

From: [REDACTED]
To: [Brechfa Connection](#)
Subject: 151124 EN020016 Bryan and Yoka Kilkelly - Written representation
Date: 24 November 2015 11:58:56
Attachments: [Ltr to Mrs King Inspectorate for Mr Brodrick 24 11 15.doc](#)

Dear Mrs King,

Please find attached a letter for Mr Broderick with regards to the Brechfa Connection Scheme. We would be very grateful if you could send this letter to him to read, as we are a very concerned landowner.

Many thanks,
Best regards,
Yoka and Bryan Kilkelly

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The Planning Inspectorate, Mr M Broderick.
FAO Mrs Catherine King,
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

24th November 2015

Our ref BFC-AFP148/BFC and AFP015

Re: Brechfa Forest Connection EN020016

Dear Mrs King,

Thank you for your correspondence dated 13th October 2015 outlining the next steps in the Examination Procedure. Our representation at the open hearing has already been formally indicated by our land agent, Mr Iwan Jones, BJP, but we thought it may be useful to also confirm this in writing.

To this end, we would like to confirm that we would like our views to be heard via oral representations at the open hearings on 30th November 2015 and 1st December 2015. We would also like to lodge our representation for the issue specific hearings on 8th, 9th and 10th December 2015 as appropriate, especially in regard to landscape issues.

We would also like to request that a site inspection is undertaken on our land on 1st December 2015, as we will have a significant number of poles on our land and will suffer subsequent injurious affection, and we would appreciate it if you could witness the impact of this first hand.

We are writing to express as landowner/property owner our serious misgivings about the process that is taking place between Western Power Distribution/ Freedom Group and us and would like to express these for the Inspector to consider with regards to a fair and equal process to the planning decision.

We wish to make it absolutely clear we have never had any objections to the lines being installed underground but have a continuing and ongoing objection to the line being constructed over ground.

We experience that the interest of us as property/land owner has been very much disregarded and not acknowledged by WPD/Freedom Group. Communication between the parties is not taking place and if there is any, it is vague and lacking details and consequences. Feedback forms filled in by land/property owners that WPD was requiring with regards the planning applications, were filled in by landowners, but it was never acknowledged that these forms were submitted in their original state. We would like to know if the Good Governance Institute procedures have been followed and whether landowner feedback has been independently collated for your consideration, so that landowner views are fully reflected.

It was only on the 14th November 2015 that we received the Head of Terms from WPD, despite several requests from our land agent for this to happen sooner. As a result, we are now trying to organise a meeting between WPD, our land agent and ourselves.

The Head of Terms themselves are very vague and are only a summary of the Deed of Grant. There is no mention of injurious affection and despite request of including information about injurious affection WPD/Freedom have not been forthcoming in including this in the Head of Terms. The Head of Terms do not reflect what we had originally been told. The Head of Terms for a contract should also be a negotiation document between the parties involved but when we look at the presented Head of Terms, they are constructed with binding conditions. This is extremely unusual and detrimental for us as we are signing away our rights.

Within the HoTs, there is no mention of how injurious affection will be dealt with which would allow us to make an informed decision; for ourselves, our property value will be significantly affected. Further, we have no assurance that in their signing, we are not leaving an open option to even worse intrusion in the future, namely, metal pylons and this lack of clarity at this stage is extremely concerning.

The process WPD/Freedom Group is following, amounts to unfair pressure as you are still deliberating on the whole process and Heads of Terms should only be presented to land/property owners after you have made a decision. We have not been allowed time to discuss the consequences with our solicitor (as this is only a summary and we need the Deed of Grant). We feel that WPD are steamrolling this process forward without being transparent of all the implications for land/property owners. This is confounded by the fact that, despite numerous requests, WPD/Freedom have failed to discuss the injurious affection within the head of Terms. This lack of transparency makes the process not equal.

The wordings in the original document that WPD/Freedom presented to all the land/property owners differs from the wording in the current Heads of Terms with regards to injurious affection and will affect land/property owners in a negative way. Decisions are being taken over our heads and we are expected to comply with this without any objection or knowledge of what is happening.

WPD/Freedom Group is a large organisation with numerous resources to their disposal. Although it might not seem important to them, to land/property owners the framework of how to proceed and the different consequences of this framework need to be explained. WPD/Freedom Groups does not seem to want to exchange communication and tends to brush these subjects under the carpet. As land/property owners we feel much disenfranchised by the whole process.

There have also been changes to the route alignment and numbers of poles and stays without us being informed about this. The first thing we learned about this was when we were sent the Head of Terms.

We would like you to take all the above into consideration and wanted to make you aware that as land/property owners we feel much disenfranchised with the whole process and the way WPD/Freedom is trying to hasten procedures. We would like to ask you to make sure that this process is conducted in a fair and equal manner, as we feel that at present this is not happening.

With regards,

Bryan and Yoka Kilkelly

[REDACTED]