

From: Lara Flynn [<mailto:lara.flynn@osborneclarke.com>]
Sent: 29 May 2015 10:02
To: Kathryn Dunne
Cc: WPD Brechfa ([REDACTED]); ahubbold@westernpower.co.uk; Steffan Jones; Neil Bromwich; Nicholas Coombes; Marie Evans; Richard Kent; Kenyon, David (david.kenyon@amecfw.com)
Subject: Re: Western Power - Brechfa Forest DCO [OC-OC_UK.FID2191645]

Dear Kathryn

Further to your helpful e-mail to Neil we have now been through all of your comments and incorporated some changes to our submission documents so that these points are now clear. To save you having to "spot" these, we thought it would be helpful to respond and signpost where we have picked these up and clarifying the points. The documents have now been finalised by the printers but we would be happy to continue dialogue on any points with you separately if it would assist you in the validation/acceptance stage. Therefore dealing with your points in turn:

- We note from the email of 19 May that the draft DCO includes the power to remove existing lines and that you consider any new diversion by the laying of new lines is permitted development. We advise you to explain how you are categorising such works as permitted development, including how these have been considered in terms of potential cumulative effects in the EIA. In addition, as discussed at our meeting on 4 March 2015 please can you confirm if all of the works included within the draft DCO (for example the removal of existing lines) have been subject to pre-application consultation.

The works have been assessed as part of the EIA and as such has formed part of the consultation documents. We have addressed the complexity of the reasons behind taking the approach that we have in paragraphs 2.19 and 2.20 of the EM and included references to the various Regulations and parts of the Act that are relevant.

- Regarding works (i) to (xiii) in works numbers 1, 2, and 3 we again draw your attention to Advice Note 15 paragraph 20.1 and advise you to thoroughly explain your approach within the EM, for example we would expect justification be provided as to why certain effects are considered 'insignificant'.

The EIA reviewed the scope of the works and has assessed the project as described which also identifies those impacts considered as significant. We have not sought to justify non-significant effects as insignificant but this is, of course, clear from the fact that they have not been identified as significant. This has been noted in paragraphs 2.4 and 2.5 of the EM.

- Please be aware of section 150 of the Planning Act 2008 where the inclusion of certain consents within a DCO requires the authorisation of the consenting body.

Within the Statement of Reasons we have included details of the discussions with various persons/bodies including the statutory undertakers and crown authorities. We have additionally specifically addressed our progress with the relevant bodies affected by any of the DCO "deemed consent" provisions within paragraph 4.5 of the EM.

- Currently there is no contents section at the start of the draft DCO.

We can confirm that these have now been imported as the DCO has achieved successful validation status from the National Archive validation service.

- Please can you explain in your EM what works are to be undertaken regarding 're-siting of apparatus'.

Reference to and details regarding the re-siting works have been incorporated into paragraph 2.19 of the EM.

- Regarding Work Number 2 undergrounding, the wording does not refer to horizontal directional drilling but requirement 6 does. Is there a reason for this? You may also wish to include horizontal directional drilling in 'interpretation'.

We have now incorporated HDD into Work No 2 set out in Schedule 1 of the DCO.

- Article 31 -is there a reason for the square brackets?

The article has since been removed as there is no special category land.

Many thanks
Lara

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