



Department for
Business, Energy
& Industrial Strategy

Carmarthenshire County Council &
Western Power Distribution (South Wales) plc
(BY E-MAIL)

**Department for Business, Energy &
Industrial Strategy**

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18 August 2016
Our ref: EN020016

Dear Sir/Madam,

**Planning Act 2008 and The Infrastructure Planning (Examination
Procedure) Rules 2010**

**Application by Western Power Distribution (South Wales) plc (“the
Applicant”) for an Order granting Development Consent for the Brechfa
Forest Connection project**

**REQUEST FOR COMMENTS FROM THE APPLICANT AND
CARMARTHENSHIRE COUNTY COUNCIL ON THE APPLICATION FOR THE
PROPOSED BRECHFA FOREST CONNECTION PROJECT**

Following the completion of the examination on 6 April 2016, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 6 July 2016. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There is an issue on which the Secretary of State would be grateful if parties identified in bold could provide further clarification and information:

**The inclusion of a section of underground electric line in the draft
Development Consent Orders (“DCOs”) considered during the ExA’s
examination**

The Secretary of State notes that the draft DCOs (for “Option A” and “Option B”) considered during the ExA’s examination include a section of underground electric line (“*Work No.2*” in Schedule 1 of the draft DCOs) which would connect the above ground sections of electric line to the north (“*Work No.3*”) and south (“*Work No.1*”).

Given the limited definition of “associated development” in Wales, for an underground section to be included in a DCO it needs to form part of the installation of an electric line above ground. The Secretary of State notes the Applicant’s views as to why it considers the underground section included is part of the installation of an electric line above ground (including a joint legal opinion agreed between Carmarthenshire County Council and the Applicant).

In order to inform the Secretary of State’s decision in relation to the underground section of the electric line, the Secretary of State requests that **Carmarthenshire County Council** clarifies whether it considers that the installation and maintenance of the underground section would be within the Applicant’s permitted development rights if the Applicant acquired the land in question (for example, if a decision was taken by the Secretary of State not to include consent for the underground section in any DCO that may be granted, but any compulsory acquisition powers required in relation to the underground section were included in the DCO). The Secretary of State also requests that **Carmarthenshire County Council** clarifies what it considers its role would be in relation to the exercise of any such permitted development rights.

In order for the Secretary of State to have a full suite of draft DCOs before him, and without prejudice to his decision on the application, it is also requested that the **Applicant** provides for the further consideration of the Secretary of State a draft tracked-change version of the DCO (in Word) that excludes consent for the underground section of the proposed electric line and also revised versions of any other documents that would need to be updated to reflect any exclusion of consent for the underground section from the DCO.

The deadline for a response is Friday 2 September 2016.

The response should be submitted by email to:

BrechfaConnection@pins.gsi.gov.uk .

Please also send any hard copy response to the Brechfa Forest Connection Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

Responses will be published on the Brechfa Forest Connection project page of the National Infrastructure Planning website as soon as possible after 2 September 2016.

This letter is without prejudice to the Secretary of State’s decision whether or not to grant development consent for the Brechfa Forest Connection project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott
Head of Energy Infrastructure Planning and Coal Liabilities