

**PLANNING ACT 2008 (AS AMENDED) – SECTION 55**

**APPLICATION BY ABERGELLI POWER LTD FOR AN ORDER  
GRANTING DEVELOPMENT CONSENT FOR THE ABERGELLI POWER  
PROJECT**

**WRITTEN SUMMARY OF ALL REPRESENTATION MADE AT THE  
COMPULSTORY ACQUISITION HEARING ON WEDNESDAY 12 DECEMBER  
2018 ON BEHALF OF MR MICHAEL EDWARDS, REDIPLAY LTD AND MR  
WYNNE WATKINS**

1. These submissions are made on behalf of the three Respondents, Mr Wynne Watkins, Redisplay Ltd and Mr Michael Edwards.
2. The Respondents maintain their objections to Compulsory Acquisition, in particular, the land proposed to be acquired for the new access road to the Project. The Respondents submit that alternative access arrangements are available to the Applicant which would result in significantly less harm and the Compulsory Acquisition of the rights in the Respondents' land is not justified.
3. The original consultation for the Scheme was carried out in 2014 when two access options were put forward. Option 2 was chosen on the back of that consultation exercise with the main justification, as set out in the Statement of Reasons, being that the majority of the public consulted in 2014 supported Option 2.
4. Over the next 4 years, the Applicant worked up the proposals and then re-consulted in 2018 – but that consultation only provided Option 2 as a route option, with a number of sub-options.
5. The Respondents submit that, in taking forward the Project in 2018, the Applicant should have considered all of the options available to it, including Route Option 1, especially given that 4 years have passed since the previous consultation exercise.
6. The Respondents submit the process was flawed as the Applicant should have considered all of the alternatives in 2018. The 2018 consultation exercise did not have adequate regard to a reasonable alternative route which would not have required the Compulsory Acquisition of the Respondents' land interest.
7. In the Applicant's Response to Written Representations, the Applicants submit that Route Option 1 would have required the acquisition of third-party rights, but that is no different from Route Option 2. Route Option 1 would involve only the acquisition rights from a single land owner, rather than multiple parties in respect of Option 2. An alternative would be for the access route to follow the route of the Order Land so that no additional land would need to be acquired; however, this was not considered.
8. The Respondents will effectively face losing their land if the Order is confirmed, in the circumstances the Applicant should have considered the alternative access options in 2018, when it reconsulted on its proposal.
9. The Respondents did attend the public consultation in 2014 and that they made their views known to those in attendance, although it is accepted that they did not provide a formal written response. However, given the emphasise on pre-application engagement which the Applicant refers to in paragraph 5.10 of the Response, and which is highlighted in the DCLG

Guidance, the Respondents feel that the Applicant made little effort to engage with them directly, particularly given that there are effectively only two land owners involved.

10. In response to the Respondents' written representations, the Applicant has sought to justify the said option route selection process. The Applicant confirms the status of Ancient Woodland in terms of its high value status and protection in planning terms as a key factor in the selection of the option route corridor.
11. The various routes of the sub-options are significant to the Respondents as between them, they vary substantially in terms of interference with the Respondents' land and interest. This is illustrated in the plan attached at Appendix 1 of the Applicant's Response to Written Representations.
12. The plan indicates quite a large area classified as "Ancient Woodland Site of Unknown Category" as well as stressing its importance – this is shown tinted brown on the Plan. It is important to point out that the vast majority of the area classified as Ancient Woodland Site is occupied by the existing National Grid Station; it is developed and in fact there are only a small number of trees within the area shown tinted brown on the Plan. It is important to place the designation of the site in context; particularly when Option A is seemingly shown to travel through a significant chunk of Ancient Woodland when in fact this is not the case.
13. In paragraph 5.23 of the Response, the Applicant places significant emphasis on the second part of the quote from Alison Wheeler's report, but appears to give little credence to the first section. The small copse of trees referred to which Option B sub-route travels through is not Ancient Woodland; it is not on the Register as is clear from the Plan.
14. The Applicant emphasises the importance of woodland but it is clear from paragraphs 5.25 and 5.26 of the Response that they have not carried out any meaningful assessment of the woodland or its habitat potential and it appears to be guess work that as to whether this tiny block has any real value.
15. Given the resources available to the Applicant, they should have been able to access the copse and deal with the apparent presence of a disused mine shaft.
16. The Respondents submit that the process for selecting the sub-option routes was based on incorrect assumptions and is essentially flawed. Given the consequences for the Respondents, there were clear reasonable alternatives open to the Applicant which would have avoided any Ancient Woodland and which would substantially reduce the impact on the Respondents' property interest.
17. The Respondents submit that the Applicant has not sufficiently demonstrated that they have complied with the DCLG Guidance in that they have not properly explored all reasonable alternatives, including modifications to the Project. That Guidance is referred to at page 27 of the Statement of Reasons.
18. In the circumstances, the Respondents submit that the Applicant has not met the requirements of Section 122 of the Planning Act 2008 and in that the Applicant cannot justify that all of the land is required for the development or to facilitate or is incidental to that development.