!!!)

Do you have any comment ? are we adequately protected, regulatory wise not electrically!!!!

Thanks

Regards

**Norman Morton BLM343**

Repayment Projects Manager - Wales & the Marches

Mob: 07850235700

Fax: 01332 577295

e-mail: [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk)

[https://intra.bt.com/bt/openreach/how-we-work/repayment\\_works/Pages/index.aspx](https://intra.bt.com/bt/openreach/how-we-work/repayment_works/Pages/index.aspx)



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**From:** DABSCHECK Jake [<mailto:Jake.Dabscheck@pinsentmasons.com>]

**Sent:** 30 July 2015 11:29

**To:** Morton,NW,Norman,BLM343 R

**Cc:** Majski,CA,Clive,BLM343 R; EDWARDS Tom; GRIFFITHS Richard

**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Dear Norman,

Further to our conversation on the phone just now, I attach our original correspondence which includes our proposed draft protective provisions for the benefit of BT Openreach (see, in particular, the PDF attached to that correspondence).

In our email below (dated 8 June 2015), we set out the background to the draft protective provisions.

Thank you kindly for agreeing to pass this correspondence on to Dave Turnbull at your regulatory department.

Please feel free to contact us if you have any questions.

Many thanks

Jake

**Jake Dabscheck**  
Lawyer (qualified in Australia (Victoria))  
for Pinsent Masons LLP

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**From:** DABSCHECK Jake  
**Sent:** 30 July 2015 11:17  
**To:** DABSCHECK Jake; 'norman.morton@openreach.co.uk'  
**Cc:** 'clive.majski@openreach.co.uk'; EDWARDS Tom  
**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Dear Mr Morton

I refer to my emails below. Please respond at your earliest convenience.

Regards

Jake

**Jake Dabscheck**  
Lawyer (qualified in Australia (Victoria))  
for Pinsent Masons LLP

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**From:** DABSCHECK Jake  
**Sent:** 14 July 2015 14:37  
**To:** DABSCHECK Jake; [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk)  
**Cc:** [clive.majski@openreach.co.uk](mailto:clive.majski@openreach.co.uk); EDWARDS Tom  
**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Good afternoon Mr Morton

I refer to my emails below. I look forward to your response as soon as possible. Please do call me if you have any questions or would like to discuss this matter further.

Regards

Jake

**Jake Dabscheck**  
Lawyer (qualified in Australia (Victoria))  
for Pinsent Masons LLP

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**From:** DABSCHECK Jake [<mailto:Jake.Dabscheck@pinsentmasons.com>]  
**Sent:** 26 June 2015 09:59  
**To:** [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk)  
**Cc:** [clive.majski@openreach.co.uk](mailto:clive.majski@openreach.co.uk); EDWARDS Tom  
**Subject:** North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Hi Norman

I refer to my email below. I look forward to your response as soon as possible. Please do call me if you have any questions or would like to discuss this matter further.

Regards

**Jake Dabscheck**  
Solicitor (lawyer qualified in Australia)  
for Pinsent Masons LLP

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**From:** DABSCHECK Jake  
**Sent:** 08 June 2015 17:22  
**To:** 'norman.morton@openreach.co.uk'  
**Subject:** RE: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Dear Mr Morton

Thank you for your email.

It may assist to provide you with some background in relation to the stage of the development approval process that SP Manweb is currently at in respect of its proposal to construct, install and maintain a 17 km overhead electricity line from Clocaenog Forest to a terminal point to the south of St Asaph ('**proposed development**').

### **Background to SP Manweb's application**

On 20 March 2015, SP Manweb lodged an application for a development consent order to the Secretary of State for Energy and Climate Change in respect of the proposed development. If the Secretary of State makes the order in the form proposed by SP Manweb, the order will give SP Manweb the following powers (amongst others):

- the power to construct, install and maintain the proposed development; and
- powers of compulsory acquisition which would enable SP Manweb to compulsorily acquire the land rights it requires to construct, install and maintain the proposed development.

At this point in time, application for the proposed development includes a corridor of land in which the overhead line is proposed to be located (which is referred to as 'the limits of deviation'). This corridor varies in width from between 20 m to 40 m. The precise location of the overhead line has not yet been finalised. This will occur once detailed micro siting studies have been undertaken and approved, typically once the development consent order has been made.

The Secretary of State will shortly appoint an examining authority to consider the application over a 6 month period.

### **Response to your email**

SP Manweb will comply with the process you describe below, but it is not necessary or appropriate for that process to be undertaken at this stage of the consenting process. You should consider the work that you are undertaking with Paul Ralph as a separate matter to our request for your position on the proposed protective provisions.

