Brechfa Forest Connection
Development Consent Order Application - Reference EN020016

Statements of Common Ground
Development Consent Order
Carmarthenshire County Council

March 2016

Regulation 5(2)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
## Contents

1. **Introduction**  
   1.1 General  

2. **Part 1 - Preliminary**  
   2.1 Articles 1 & 2  

3. **Part 2 – Principal Powers**  
   3.1 Articles 3 to 8  

4. **Part 3 – Streets**  
   4.1 Articles 9 to 15  

5. **Parts 5 and 6**  
   5.1 Articles 19 to 31  
   5.2 Article 34  

6. **Miscellaneous and General**  
   6.1 Article 37  

7. **Schedule 1**  
   7.1 Authorised Development  

8. **Schedule 3 and Schedule 10**  
   8.1 Schedule 3 Requirements  
   8.2 Discharge of Requirements  

9. **Conclusion**
1 Introduction

1.1 General

1.1.1 This Statement of Common Ground (SOCG) is made between Western Power Distribution (WPD) and Carmarthenshire County Council (CCC) (together the parties). It confirms the position of the parties to their agreement or otherwise to the draft Brechfa Forest Connection Development Consent Orders (DCOs) (DCO 03.1E and DCO 09.31).

1.1.2 DCO 03.1E (REPS-023) was submitted to the Examining Authority at Deadline 5 (17 February 2016). DCO 09.31 is a version of DCO 03.1E amended to reflect the changes consistent with the Applicant’s proposed alternative undergrounding option. DCO 09.31 (CR-011) was submitted to the Examining Authority on 24 February 2016.

1.1.3 Unless mentioned explicitly, the agreement recorded within this document refers both to DCO 03.1E and DCO 09.31.
2 Part 1 - Preliminary

2.1 Articles 1 & 2

2.1.1 The parties agree that Articles 1 & 2 are acceptable.
3 Part 2 – Principal Powers

3.1 Articles 3 to 8

3.1.1 The Parties agree that the principle powers in Part 2 of the DCOs are acceptable.

3.1.2 In particular CCC agrees that the Limits of Deviation in Article 5 are acceptable and within the scope of the assessment set out in the environmental statement.

3.1.3 Further, CCC agrees that the amendments to the Hedgerow Regulations 1997 as set out in Article 8 are acceptable.
4 Part 3 – Streets

4.1 Articles 9 to 15

4.1.1 CCC agrees that Article 9 properly imports into the DCOs those sections of the 1991 Act that are appropriate to apply to the works to streets, roads and highways as part of the development.

4.1.2 CCC agrees that the powers to undertake works in the street and upon the accesses listed in Schedule 6 are appropriate and that the works can be undertaken pursuant to the powers in Article 10.

4.1.3 In respect of Article 10(e) WPD agrees that it shall submit to CCC an application for a licence to erect and retain scaffolding on the forms at Annex 1. CCC has considered the anticipated scaffolding locations in the Order and considers that there is no reason why such licences will not be approved. The period for approval of such licences is usually 48 hours from receipt of application.

4.1.4 CCC agrees that the creation of new accesses listed in Schedule 5 is to be constructed pursuant to Article 11 and the provisions in this Article 11 are appropriate.

4.1.5 CCC agrees that the streets and rights of way to be stopped up as listed in Schedule 7 are agreed and the provisions of Article 12 that apply to these works are appropriate. CCC agree that the period of 42 days in Article 12(6) shall apply which will deem that approval is given to any request to close a street or public right of way if CCC fail to notify WPD of its decision within this period.

4.1.6 CCC agrees that the period of 56 days in Article 13(5) in which it has to give a decision in respect of an application for a traffic regulation order (and that if it fails to do so such orders are deemed to be approved) from WPD is acceptable and that the remaining provisions of Article 13.

4.1.7 The provisions in Article 14 are acceptable to CCC and the period of 42 days in
which CCC is to give it decision to any works to accesses or otherwise such requests are deemed to be approved are agreed.

