

From: [Dafydd I Jones](#)
To: [North Wales Wind Farm Connection](#)
Subject: FW: Examining Authority's Questions
Date: 01 September 2015 11:33:20

From: Dafydd I Jones [mailto: [REDACTED]]
Sent: 01 September 2015 11:18
To: 'NWWFConnection@pins.gsi.gov.uk' <NWWFConnection@pins.gsi.gov.uk>
Subject: Examining Authority's Questions

To whom it concerns,

I write on behalf of 4 interested parties (IP's) in response to the questions raised by the Examining Authority (ExA).

The relevant registration identification numbers are as follows:

Reg No 10031225

Reg No 10031239

Reg No 10031259

Reg No 10031261

Q 0.1 – **Site Inspection**

The following sites should be viewed by the Panel on 22 September 2015:

- A. Tan Rallt, Peniel – to fully appreciate the proximity of the proposed overhead line to the residential property.
- B. Land part of Penygerddi, Peniel – to inspect
 1. A strategic woodland shelter belt which is to be part felled to accommodate the proposed overhead line.
 2. The location of a potential wind turbine site.
- C. Plas Captain, Peniel Road, Denbigh – to view the top quality arable and cropping land impacted by the proposed overhead line.
- D. Bodeiliog Ucha, Groes - to view the locally renowned cropping land impacted by the proposed overhead line.

Q 1.2 – **Principles of Development**

The IP's wish to reserve their position concerning the statement "that all of the proposed development is properly described as principal development" until such time as the applicant has tabled its legal submission.

Q 1.4 – **Good Design**

In general, IP's perceive the applicant has failed to engage with them in an objective and impartial way. During the course of repeated exchanges with the applicant's agent, few, if any, concessions have been offered in response to landowner representations concerning harmful orientation and disadvantageous pole positions. There is a strong feeling that the views of those who will be burdened with the overhead line have been overlooked at the design stage.

Q 1.5 – **Nant Bach Windfarm**

IP's would welcome clarification concerning the current status of Nant Bach windfarm and the

funding implications for the NWWF Connection scheme associated with Vatenfall's recent announcement to withdraw from its element of the project.

Q 3.9 – NFU Cymru

IP's share NFU Cymru's view that the local road network does not have the necessary capacity to reasonably assimilate the daily functions of long standing indigenous users and "foreign" movements in the form of windfarm and connection traffic.

Q 3.19 – Traffic mitigation

IP's consider that the applicant has a poor understanding of the current value of the road network to the local farming community. Consequently, the mitigation measures offered in the ES do not sufficiently protect the business interests of landowners and farmers. Any delays experienced by farmers as a result of works traffic could potentially cost money e.g arriving late to market and having to suffer the fate of an inferior pen/sale lot.

Q 4.7 – Land Use and Agriculture

IP's consider that the applicant has a basic understanding only of the productive capacity of the land intended to be used for the Connection project. Very limited dialogue has taken place concerning farming systems and it is inevitable that the dynamic of affected farms will be materially disturbed during the proposed scheme. There is no formal agreement in place regarding the applicant's likely working practices.

Q 4.14 – Water supplies

IP's require water supplies to be safeguarded by the Development Consent Order. Clauses must be soundly drafted to ensure there is no argument whatsoever concerning the way to restore supplies if a dispute arises between IP and applicant.

Q 5.4 – Decommissioning

IP's request formal clarification at the outset concerning what happens with the overhead line connection if the windfarms are de-commissioned in 25 to 30 years.

Q 8.0 - Landscape and Visual Impact

IP's consider that "undergrounding" is the only suitable option for the applicant's proposal. The visual impact is totally unacceptable in this sensitive area of countryside and outweighs the effect on habitats, ground cover, land management and archaeology.

Q 10.0 – Socio-economic impacts

IP's do not agree that "the development is unlikely to have any significant adverse effects on the overall tourism economy....." because in their view the applicant has under estimated the cumulative impact of the "wider" project. What was once a peaceful countryside setting will become an urban jungle of turbines and overhead lines.

Q 11.12 – Compulsory Acquisition

IP's are not satisfied that the purposes stated for the acquisition of rights over land is sufficient to justify the inevitable interference with their human rights under Article 1 of the First Protocol to the Human Rights Act.

Q 11.15 – Funding Statement

The sum of £1.7 million set aside for rights acquisition, (including option and easement payments), disturbance, injurious affection and related professional fees is uncorroborated. Until the relevant corroboration is made available for professional scrutiny by independent professional advisers, including representatives of the affected parties, there should not be a presumption that the estimated sum is sufficient to meet all liabilities.

Option B

Pinsent Masons, acting for the Applicant, submitted a “post application” letter to the Planning Inspectorate on 24th July 2015. The final sentence of Para 5.2 states that “the amendments are not, in our view, significant and will not constitute a material change to the Application.”

There is insufficient information available to properly judge Option B, therefore my clients must at this stage reserve their right to disagree with the statement and consequently do not concur with the view expressed by Pinsent Masons.

I trust the above replies answer some of the questions posed by the Examining Authority.

Yours faithfully

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