

**Proposed North Wales Wind Farms Connection Scheme – Synopsis in respect of Interested parties**

**Re Action Points 3 & 5 pursuant to the Compulsory Acquisition hearings which took place on Thursday 24<sup>th</sup> September & Friday 25<sup>th</sup> September 2015**

Unless it is determined that the apparatus, relevant to the above proposed scheme, is installed underground then with regard to **Option A**, in summary, the following generic representations are made in respect of individual interested parties detailed (with more specific representations to follow thereafter) hereunder -:

1. The need for a suitable detailed plans to be received to clearly identify which rights are “temporary” and “permanent” ; -this being necessary to fully understand the enduring impact of the scheme and its effect on property use and value.
2. Justification for an easement for greater than 25 years given the limited anticipated lifespan of the wind farms . Moreover whilst it is appreciated that it is not within the Planning Inspectorate’s jurisdiction to consider compensation or consideration payments , for information it is interpreted that it is usual , in respect of Necessary Wayleaves, for Capitalized payments (for a term usually of 15 years) to be based on a multiple of 10 x annual wayleave rates . However in this instance, for a deed of grant in perpetuity (i.e 125 years- but in effect permanently ) the consideration payment offers are based on a multiple of 20 albeit enhanced and calculated on arable rates. In the event of an application to renew a necessary wayleave (that had already applied for 15 years) one would expect there to be an opportunity to accordingly obtain a further capitalized sum based on a multiple of 10 i.e in aggregate a multiple of 20 applying for 30 years (instead of a multiple of 20 applying for 125 years). There is concern that the mechanisms available under the “Compensation Code”, in consequence of this process (pursuant to the Planning Act 2008) may not duly reflect the recognition payments or compensation paid means of alternative statutory powers afforded to the DNO’s (District Network Operators) .Furthermore such necessary wayleaves would not result in a specific corridor of land ,between apparatus ,being impacted by easement restrictions. Therefore it is considered that the payment offers don’t reflect an appropriate degree of proportionality and fairness bearing in mind the extent and period of rights being sought; and that the “compensation code” may be deficient in adequately protecting the interested parties’ position in this respect .
3. Also, for information purposes, there are concerns as to the wide ranging access requirements being sought over the whole legal title area associated with the affected property in respect of proposed voluntary agreements being offered . We are accordingly seeking for such access requirements to be limited to what is reasonably necessary .
4. The proposal to plant trees, particularly on roadside perimeters is a significant concern owing to liability for future maintenance and insurance ,& to mitigate concerns for future highway safety. Again there is concern that the compensation code will not provide due process in putting interested party in a position of equivalence to cover for the future potential loss or expense in maintaining trees (and in fact hedges e.g in respect of the cost for hedge-laying

at, say, year 10 ) ; given the understanding the applicant would only be intending to be responsible for the maintenance of such plantings for a limited period (i.e 5 years) .In addition whilst interested parties have been led to believe that plantings involve supplementing (rather than expanding ) established wooded areas , & involving existing hedgerows, further clarity is being sought in this respect in order to fully understand the proposals and to better determine whether this could have a detrimental impact on European Union Direct Payment regulations affecting the farming business.

5. The intended alignment route traverses productive agricultural land rather than along the roadside boundary of the affected parcels to mitigate impact on use and productivity of agricultural land .
6. Justification for the frequency of poles and stays proposed to be sited in order to mitigate interruption to agricultural operations and enterprise.
7. The harmful visual & environmental impact (including in respect of landscape) of the intended scheme is also an issue.

**To elaborate somewhat in summary, on specific representations made on behalf of individual clients (in their capacity as interested parties):**

**In this respect reference is made to representations acknowledged by the Planning Inspectorate on 28<sup>th</sup> May 2015 being Nos 19-32 as well as 44 & 45 (referenced individually hereunder) ; together with ,principally ,the subsequent submissions that followed and were published by the Planning Inspectorate on 15<sup>th</sup> September as well as in respect of dialogue with the Applicant's representatives to seek to reduce the adverse impact of the proposed scheme on interested parties' properties/enterprises.**

### **Representation No. 19**

#### **Plot 85**

**Interested Party ; Mrs C A Owen & Mr AA Owen**

- Land used for Dairy production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

Specific Representations (in summary)-: Amongst other aspects, the current alignment and location of apparatus above ground would impact on the future potential versatility (and amenity) **for the erection of a new rural enterprise dwelling on owned land** which is located ,significantly, adjoining the farmstead (which is tenanted); being the long term intention to support the prospects for enhancement of the family farming

business given the need of on farm labour for, amongst other reasons , livestock welfare requirements (e.g calving of dairy cattle).

