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To interested parties

Your Ref:

Our Ref: EN020016

Date: 7 December 2015

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Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 89 and the Infrastructure  
Planning (Examination Procedure) Rules 2010**

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

**POTENTIAL CHANGE REQUEST TO THE APPLICATION**

**1. Background**

- 1.1 On Thursday 19 November 2015 Western Power Distribution (South Wales) plc (the "Applicant") submitted a letter to clarify the steps that it proposes to take to apply for and include in the application the alternative of a southern extension to the underground section of electricity line as notified to the Planning Inspectorate in its letter dated 9 November 2015. The Examining Authority accepted the 9 November 2015 letter for examination on 11 November 2015.
- 1.2 The letter of 19 November 2015 includes a note which sets out the steps that are being taken by the Applicant to:
- Assist the Examining Authority (ExA) to issue a procedural decision in a timely fashion;
  - Ensure that all Interested Parties (IPs) are aware of the proposed changes to enable open discussion; and
  - Enable the Applicant to pursue the necessary detailed design changes, review of the environmental information and carry out adequate consultation with IPs as soon as possible and within the timescale of the examination.

**2. The potential changes**

- 2.1 The potential changes arise as a result of responses from Carmarthenshire County Council (CCC) [REP1-026] and Natural Resources Wales (NRW) [REP1-

020] to the overhead electricity line impacts on the Towy Valley special landscape area (SLA) and the Towy Valley registered landscape of outstanding historic interest, from poles 84-86. The Applicant considers that the changes are not justified but is prepared to include the alteration as an alternative within the application. The Applicant's position is explained in detail in its letter of 19 November 2015 and the accompanying note. The documents relating to the potential change request are published on our website at:

<http://infrastructure.planninginspectorate.gov.uk/BFConnection>

- 2.2 On 22 October 2015 NRW [REP1-020] proposed that there be an alteration to the positioning of a terminal pole arrangement and consequentially a short extension of the section of cable which is proposed to be placed under ground within Section A of the project. This would result in an additional section of approximately 270 metres of overhead line being placed underground. This change would remove the need for pole numbers 85 and 86 and a change in the positioning of pole 84 which would also become a terminal pole.
- 2.3 NRW and CCC consider that the change is necessary to mitigate the impact of the overhead lines on this part of the SLA. NRW and CCC consider that the Applicant has under assessed the likely impact on the designated landscape but that the adverse landscape and visual impacts that they have identified could be avoided by means of a short southern extension to the section of route proposed for undergrounding.
- 2.4 The Applicant does not consider that the additional undergrounding is justified but because of what it regards as the "minor" nature of the change and because it is the only element of further mitigation suggested as appropriate by CCC and NRW's consultants, it is prepared to include it in the application as an alternative. The Applicant is proposing to make an application to provide that the alternative additional section of undergrounding can be included as an alternative alteration within the current examination.

### 3. Procedural Decision

- 3.1 In considering this request the ExA has read and had regard to **Planning Act 2008: Guidance for the Examination of Applications for Development Consent** (DCLG, March 2015) (para 109 to 115) and **Advice Note 16: How to request a change which may be material** (issued by the Planning Inspectorate in July 2015).

- 3.2 The ExA has decided to accept the 19 November 2015 document

- **Note Regarding Proposal for Alternative Southern Extension to Underground Section as Scheme Variation**

from the Applicant into the examination.

- 3.3 The ExA does not, however, consider that it has sufficient information to make a decision on whether or not to examine it as an alternative option and that the Applicant would need to submit more information in order for the ExA to be able to consider it as an alternative i.e. complete the steps 3 and 4 in Figure 1 of

Advice Note 16 and provide details as described in Figure 2 of Advice Note 16.

- 3.4 Before making a written request (Step 4 of Figure 1 of Advice Note 16) the ExA advises that the applicant should consult all those persons prescribed in the Planning Act 2008 under section 42 (1)(a) to (d) who may be affected by the proposed change (**giving a minimum of 28 days for receipt of responses from those persons from the first publication**). If the Applicant proposes to adopt a targeted approach to the identification of those affected by the proposed change, then justification should be provided for not consulting certain prescribed persons.
- 3.5 The ExA advises the Applicant to also place notices in newspapers prior to 'Step 4' for 2 weeks (See para 8.3 of the Applicant's 19 November 'Note' and Regulation 17(3)(c) of the Infrastructure Planning EIA Regulations ).
- 3.6 If, following a written request (Step 4 of Figure 1), the ExA were to decide to accept the change for examination, then the ExA reserves the right to request that further consultation is undertaken if it considers that the steps taken by the applicant have not been adequate to safeguard the interests of and/or inform those potentially impacted by the proposed change.
- 3.7 The application that will (in the meantime) be examined is the one the ExA is currently examining (submitted on 29 May 2015 and accepted 4 June 2015 and errata accepted 24 August 2015).
- 3.8 At the upcoming hearings on the 8 and 9 December 2015 the ExA will hear representations from IPs based on the need for undergrounding on the basis of their previous representations, hear the Applicant's responses to those representations and ask the applicant if it wishes to put any such changes forward as a change to the application (and that if it does, it will need to submit further details/documents as mentioned above).

### **3 Potential changes to examination timetable**

- 4.1 If and when the ExA receives the additional information requested above, and any consultation responses, the ExA will decide whether or not to accept the change into the examination.
- 4.2 If the ExA were to decide to accept the change into the examination, then the ExA would write again with further details about how the change will be examined. If the ExA were to decide to vary the examination timetable then that would be notified to all parties.

Yours faithfully

*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 National Infrastructure Planning 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.