4.1.8 WPD shall at the request of CCC and in respect of any highway works to new accesses submit an application for consent to construct/alter vehicular access on to the public highway (Highways Act 1980 – Section 184) on the form at Annex 2. Such application is without prejudice to the powers of WPD pursuant to the DCOs. CCC considers that there are no reasons not to approve any details of any access works pursuant to such applications and the provisions of Article 14 of the DCOs will apply to an application.

4.1.9 CCC is content with the contents of Article 15.
5 Parts 5 and 6

5.1 Articles 19 to 31

5.1.1 CCC has no comments on Parts 5 and Parts 6 of the DCOs.

5.2 Article 34

5.2.1 The parties agree with the list of plans identified under Article 34 ‘Certification of Plans’.
6  Miscellaneous and General

6.1  Article 37

6.1.1  The parties agree that the provisions of Article 37 are appropriate and shall apply in respect of approvals pursuant to the Order and the discharge of requirements in Schedule 10.
7 Schedule 1

7.1 Authorised Development

7.1.1 CCC agrees that the description of the authorised development in Schedule 1 is appropriate.
8 Schedule 3 and Schedule 10

8.1 Schedule 3 Requirements

8.1.1 All requirements are agreed between the parties.

8.2 Discharge of Requirements

8.2.1 CCC and WPD agree with the Schedule 10, Discharge of Requirements.
9 Conclusion

9.1.1 The parties agree that the information contained within this document represents common ground between WPD and CCC. There is no disagreement between the parties in respect of DCO 03.1E or DCO 09.31.

For and on behalf of Western Power Distribution

................................................................. Signature

Andrew Hubbold

................................................................. Name

Consents and Planning Manager.................................. Position

For and on behalf of Carmarthenshire County Council

................................................................. Signature

Llinos Quelch

................................................................. Name

Head of Planning Services................................. Position
Annex 1
Licence to erect scaffolding
### SCAFFOLDING APPLICATION Form Scaff.1

**H/A Ref.:**

| Adran Gwasanaethau Technegol | Unew Gofal Strydoedd / DGF/ASN, |
| Pibwrlywyd, Caerfyrddin, SA31 2NH | Technical Services Department |
| Street Care / NRASWA Section | Pibwrlywyd, Carmarthen, SA31 2NH |
| **Tel**: (01267) 2245 07, 08 or 09 | **Fax**: (01267) 2245 71 |
| **E-mail**: streetcare@carmarthenshire.gov.uk |

### HIGHWAYS ACT 1980 - SECTION 169
NEW ROADS AND STREET WORKS ACT 1991 - SECTION 59
APPLICATION For A Licence To Erect And Retain SCAFFOLDING On The Highway.

| Name and Address of Applicant: |  |
| Contact Name: |  |
| Telephone No: | Fax No: |

| Location/Property Address: |  |

| Dates Scaffolding Required From: | To: |
| Please allow 48 hours for approval |  |

| Nature of Works: |  |

Please Indicate Special Features or Requests (i.e. cantilevered, footpath closure, traffic signals etc)

**FOR HIGHWAY AUTHORITY USE ONLY:**

| Date Received: |  |
| Copy to for observations, sent on |  |
**Street Care / NRASWA Officer or Network Engineer to complete and return to Street Care Section.**
Approval Recommended: YES / NO* (* Delete as appropriate)

If NO, Reason For Refusal:

Special Conditions:

SIGNED: __________________________  DATE: ____________
Annex 2
Consent to construct/alter vehicular access on to the public highway
### HIGHWAYS ACT 1980 - SECTION 184

**Application** for consent to construct/alter vehicular access on to the public highway.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> NAME &amp; ADDRESS OF APPLICANT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TEL:</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.</strong> NAME &amp; ADDRESS OF AGENT (if applicable)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TEL:</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.</strong> LOCATION/ADDRESS TO WHICH PROPOSED WORK RELATES</td>
<td></td>
</tr>
<tr>
<td>ROAD No.</td>
<td>GRID REFERENCE:</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.</strong> PLANNING PERMISSION</td>
<td></td>
</tr>
<tr>
<td>The applicant is advised that other consent, licence or permission may be required prior to commencing work.</td>
<td></td>
</tr>
</tbody>
</table>