**Representation No. 20**  
**Plot 105**

**Interested Party: Mr H M Parry**

- Land used for Dairy production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

**Specific Representations (in summary) :** Amongst other aspects-:

1. In order to reduce the impact of the proposed electricity apparatus in respect of Plas Hafod house amenity that the route section , including Poles 212 & 213 can be moved ,as far as possible , due east towards the field boundary .
2. That no trees will be planted in the road side boundary, owing to concerns in respect of Highway safety and the liability for their future maintenance cost .

**Representation No. 21**  
**Plot 91**

**Interested Party : Mr D R Owen & Mrs EM Owen**

- Land used for mixed livestock/cropping production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

**Specific Representations (in summary)-:**

- 1.That proposed Poles 179 (together with stays) are re-located within the neighbouring wooded parcel to the east (in the direction of Poles 178) to reduce the significant impact on productive agricultural land (and interference with the roadside gateway to the parcel ).
- 2.Also that no trees are to be planted on the roadside perimeters (appertaining to the interested party's property –including in respect of the the subject field and to the south of Tyddyn Bartley driveway entrance) owing to concerns on highway safety and the future cost of maintenance [albeit hedge plants within gapped areas, along the boundary (excluding, of course, the gated access facility to the agricultural land ) would be permitted].

## **Representation No. 22**

**Plots 59 & 61**

**Interested Party : Mr M Jones**

- Land used for mixed livestock/cropping production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

### **Specific Representation (in summary)-:**

#### **A. Regarding proposed apparatus -:**

1. that the route of the poles can be realigned slightly to the east (resulting in proposed poles 124,127&128 being located in the vicinity of the field boundary) .
2. that proposed poles 132 is relocated further north as close as possible to the hedge (towards poles 133) with proposed poles 131 remaining sited abutting the roadside field boundary.
3. that proposed poles 126 & 129 are removed .

**B.** That no trees will be planted along the roadside (and within internal ) boundaries (with extra hedging plants being included instead, as appropriate in existing perimeters ) .This is owing to concerns regarding the effects on highway safety and the liability for the future maintenance cost of such trees alongside the public road .

## **Representation No. 23**

**Plot 68**

**Interested Party :Mr D E Jones**

- Land used for mixed livestock/ forage cropping production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

No further specific representations (other than those already outlined, as aforesaid, on a generic basis), at this stage, being pursued.

## **Representation No. 24**

### **Plot 50**

Interested Party -: **Messrs JG,MH &I W Jones**

- Land used for Dairy production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

Specific Representations (in summary)-: concerns regarding impact of potential roadside tree plantings on :

1. Highway safety – making visibility difficult for use of field access onto the public road.
2. Future maintenance liability (and associated cost) –concerns that the “compensation code” may not have the mechanisms to adequately protect interested parties for future liability by means of injurious affection & disturbance

## **Representation No. 25**

### **Plot12**

Interested Party : **Mr D G Davies**

- Land used for Mixed livestock production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 4

No further specific representations (other than those already outlined, as aforesaid, on a generic basis) ,at this stage, being pursued.

## **Representation No. 26**

### **Plot 24**

Interested Party :**Mr J E Davies**

- Land used for Mixed livestock production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

Specific Representations (in summary)-:for poles 59 and stays to be sited 8 meters away from the neighbouring field boundary to the south ( so that it does not impact on , and impede, the existing field track which is sited on a level plateaux leading between adjoining parcels).This is very significant as the rest of the field is sloping and the existing track traverses in a strategic position (being the only suitable “ level” part within the parcel) .

### **Representation No. 27**

#### **Plot 16**

Interested Party : **Mr R Evans**

- Land used for Mixed livestock /cropping production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 4

Specific Representations (in summary)-: **Whether pole 38 can be moved due south adjoining the field boundary with pole 39 moving more central within the same field & an additional H Pole being located on the next boundary due north ,removing the need for stays to be attached to pole 40 (& leaving poles 41 & 42 in the same position).**

### **Representation No. 28**

#### **Plot 20**

Interested Party **Mr B M Roberts**

- Land used for Mixed livestock/cropping production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 4

No further specific representations (other than those already outlined, as aforesaid, on a generic basis ), at this stage , being pursued.

### **Representation No. 29**

#### **Plot 45**

Interested Party -: **Mr DC Jones, Mrs J L Jones & Mr AL Jones**

- Land used for Mixed livestock/cropping production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

Specific Representations (in summary)-: That no trees (or hedge vegetation) will be planted along the roadside boundaries owing to concerns regarding the effects on highway safety (particularly given that the field gateway already poses significant difficulties for agricultural traffic entering onto the busy public road); and given the liability for the future maintenance cost\* of such trees abutting the highway . Also there is a preference that no trees are planted on non -roadside boundaries abutting the subject land owing to enhanced cost\* resulting in the maintenance of boundaries as well as reduced productivity owing to canopy shading of prime agricultural land.

\*In this respect there is concerns that the "compensation code" may not have the mechanisms to adequately protect interested parties for future liability by means of injurious affection & disturbance.

