

Dr Michael Woods and Nicola Woods



Reference Nos: BFC-AFP093, BFC-AFP108

15th December 2015

Dear Sir,

Application by Western Power Distribution (South Wales) for an Order Granting Development Consent for the Brechfa Forest Connection: Post Hearing Document: Compulsory Acquisition Hearing

We write to provide further detail on the arguments that Nicola Woods made at the compulsory acquisition hearing.

Context

Part of our property is identified as required for the proposed development. The rights required are set out in the Book of Reference Plan Number A/LP/PS/7, Reference Number A245.

Summary of our position

Our land is not required for this development.

Simple modifications to the current proposed scheme are possible and would remove the need for the compulsory acquisition of our land. These modifications could be made with no discernable impact on any other residence.

There is no evidence that these alternative solutions have been explored.

We do not believe that the impact of the connection on us has been properly assessed since the proposed alignment comes so close to our residence (certainly within 100m and, by our calculations, within 80m).

There is no compelling case that the compulsory acquisition requested outweighs the interference with our rights.

Further Detail

At the compulsory acquisition hearing on 2nd December 2015 the Applicant's QC explained that initially (at stage 2 consultation) there was a choice of routing of the connection close to our property. One option ran to the east of Ty Llwyd Mawr and the other ran to the west of Ty Llwyd Mawr. The western route (that we had objected to during stage 2 consultation) was chosen, I understand, as this was the clear favourite of those with landscape expertise.

Therefore the western route was the only route consulted upon at stage 3 consultation. This must therefore have been a viable option.

This proposed alignment at stage 3 consultation was not ideal for us, however, it would not have necessitated any compulsory acquisition of our land rights.

The Applicant's response to our relevant representation indicated that, after the stage 3 consultation, the Applicant has been in discussion with others about their preferences of routing.

As a result, the current proposed alignment has changed since that of the stage 3 consultation. The latest alignment has now moved some 40m closer to our property.

The Applicant has never discussed any such preferences with us. The Applicant has never asked us about the modifications that it could make to lessen the scheme's impact upon us.

The change in the alignment post stage 3 consultation has a significant impact upon us.

The compulsory acquisition of our land rights are now requested by the Applicant.

The current proposal now results in the closest pole (pole 76 which will be in a neighboring landowner's field) being approximately 10m from the boundary of our property and within 100m of our residence (closer to 80m by our calculation however the Applicant does not appear to accept that the development of our home office will extend the footprint of our residence).

The Applicant has not asked us about our preferences and therefore has not taken these into account before moving the alignment proposed at stage 3 consultation to the current proposal. The Applicant has had such discussions with others. Therefore the Applicant has not balanced our rights with the rights of others.

Small changes to the proposed alignment (for example, returning to the alignment consulted upon at stage 3 consultation) could be made and would completely remove the need for any compulsory acquisition of our land rights.

Moving the alignment of the connection behind our property by approximately 40m north of its current position (the alignment proposed at stage 3 consultation) would not result in the connection being materially closer to any other residence.

Discussions with Landowners

The Applicant has not approached us to discuss alternatives or to provide an explanation of the extent of rights requested in the book of reference (although in the compulsory acquisition hearing the Applicant's QC indicated that the Applicant had agreed to reduce the extent of our rights to those suggested by Dr Woods in his relevant representation dated 9th November 2015).

In response to the Examining Authority's question to the Applicant at the compulsory acquisition hearing as to how discussions with landowners are progressing, I can state that they are not progressing, at least in our case.

The Applicant has made one visit to our property but was unable to explain the route alignment in relation to our property and residence. The Applicant was also unable to indicate during the meeting where any of the poles close to our property would be placed. They attended the meeting with us with the sole purpose of obtaining our signature on their Heads of Terms and gave us the impression that that no changes to the alignment were possible.

Subsequent to the compulsory acquisition hearing we have been informed via email that, "...a communication will be available in due course with regard to possible adjustments to minimise the potential impact this project may have on land under your ownership". To date, we have not received any further information.

Yours faithfully,

M I Woods
N Woods

Dr Michael Woods
Nicola Woods