The formation or alteration of vehicular access on to **Classified Roads** (ie Trunk, Class A, B and C Roads) will require planning permission from the local planning authority. Works on **Unclassified Roads**, although may not require planning consent, will be subject to conditions imposed by the highway authority.
In order to minimise any possible delays, please help us by completing the following:

a) Have you applied for planning permission? YES / NO (delete as appropriate)

b) If YES, please give date of application: [ ] and reference number: [ ]

c) What was the outcome of your application? (tick box)
   (i) Granted [____]   (ii) Refused [____]   (iii) No Decision Yet [____]

5. DECLARATION

I confirm that the foregoing details are correct and acknowledge that the works referred to above will be conducted in accordance with the requirements of the Highways Act 1980, the New Roads and Street Works Act 1991, and enabling legislation and Codes of Practice, together with any conditions imposed by the Authority in the relevant consent.

I attach the following plans:

1 copy of location plan to a scale 1:1250, 1:2500 or 1:10,000

I enclose the fee of £123.00 Cheque / Postal Order Number:_____________________________

Fee valid from 1st April 2014 to 31st March 2015

(All payments to CARMARTHENSHIRE COUNTY COUNCIL)

Signed:_________________________________________________ Date:____________________

This application to be returned to the STREET CARE / NRASWA SECTION at the above address.

EXPLANATORY NOTES

DATA PROTECTION ACT

The information included in this application will be held by the Authority in its computerised record system. Information given may be used for related purposes of verification and maintenance of data held in respect of other Council functions. These functions include the compilation of statistics to be used in the
establishment of local and national performance indicators as part of the Council’s commitment to best value.

Information will also be disclosed to statutory undertakers, police and other relevant authorities, bodies and organisations in relation to the specific matter to which this application applies.

**HIGHWAYS ACT 1980 / SECTION 184**

**NEW ROADS AND STREET WORKS ACT 1991 SECTIONS 84/85/86**

The New Roads and Street Works Act 1991 introduced statutory regulations, procedures and Codes of Practice which will have to be followed when excavation work is to be carried out within the highway. For the purpose of Section 86 of the Act, all works for which a Section 184 of the Highways Act 1980 is required will be subject to the same legislative procedures and practices as contained in the New Roads and Street Works Act 1991.

Works carried out under Section 184 of the Highways Act 1980 are deemed as "major highway works" and accordingly, the references in Section 84 and 85 of the New Roads and Street Works Act 1991 to the Highway Authority shall also be construed as references to a person other than the Highway Authority for works executed under Section 184 (9) of the Highways Act 1980.

Accordingly, where an undertaker's apparatus in the Street is affected by the aforementioned work, a Section 85 Notice of the New Roads and Street Works Act 1991 may be issued by the applicant. The procedures for the measures needing to be taken in relation to the apparatus, including allowable costs, shall be in the manner prescribed in the Code of Practice entitled 'Measures Necessary Where Apparatus Is Affected By Major Works (Diversionary Works)'.

Where a person proposes to carry out the work specified in the application, the Highway Authority may give consent to execute those works in accordance with the plans approved and subject to the conditions of the consent and satisfactory completion of the following certificates:

**INSURANCE INDEMNITY CERTIFICATE**

The applicant shall indemnify and keep indemnified the Council against any claims in respect to injury, damage or loss arising out of works to which the consent relates, or the execution by any person of any works authorised by the consent. Such indemnity shall be as specified by the Council and the applicant will be required to submit a completed Insurance Certificate as evidence that the necessary insurance cover has been obtained.

**WASTE DISPOSAL CERTIFICATE**

The applicant must ensure that surplus material from the site for which the consent relates, is to be disposed of at sites licensed under current waste disposal legislation and subject to the terms and conditions imposed in that licensing. The applicant is required to submit a completed Waste Disposal Certificate for all sites he intends to use to deposit waste material referred to in the consent.
LICENCE FEE

Please note that the licence fee is payment for the licence only. You will be required to appoint a Street Works Qualified Tarmac Contractor to carry out the work at your own expense within 6 months of the licence date.

Further information and advice concerning the aforementioned may be obtained from:

STREET CARE / NRASWA SECTION, Tel: 01267 224507 / 224508/ 224509