### **Representation No. 30**

#### **Plot 39**

Interested Party : **Mr D C Jones**

- Land used for Dairy & mixed livestock/arable production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

Specific Representations (in summary)-:in order to reduce the potential impact of the proposed scheme on agricultural use of the subject silage/arable land ,that :

1. Poles 88 are moved due east , 3 metres away to (but no closer to) the hedge (in the direction of Pole 87).
2. Poles 90 are relocated slightly due south to straddle the hedge-line.

### **Representation No. 31**

#### **Plots 94& 98**

Interested Party: **Mr A A Owen**

- Land used for Dairy production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

#### **Specific Representations (in summary)-:**

In order to reduce the significant impact of the proposed scheme on agricultural use of the subject agricultural land ,the interested party is seeking the following adjustments to the siting of the proposed apparatus -:

1. Proposed Poles 182, due north to the hedge (in the direction of Poles 183).
2. Proposed Poles 184, to the next boundary line (in the direction of Poles 185)
3. Proposed Poles & Stays 185 due north closer to the next boundary line (in the direction of Poles 186).
4. Proposed Poles 186, due north to the boundary line (in the direction of Poles 187).
5. Proposed Poles 187 to be excluded.

### **Representation No. 32**

#### **Plots 99,100 & 101**

Interested Party: **Mr A E M Owen**

- Land used for Dairy & mixed livestock & cropping production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

Specific Representations (in summary)-: In order to reduce the significant impact of the proposed scheme on agricultural use of the subject silage/arable land, the interested party is seeking to adjust the siting of proposed Poles (stays)193, slightly due north, closer to the hedge line, as well as Poles (& stays)196, due east outside of the forageable land (as close as possible to the field boundary adjacent to the "old quarry")

### **Representation No. 44**

#### **Plots 44 & 51 & 54**

Interested Party : **Mr EW Hughes, Mrs PA Hughes & Mr EW Hughes**

- Land used for Dairy & mixed livestock / cropping production
- Agricultural Land Classification (based on historical Map dated 1961): Grade 3

Specific Representations (in summary)-:

- A. In order to reduce the significant impact of the proposed scheme on agricultural use of the subject silage/arable land, the interested party is seeking :
1. that proposed poles 112 are located due west adjoining the 5m wide field access track, but not obstructing the same and the existing field gate (and abutting the northerly perimeter of the arable land
  2. that the existing field gateway is not be obstructed by proposed poles 117.
- B. That access rights, along the driveway in the direction of Eriviat Hall, are not extinguished and suitable temporary alternative access measures are provided during any period affected by the proposed scheme.
- C. That no trees will be planted along the A543 roadside boundaries owing to concerns regarding the effects on highway safety and the liability for the future maintenance cost\* of such trees abutting the highway (to account for a tree surgeon and to include traffic management controls). Also there is a preference that no trees are planted abutting the driveway leading to Eriviat Hall and on non-roadside boundaries abutting the subject land owing to enhanced cost

\*resulting in the maintenance of such perimeters as well as reduced productivity owing to canopy shading of prime agricultural land.

\* In this respect there is concerns that the "compensation code" may not have the mechanisms to adequately protect interested parties for future liability by means of injurious affection & disturbance.

### **Representation No. 45**

#### **Plots 53,56 ,67**

Interested Party ; **Mr HW Hughes, Mrs EA Hughes & Mr GW Hughes**

- Land used for mixed livestock production
- Agricultural Land Classification (based on historical Map dated 1961):Grade 3

#### **Specific Representations (in summary)-:**

- A. i) In order to reduce the potential impact of the proposed scheme on agricultural use of the subject land [which consists, it is understood, of heavy clay (as well as peat in part) **and prone to being particularly wet ,especially ,in the winter, along significant sections of the intended route corridor**] , the interested party is seeking that poles 119 is moved as far to the west of the adjacent field boundary fence as possible , as the current proposed position would dangerously impede on a narrow corridor available during, in particular, winter months for access with farm vehicles extending from the south to the north of the subject agricultural land .
- ii) a proposal for re-alignment between Poles 120-123 (inclusive) so as to reduce the number of stays required to reduce impact on the use and productivity of the agricultural land.
- iii) that the existing field gateway will not be obstructed by proposed poles 117.
- B. That access rights, along the driveway in the direction of Eriviat Hall , are not extinguished and suitable temporary alternative access measures are provided during any affected period of the scheme .
- C. It is the interested party's preference that no trees are planted abutting the driveway leading to Eriviat Hall, and on non roadside boundaries abutting the subject land, owing to enhanced cost\* resulting in the maintenance of such perimeters as well as reduced productivity owing to canopy shading of prime agricultural land.

\* In this respect there is concerns that the "compensation code" may not have the mechanisms to adequately protect interested parties for future liability by means of injurious affection & disturbance.