As you will know, the purpose of the protective provisions is to provide a commitment by SP Manweb to protect 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. In essence, these provisions will require SP Manweb to bear and pay Openreach's reasonable costs incurred in making good any such damage. It is common that these protective provisions are included in development consent orders to protect statutory undertaker's such as Openreach. These provisions are provided in addition to the survey process you describe below.

I should be grateful if you would revisit the protective provisions in light of the above and consider whether there are any amendments you would like to include.

I look forward to your response and please feel free to contact me if you have any questions.

**Jake Dabscheck**  
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for Pinsent Masons LLP

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**From:** [norman.morton@openreach.co.uk](mailto:norman.morton@openreach.co.uk) [<mailto:norman.morton@openreach.co.uk>]  
**Sent:** 01 June 2015 16:40  
**To:** DABSCHECK Jake  
**Cc:** [clive.majski@openreach.co.uk](mailto:clive.majski@openreach.co.uk); [jon.buckler@openreach.co.uk](mailto:jon.buckler@openreach.co.uk)  
**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Mr Dabscheck

In answer to your request for Openreach to approve your project, Draft Budget costings were issued to Paul Ralph of Iberdola Engineering back in January .

These costings would have included details on the next step in the process, You are to pay for our detailed survey which will enable us to accurately assess the impact of your scheme on the existing Openreach network in the area, we

will then request an advance payment to cover the cost of any rearrangement prior to your site going 'Live'

If you require a further copy of the Budget costings these can be supplied by Clive Majski... if however you feel that you have altered your proposals such that Openreach are no longer affected, we still need to confirm this, so will still require the payment originally asked for along with a copy of your latest Earth Resistivity contour map.

Please contact either myself or Clive Majski if you need any further information.

**Norman Morton**

Repayment Projects Manager (Wales & the Marches)

Openreach

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<http://www.openreach.co.uk/orpg/home/contactus/whoyouare/whoareyou.do>

Web: [www.openreach.co.uk](http://www.openreach.co.uk)



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**British Telecommunications plc**

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Registered in England no. 1800000

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**From:** Majski,CA,Clive,BLM317 R  
**Sent:** 01 June 2015 12:46  
**To:** Morton,NW,Norman,BLM317 R  
**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Norman,

The C3 budgets were sent out early January'15 for the North Wales Wind Farm Connection, a total of 10 locations were affected. The budgets were return to Paul Ralph as below. He is working on behalf of Scottish Power . Pinsent Masons Solicitors are working for scottish Power and have asked us to comment on the draft protective provisions letter attached.

Paul Ralph  
Iberdrola Engineering  
Gateway House 2<sup>nd</sup> Floor  
Old Hall Road  
Bromsborough  
Wirral  
Mersyside CH62 3NX

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**From:** Majski,CA,Clive,BLM317 R  
**Sent:** 15 May 2015 10:55  
**To:** Morton,NW,Norman,BLM317 R  
**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Norman,

I have received this email from Pinsent Masons Solicitors - see letter attached.  
I have prepared C3 costings to Iberdrola Engineering for the North Wales Wind Farm Connections at various locations around St Asaph for Scottish Power.  
Pinsent Masons Solicitors are working for scottish Power and have asked me to comment on the draft protective provisions letter attached.  
Im not sure what to do with this??

Many Thanks

Clive majski

Repayments  
BLM317  
Tel 01743 275 562

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**From:** DABSCHECK Jake [<mailto:Jake.Dabscheck@pinsentmasons.com>]  
**Sent:** 12 May 2015 16:36  
**To:** Majski,CA,Clive,BLM317 R  
**Cc:** EDWARDS Tom  
**Subject:** FW: North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Good afternoon Clive

Further to my email below, I was wondering whether you have had an opportunity to consider the draft protective provisions?

I look forward to hearing from you and please do get in touch in you have any questions.

Regards

**Jake Dabscheck**

Solicitor (lawyer qualified in Australia)  
for Pinsent Masons LLP

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**From:** DABSCHECK Jake

**Sent:** 07 May 2015 16:03

**To:** 'clive.majski@openreach.co.uk'

**Subject:** North Wales Wind Farm Connection - Protective Provisions [PM-AC.FID2106280]

Dear Clive

Thank you for your time just now on the phone.

As discussed, please see attached correspondence sent to your office in April and January of this year, together with the draft protective provisions. We look forward to receiving a written response setting out BT's position with respect to the draft protective provisions.

Please do not hesitate to contact me if you have any questions or would like to discuss any aspect of the above.

Many thanks.

**Jake Dabscheck**

Solicitor (lawyer qualified in Australia)  
for Pinsent Masons LLP

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