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Yvonne Shaw

Your Ref:

By Email

Our Ref: EN020016

Date: 18 December 2015

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Dear Mrs Shaw

**Planning Act 2008 (as amended) sections 87 and 102A PA2008**

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

**Request under s102A of Planning Act 2008**

On 17 December 2015, a request for interested party status under s102A of the Planning Act 2008 (as amended) (PA2008) was submitted to the Planning Inspectorate by Mrs Shaw.

The submission included information relating to her address, [REDACTED]. The land within which an interest is held in is noted as [REDACTED]. This is land which Mrs Shaw is a tenant, lessee or owner.

As Examining Authority, I am required to make a decision as to whether, as a result of the information provided, that the person would be within one or more categories of s102B of PA 2008. On the basis of the information provided I am unable to come to a conclusive decision.

The ExA, therefore, requests further information on the following topics to be submitted as soon as practicable.

- Can Mrs Shaw provide up to date documentary evidence including a plan (including up to date official copies of the title register and title plan IF her interest is registered at the Land Registry) detailing her interest in land which Mrs Shaw believes qualifies her to be a person within one or more of the categories set out in section 102B of PA 2008.

Section 102B of PA2008 is set out below.

## 102B Categories for the purposes of section 102A

(1) A person is within Category 1 if the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.

(2) A person is within Category 2 if the person—

(a) is interested in the land, or

(b) has power—

(i) to sell and convey the land, or

(ii) to release the land.

(3) An expression, other than “the land”, that appears in subsection (2) of this section and also in [section 5\(1\)](#) of the [Compulsory Purchase Act 1965](#) has in subsection (2) the meaning that it has in [section 5\(1\)](#) of that Act.

(4) A person is within Category 3 if, should the order sought by the application be made and fully implemented, the person would or might be entitled—

(a) as a result of the implementing of the order,

(b) as a result of the order having been implemented, or

(c) as a result of use of the land once the order has been implemented, to make a relevant claim.

(5) In subsection (4) “relevant claim” means—

(a) a claim under [section 10](#) of the [Compulsory Purchase Act 1965](#) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);

(b) a claim under [Part 1](#) of the [Land Compensation Act 1973](#) (compensation for depreciation of land value by physical factors caused by use of public works);

(c) a claim under [section 152\(3\)](#).

(6) In this section “the land” means the land to which the application relates or any part of that land.

- Can Mrs Shaw indicate as to whether she gives the Planning Inspectorate permission to share her address details with the Applicant should the ExA decide to seek the views of the Applicant on this request.

Following receipt of these submissions, the ExA will issue a procedural decision notifying all parties of the decision made. At this point, all representations relating to this matter will be published on the Planning Inspectorate website and entered into the examination.

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 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.