

Grŵp Yr Economi, Sgiliau a Chyfoeth Naturiol
Economy, Skills and Natural Resources Group

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Llywodraeth Cymru
Welsh Government

20 January 2021

Dear Ms Radford,

**APPLICATION FOR A CERTIFICATE PURSUANT TO PARAGRAPH 6 OF SCHEDULE 3
TO THE ACQUISITION OF LAND ACT 1981 IN RESPECT OF PROPOSED
COMPULSORY ACQUISITION OF RIGHTS OVER LAND WHICH FORMS PART OF AN
OPEN SPACE AT BEACH AND FORESHORE – SOUTH STACK, ANGLESEY, NORTH
WALES**

1. I refer to your application, dated 23 September 2019 submitted to the Welsh Ministers for a certificate under Paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981 ('the 1981 Act') in respect of a Compulsory Purchase Order to acquire rights over land which comprises open space.

2. Paragraph 6 of Schedule 3 to the 1981 Act contains provisions to the effect that a Compulsory Purchase Order shall be subject to special parliamentary procedure insofar as it authorises the acquisition of rights over land forming part of an open space unless the Secretary of State is satisfied that one of the criteria in Paragraph 6(1) is met and certifies accordingly.

3. The Secretary of State's functions were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) and have subsequently been transferred to the Welsh Ministers pursuant to Schedule 11 to the Government of Wales Act 2006. The authority of the Welsh Ministers to make a decision on the application referred to in paragraph 1 above is being exercised by the Minister for Public Services. The Special Parliamentary Procedure referred to in paragraph 6 of Schedule 3 to the 1981 Act has been replaced in Wales by the Special Assembly Procedure as provided for by Standing Order 28 of the National Assembly for Wales.

4. You have indicated that the application for the certificate is made under the provisions of Paragraph 6(1)(a) of Schedule 3 to the 1981 Act, namely

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

“that the land when burdened with that right, will be no less advantageous to those persons in who it is vested and other persons, if any, entitled to rights of common or other rights, and to the public than it was before.”

and relates to:

14,232 square metres of foreshore between mean high water and mean low water at Ynys Lawd, registered at the Land Registry under title number CYM 328763 (plot 1 of the Order) and
3,384 square metres of rocky beach above mean high water at Ty Nant, registered at the Land Registry under title number CYM 452144 (plot 3a of the Order)

5. The compulsory acquisition of new rights over the Open Space Land are rights for ancillary works described in the Order. These works are described as involving, “the laying of underground cables and Horizontal Direction Drilling (“HDD”). If HDD is not possible, there is a potential need to trench the cables across the foreshore to the cliff. If trenching is not possible in the foreshore then cables will be surface laid and secured using concrete mattress or rock bags, split pipes may be used or an alternative appropriate technical solution.”
6. The application states the location of any works within the Open Space Land is expected to be in areas which could not easily be accessed by members of the public. However, appropriate signage and safety measures would be implemented. If HDD is implemented, the application states there would be no disruption to public access. If other installation methods are used, any disruption during construction works would be limited due to the location of works being in an area which is not easily accessible.
7. During operation, the application notes the current use of the Open Space Land by the public will be able to continue. Access to the land will only be required for visual inspections or maintenance. If HDD is used, no visual impacts of the cable installation will remain on the surface. The application notes other means of construction may give some limited visual indication of the cable location as a result of the concrete mattress or rock bags used to secure it, or other technical solutions.
8. The application notes the deemed planning permission, which has been applied for as part of the Order, will be subject to a number of conditions that will control how the works would be undertaken.
9. The application for the certificate is made on the basis that the land will be no less advantageous to those persons in who it is vested and other persons, if any, entitled to rights of common or other rights, and to the public than it was before burdened with the new rights. You therefore submit that neither the giving in exchange of other land nor Special Parliamentary Procedure will be necessary.
10. Having considered the information submitted with your application, and in light of the comments above, the Minister for Environment, Energy and Rural Affairs is satisfied that the land when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public than it was before. The Minister acknowledges that those people will incur limited

inconvenience while the rights sought are exercised but this would be for a temporary short term period and in her view, would not justify the withholding of the certificate. Consequently, she considers it would be reasonable, on the information before her, to give the certificate for which this application has been made.

11. In accordance with the direction given in the letter of 12 October 2020, you gave public notice of the intention to grant the certificate sought under Paragraph 6 of Schedule 3 to the 1981 Act. This notice was achieved through:

- Publication on the website maintained by the applicant for the Morlais Demonstration Zone Order
- Display by both Isle of Anglesey County Council and the Trearddur Community Council in locations where similar notices are usually displayed for inspection by the public.
- Sending copy Notices and copies of the open space application to Natural Resources Wales; the Open Spaces Society; Anglesey County Council and the Trearddur Community Council; and
- Sending copy Notices and copies of the open space application to those parties with ownership or third-party interests in the land, namely the Crown Estate Commissioners, Anglesey County Council and Kathleen Davies.

12. One email of representation was received following the publication of the notice; from the Open Spaces Society. However, they stated they saw no reason to object to the application but requested clarification over the status of the existing public right of way to the beach and queried whether works would be undertaken to this path. Menter Môn's response to their query has been forwarded on to them.

13. The Minister notes there have been no material changes in circumstances affecting the application for the certificate since notice of the intention to give the certificate was published.

Formal Decision

14. For the reasons given above, and in exercise of the authority referred to in paragraph 3 of this letter, the Minister for Environment, Energy and Rural Affairs hereby gives the certificate for which application was made in accordance with the provisions of paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981 and in the Compulsory Purchase order referred to in paragraph 1 of this letter. The certificate is enclosed with this letter.

15. This letter does not convey any consent or approval which may be required under any enactment, byelaw, order or regulation other than paragraph 6 of Schedule 3, to the Acquisition of Land Act 1981.

16. You should now proceed, in accordance with paragraph 9 of Schedule 3 to the Act, to publish notices in the prescribed form stating that the certificates have been given. They should be published in the same manner as the notice of intention to give the certificates was published. Copies of the completed notice will also need to be published in the local newspaper and posted up in the vicinity of the land referred to in the notice. The prescribed form, which should be suitably adapted, is Form 12 in the Schedule to the Compulsory

Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 SI 2004 No 2732 (W.239).

17. A copy of the notice and of the newspaper containing the advertisements should also be sent to this office:

accessandrecreationmynediadahamdden@gov.wales

Yours sincerely,



Ceri Witchard
Deputy Director
Land, Nature and Forestry Division
Department for Economy, Skills and Natural Resources

Signed under authority of the Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers