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Andrew Hubbard
Western Power Distribution (South
Wales) plc

Your Ref:

Our Ref: EN020016

Date: 6 July 2015

Dear Mr Hubbard

Planning Act 2008 (as amended) (PA 2008)- Section 89

Application by Western Power Distribution (South Wales) plc for an Order Granting Development Consent for the Brechfa Forest Connection

Procedural decision following issue of acceptance decision

As the appointed Examining Authority (ExA) I have reviewed the submitted application documents, which were accepted for examination on 24 June 2015. This letter is my notice of a procedural decision to request a revised Book of Reference and other related documents referred to below to be submitted alongside the certificates required by s58 of the PA 2008.

Book of Reference

The submitted Book of Reference (Doc 4.3) lists, in its preamble, the 'Class' of right sought, each of which is sub-classified into individually described rights. However, within the parts of the Book of Reference, only the class of right is ascribed to each plot. So that affected persons and I can be confident of the scope of Compulsory Acquisition and temporary rights applied for, the sub-classification of rights described in the preamble will need to be individually matched to each plot over which they are sought.

Some sub-classifications of rights require more precise definition (for example, as to exactly which rights something is 'ancillary' to).

Persons who are listed in Part 3 of the Book of Reference also need to appear in Part 1.

The applicant should consider whether references to the 'Department for Transport', 'the Secretary of State for Wales' and 'the National Assembly for Wales' are in need of updating, since the coming into force of the Government of Wales Act 2006.

The applicant should also consider whether references to a numbered "section" of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, in headings to parts of the Book of Reference, ought to be to a numbered "regulation".

The Planning Inspectorate noted in the acceptance checklist that certain plot descriptions need fuller explanation to properly locate them (eg 'highway verge land'). Additionally, there are some unexplained inconsistencies regarding persons described as 'unknown', 'unspecified' and of 'unknown address'. In addition the varying descriptions of joint owners, who may or may not be 'both of' an address may cause confusion.

DCLG Guidance related to procedures for the compulsory acquisition of land will assist the applicant in the correct compilation of the Book of Reference. An updated Book of Reference is required to clarify all the above issues.

Statement of Reasons

The applicant's attention is drawn to the need to obtain Crown authority consent from the Welsh Ministers if the Welsh Ministers are the "appropriate Crown authority" for the purposes of s135 of the PA 2008, in addition to the bodies mentioned in Chapter 10 of the Statement of Reasons (Doc 4.1) and the need to obtain Crown authority consent under s135(1) of the PA 2008. All appropriate Crown authority consents must be available in good time before the close of the examination.

Draft Development Consent Order and Works Plans

Over the course of the examination it is likely that the draft Development Consent Order will develop. While the route of the proposed electric line itself is clearly described, and divided into three constituent works (Doc 3.1 Sch 1), the other elements which comprise the scheme (such as access routes, construction compounds and welfare units) are not shown individually on the works plans, but only as constrained within the red line boundary.

The Land Plans (Doc 2.2) provide some information about the locations of these types of activity. As this level of detail does exist, it would be helpful to show it in the works plans, or to divide the Schedule 1 (Doc 3.1) works into more specific constituent works. Updated documents are required to clarify these issues.

Land Plans

The Planning Inspectorate has recorded in the acceptance checklist (Box 3.3(i)) several plots in the Land plans (Doc 2.2) which are not shown sufficiently clearly, are incorrectly labelled or which differ from their description in the Book of Reference (Doc 4.3). These discrepancies will need to be rectified so that affected persons and the ExA can be confident of the scope of Compulsory Acquisition applied for. Updated documents are required to rectify these issues.

I request that all updated documents referred to above be made available to the Planning Inspectorate with the s58 certificates to inform initial assessment of the principal issues i.e. submitted prior to the Preliminary Meeting.

Yours sincerely

Martin Broderick

Martin Broderick
Examining Authority

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.