



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Your Ref:

Our Ref: EN020016

Date: 25 February 2016

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Dear Sir/Madam

**The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –, Rule 8(3), Rule 17 and s89(3) and s102A of Planning Act 2008 (PA 2008)**

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

### **Procedural decision**

At the Compulsory Acquisition hearing on 10 February 2016, following discussions regarding communication between the Applicant and Affected Persons, I requested to see all correspondence between parties. The Applicant agreed to provide this. In addition, Mr Iwan Jones agreed to provide it in relation to the parties for whom he acts. Matters of confidentiality and redaction restrictions were discussed at the hearing. Further to this request, the Applicant on 17 February 2016 wrote to the Planning Inspectorate raising a number of practical and commercial confidential concerns in providing such information. As a result of these concerns, the Applicant suggested providing a full updated table detailing all such correspondence and the nature of such correspondence between parties.

This document was submitted to the Planning Inspectorate on 19 February 2016 and was accepted into the Examination and published on our website [REP5-031]:

[http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020016/Events/Deadline%205%20-%2018-02-2016/BFC\\_Vol\\_09.18.1A%20Updated%20Land%20Owner%20Engagement%20Table.pdf](http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020016/Events/Deadline%205%20-%2018-02-2016/BFC_Vol_09.18.1A%20Updated%20Land%20Owner%20Engagement%20Table.pdf)

Should any party wish to comment on this submission, they are requested to do so by **Deadline 6, 17 March 2016**. Further comments on those comments are then to be submitted by **Deadline 7, 31 March 2016**.

Having considered the Applicant's letter of 17 February 2016, the submissions of 18 February 2016 and the table submitted on 19 February 2016, I no longer consider that I need to be provided with all correspondence relating to all Affected Persons. I now request that the Applicant provides the communication between the Applicant and Affected Persons who have not yet agreed Heads of Terms (HoTs) with the Applicant. They are requested to do so by **Deadline 6, 17 March 2016**. Further comments on these submissions are then to be submitted by **Deadline 7, 31 March 2016**.

### **Publication of documentation**

I have today taken the decision not to issue a draft Development Consent Order (DCO) for consultation, instead I am seeking views on the Applicant's most recent draft DCO which was submitted on 19 February 2016 [REP5-023].

I have today issued the Report on the Implications for European Sites (RIES). A link to this document can be found in the banner of the project webpage. Comments on these documents are due by **Deadline 6, 17 March 2016**. Please ensure that any comments on the RIES are clearly separated from other submissions.

### **Status of Mrs and Mr Shaw**

Mr and Mrs Shaw wrote to the Planning Inspectorate requesting Interested Party status in the examination based on a perceived interest in land within the Order Limits. The Land Registry plans provided were not clear and were not up to date i.e. 2013. I wrote to the Applicant on 27 January 2016 and 3 February 2016 requesting their understanding of the status of Mr and Mrs Shaw. The Applicant responded on 17 February 2016 providing up to date Land Registry registers and plans i.e. 2015 and 2016. It was the Applicant's view that Mr and Mrs Shaw had no interest in land within the Order Limits and did not fall under any of the categories set out in section 102B of PA 2008. I have seen no evidence that contradicts the Applicant's view.

For the purposes of s102A PA 2008, I do not consider either Mr or Mrs Shaw to be a person within one or more of the categories set out in s102B PA 2008.

Mr and Mrs Shaw are, however, able to make representations relating to the application if they wish. If they do so, I will, following receipt of the any such representation, consider whether or not to accept it into the Examination.

### **Changes to the Book of Reference**

The Book of Reference (BoR)- Revision C [REP5-026] and the Change Commentary Revision 4.3 B to 4.3C, comparison document [REP5-028] provided for Deadline 5 shows a number of changes to details of plots and Affected Persons.

1. For each of the changes to Affected Persons listed in the BoR – Revision C [REP5-026], can the Applicant:
  - a) State the reasons for the changes to Affected Persons in the BoR, if this as a result of land no longer being required, please provide information explaining why the land is no longer required.
  - b) State whether these Affected Persons have been contacted.
  - c) State the current position in negotiations with APs using the framework provided

in the Updated Landowner Engagement Table [REP5-031].

- d) Provide copies of any letters to additional Affected Persons which state the nature of the Application, how they may be affected by it, the stage reached in the Examination, how they can get involved and how they can request status in the Examination under s102A of the 2008 Planning Act.

If no letters have been sent according to d) above, then I request that the Applicant do so and the Applicant is requested to provide proof that such a letter has been sent.

2. The Applicant is requested to revisit the land plans [REP5-020 to REP5-022] and ensure that plot 25 is clearly shown as split in both the main plan and the zoomed in section.

### **Notification of Hearings**

On 3 February 2016, I issued a procedural decision relating to Rule 13 (6) of the infrastructure Planning (Examination Procedure) Rule 2010. This letter is attached as Annex A to this letter.

If you have any further queries, please do not hesitate to contact the case team.

Yours faithfully

*Martin Broderick*

Martin Broderick  
Examining Authority

Annex A: Procedural Decision

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.



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Western Power Distribution (South  
Wales) plc

Your Ref:

Our Ref: EN020016

Date: 3 February 2016

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Dear Sir/Madam

**The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 13(6)**

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

**Notification of forthcoming hearings 10 and 11 February 2016**

On 11 January 2016, as Examining Authority, I notified all interested parties, affected persons and registered Statutory Parties of forthcoming hearings. Furthermore, the dates of potential hearings were set out in the original examination timetable as sent to all parties on 13 October 2015. Both these documents were published on the website and highlighted in the website banner.

On 3 February 2016, the Applicant, Western Power Distribution advised the Planning Inspectorate that they had been unable to fulfil their duty under rule 13(6) of the Infrastructure Planning Examination Procedure Rules (2010) (EPR) in notifying of forthcoming hearings. Under that duty, the Applicant should:

- (a) post and maintain a notice of the hearing in a conspicuous place or (in the case of an application for an order making provision for land-based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as is reasonably practicable to, the land to which the application relates;
- (b) post and maintain a notice of the hearing in one or more places where public notices are usually posted in the area to which the proposals contained in the application relate; and
- (c) publish a notice of the hearing by local advertisement in the area in which the proposals contained in the application are to have effect

As such, as Examining Authority, I have decided to, under Rule 13(6) of the EPR to use my discretion to direct that the Applicant does not need to publish a notice in a

local newspaper. However the Examining Authority does request that the Applicant comply with Rule 13(6) (a) and (b) that is, post and maintain a notice of the hearing in a conspicuous place or (in the case of an application for an order making provision for land-based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as is reasonably practicable to, the land to which the application relates and post and maintain a notice of the hearing in one or more places where public notices are usually posted in the area to which the proposals contained in the application relate.

This is not a decision that has been taken lightly and has been made as a result of consideration that postponing the hearings would cause potential issues for those parties who have already confirmed their attendance and the consequential impacts on the examination timetable. This procedural decision does not affect the examination timetable in any way and you are not required to respond to it.

If you have any further queries, please do not hesitate to contact the case team.

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.

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