

**From:** Colin Turnbull (LPE) [REDACTED]  
**Sent:** 30 October 2014 10:19  
**To:** Hirwaun  
**Cc:** Susannah Harvey ([sharvey@stagenenergy.com](mailto:sharvey@stagenenergy.com)); Norman Campbell; Murray Davies; Kate Wilson ([KWilson@stagenenergy.com](mailto:KWilson@stagenenergy.com))  
**Subject:** PINS Ref EN010059 - Hirwaun Power Ltd Application for Hirwaun Power Station  
**Importance:** High

Dear Iwan

I write on behalf of our client, the applicant in the above application, further to the email submitted by Ifan Geraint Jenkins on Tuesday 27 October at 11.28am on behalf of himself, Carol Ann Jenkins and Eunice Davies which confirms that negotiations between Mr Jenkins and the applicant are progressing well and have reached an advanced stage. As Mr Jenkins notes, a further meeting has been arranged for Tuesday 4 November and all parties are optimistic it will result in a voluntary agreement on the land rights required by the applicant. We will provide a status update as soon as possible after next week's meeting.

In the meantime, if you require any other information please let me know.

Kind regards

Colin

**Colin Turnbull**

BSc (Hons) MSc MRTPI

Associate

For and on behalf of Peter Brett Associates LLP

16 Brewhouse Yard, Clerkenwell, London, EC1V 4LJ

t [REDACTED]

d [REDACTED]

m [REDACTED]

w [www.peterbrett.com](http://www.peterbrett.com)

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**From:** Ann Jenkins [REDACTED]  
**Sent:** 28 October 2014 11:28  
**To:** Hirwaun  
**Cc:** Andrew Thomas; COOK Jacqueline  
**Subject:** Your ref. EN010059. Application by Hirwaun Power Ltd. for an order granting development consent for the Hirwaun Power Station

Dear Sirs,

I write on behalf of Eunice Davies, Carol Ann Jenkins and myself, Ifan Geraint Jenkins, all of [REDACTED] all trading as A. Morgan Farms.

We have been approached by, and have been in discussions with Hirwaun Power

Ltd (HPL) for some time in relation to the proposed development of a gas fired power station at the Hirwaun Industrial Estate.

The discussions have related to the possibility of laying a pipeline from a junction with the main gas pipeline, along a number of potential routes to the proposed power station site on the estate. Originally, the discussions identified 4 potential routes which were viable, 3 of which involved access along part of the routes to land in our ownership, and which is farmed in partnership by us.

Eventually, it appears, HPL have opted to seek to run the pipeline along a route which, as is identified in the application documentation before you, runs east and then north from a point on the A4061 road across our land, to the Rhigos Road, and then onwards through land not in our ownership or control through the industrial estate to the proposed power station.

We understand that the application before you for a development consent order includes reference to the compulsory acquisition of the land mentioned above which is owned by us.

We write to make representations about that aspect of the application before you, and to set out our position in relation thereto. We would be grateful if you would accept these representations, and note us as interested parties. If there is any formal requirement for us to be noted as interested parties, please treat this letter as a formal request that you should do that. We have not notified you of our interest until now as we have been in amicable discussions and negotiations with HPL, which we hope will shortly resolve our concerns; but we are given to understand that comments on the application are required by your goodselves by the 30th October. In the circumstances, we are writing so that our interests can be noted and protected. To assist you, we confirm that a further meeting between HPL, it's representatives, our valuers, and ourselves is scheduled for the 4th November, and it is hoped that agreement can be reached at that meeting about the issues we are discussing. In the meantime, we set out below our representations about the application, so that you will be able to decide on what course of action is needed in relation to those representations.

Firstly, we wish to make it clear that we do not seek to oppose or object to the principal objective of HPL's application, namely the establishment of a power station utilising gas to generate electricity at this site.

Further, whilst reserving our position in relation to the terms on which some of our land may be used to facilitate that development, we have, without prejudice, voluntarily assisted HPL during their investigations relating to the viability of the site, by allowing access to the relevant land for their surveying teams.

As indicated above, we are hopeful that our negotiations will shortly conclude

with agreement between us and HPL as to terms permitting the use of the relevant land, but need now, due to the deadlines we have identified, to put our case by way of representations in writing to you.

We oppose any order or authorisation which would permit the compulsory acquisition of any of our land.

As we understand matters, the issue of compulsory acquisition is governed by Section 122 of the Planning Act 2008, in this matter. The conditions relating to the circumstances in which compulsory acquisition can occur are set out in the subsections to that section.

Our position is that HPL are unable to seek to rely on S122 of the Planning Act 2008, as they are unable to claim or show that the relevant land is required for the development, or to facilitate or be incidental to that development. ( sub section 2). We also maintain that sub section 3 of S 122 cannot be relied on by them to seek compulsory acquisition.

Without wishing to present a long and detailed argument in this letter, as we understand that the appropriate time to do that would be at hearings set for the purpose of hearing argument about these issues, we maintain that the relevant case law and interpretation of the statutory provisions defines "required" in this context as being necessary in the circumstances of the case; that is "needed". HPL cannot argue that this route that they have chosen and submitted to you for the connection of the gas pipelines to the power station is required or needed, as they have identified at least another 3 routes by which the connection can be made, each of which could be used in the alternative to the chosen route. Further, this route cannot be argued as being substantially more practical or easier to develop or cheaper than the other potential routes, so that it does not represent a compelling case compared to the alternatives.

We reserve the right to add to or alter our representations after consultation with our lawyers, should it be necessary to instruct them, but hope that the above is adequate for you to have notification of our position, and for you to confirm our position as interested parties in this matter.

We understand the position to be that it will be necessary, if agreement between us and HPL is not reached, for a compulsory acquisition hearing to be set by you under Section 92 of the Planning Act 2008, and we invite you to consider the scheduling of such a hearing. Meanwhile we will continue, without prejudice to our legal rights, to discuss matters with HPL in an effort to resolve matters by agreement.

In the meantime we confirm that our objections to the compulsory acquisition orders sought are maintained, whether the acquisition relates to our land, or

rights sought over that land.

We have endeavoured to make contact with you by telephone unsuccessfully before e mailing this letter. If you have any queries please raise them by phone to [REDACTED] or by email.

We are copying this letter to our valuers, the surveyors for HPL, and Pinsent Masons, the solicitors representing HPL, as we are anxious that all parties are aware of the up to date position, and our views.

We have not set out details of our negotiations with HPL, as we do not think that they are relevant to you at this stage.

Thank you for taking the time to consider the above, and we await hearing from you

Yours faithfully,

Geraint Jenkins, pp A Morgan Farms, Eunice Davies and Carol Ann Jenkins and himself.

Sent from my iPad

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