



**Cyfoeth
Naturiol
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Natural
Resources
Wales**

Ein cyf/Our ref: RN/DH/022
Eich cyf/Your ref: EN010014

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Nicholas Coombes
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only to: NWWFConnection@pins.gsi.gov.uk

21st January 2016

Dear Mr Coombes:

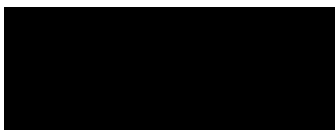
PLANNING ACT 2008

APPLICATION BY SP MANWEB FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE NORTH WALES WIND FARMS CONNECTION PROJECT: NATURAL RESOURCES WALES (NRW) ENERGY DELIVERY TEAM LETTER TO SP MANWEB'S LEGAL REPRESENTATIVES REGARDING SECTION 135

Please find attached for submission a copy of a letter sent by our energy delivery team to SP Manweb's legal representatives concerning Section 135 of the Planning Act 2008

Please contact David Hatcher (david.hatcher@cyfoethnaturiolcymru.gov.uk) should you require further discussion of this matter.

Yours faithfully,



Richard Ninnes
Head of Ecosystems, Planning and Partnerships
North and Mid Wales

Pinsent Masons LLP
30 Crown Place
London
EC2A 4ES

Our Ref: **SSA A/legal**
PINS Ref: EN020014

19th January 2016

Dear Sir,

Planning Act 2008 – Section 135 of the Planning Act 2008
North Wales Wind Farms Connection Order

Further to NRW's note issued on 9th December 2015, NRW would like to clarify the following points:

1. Since producing the note on 9th December 2015 SP Manweb has informed NRW that there are interests in Crown land which are held by third parties - in plots 1, 1A, 1B, 3 and 3A of the book of reference which accompanies the draft Order. Paragraph 1 of the NRW note of 9th December 2015 was therefore incorrect.
2. In respect of those plots referred to in paragraph 1 above, Welsh Ministers, acting via Natural Resources Wales hereby confirms that it provides its consent to SP Manweb in respect of the development consent order for the North Wales Wind Farms Connection Project under section 135(1) of the Planning Act 2008. (This is in addition to the consent given under section 135(2) of the Planning Act 2008, given in the NRW note of 9th December 2015.) This consent is in respect of two options currently before the Examining Authority, known as "Option A" and "Option B" and indeed any "hybrid" scenario should the Examining Authority wish to make a recommendation for a development consent order that includes part of Option A and part of Option B.

This is on the basis of the current draft DCO (DCO for option A (U.5) and for DCO for option B(U.2) – should any amendments be made which affect Crown land then the further consent of the Welsh Ministers under section 135(1) of the Planning Act 2008 should be sought. This is also on the basis that the draft DCO includes the following article which we understand the applicant has agreed to include:

Crown rights

(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee—

(a) to use, enter upon or in any manner interfere with any land or rights of any description—

(i) belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(ii) belonging to Her Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land;

(iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or

(b) to exercise any right under this Order to acquire compulsorily an interest in any land which is Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically. "

Yours faithfully

N K Williams

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