



Department for  
Business, Energy  
& Industrial Strategy

Western Power Distribution (South Wales) plc, Natural Resources Wales and the Crown Estate Commissioners  
(BY E-MAIL)

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

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25 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, NATURAL RESOURCES WALES AND THE CROWN ESTATE COMMISSIONERS 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 are issues on which the Secretary of State would be grateful if parties identified in bold could provide further clarification and information:

**Crown Land**

The Secretary of State notes that it appears that the Applicant is seeking powers to compulsorily acquire interests held otherwise than by or on behalf of the Crown in Crown Land and that Part 4 of the book of reference identifies the plots where the Crown has an interest. The relevant Crown Land is divided into:

- Forest land plots C216-C227 (managed by Natural Resources Wales on behalf of the Welsh Government, with the ultimate landowner being the Crown, i.e. the Welsh Ministers as the appropriate Crown authority); and
- Riverbed of the River Towy plot B6 (for which Cooke & Arkwright act as agent for the Crown Estate Commissioners, the appropriate Crown authority, with the ultimate landowner being the Crown).

### Plots C216-C227

In relation to plots C216-C227, the Secretary of State understands that the Applicant and Natural Resources Wales reached agreement on the rights to be acquired on 10 June 2016.

The Secretary of State requests confirmation from the **Applicant** that it is still seeking compulsory acquisition powers in relation to plots C216-C227 as set out in the development consent order applied for and the book of reference.

If compulsory acquisition powers are no longer sought in relation to these plots, the Secretary of State requests that the **Applicant** provide an updated tracked-change version of the development consent order and the book of reference (in Word) making the position clear.

If compulsory acquisition powers are sought in relation to these plots, the Secretary of State requests confirmation from **Natural Resources Wales** of the Crown authority's consent to acquisition for the purposes of section 135(1) of the Planning Act 2008.

### Plot B6

In relation to plot B6, the Secretary of State requests an update from the **Applicant** on the status of negotiations on the rights to be acquired.

The Secretary of State also requests confirmation from the **Applicant** that it is still seeking compulsory acquisition powers in relation to plot B6 as set out in the development consent order applied for and the book of reference.

If compulsory acquisition powers are no longer sought in relation to this plot, the Secretary requests that the **Applicant** provide an updated tracked-change version of the development consent order and the book of reference (in Word) making the position clear.

If compulsory acquisition powers are sought in relation to this plot, the Secretary of State requests confirmation from **the Crown Estate Commissioners** of the Crown authority's consent to acquisition for the purposes of section 135(1) of the Planning Act 2008.

### **Works Plans**

The ExA has highlighted inconsistencies in the submitted Works Plans. It is understood that these relate to legends not matching what is shown on the Works

Plans. In order therefore that the correct Works Plans are before the Secretary of State, and without prejudice to his decision on the Application, it is requested that the Applicant reviews the existing Works Plans and provides new Works Plans to correct any existing inconsistencies.

**The deadline for a response is Thursday 8 September 2016.**

The response should be submitted by email to: [BrechfaConnection@pins.gsi.gov.uk](mailto: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 8 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