

From: Jillie [REDACTED]
Sent: 17 December 2015 11:03
To: Brechfa Connection
Subject: 151217 EN020016 Jillina Gardiner - Submission on behalf of Carmarthenshire Local Access Forum.

I had planned to read this statement out at the hearing on landscape on behalf of the Local Access Forum. However, as agreed with the inspector at the hearing, this is a written copy.

Jillina Gardiner
[REDACTED]

Statement on behalf of Carmarthenshire Local Access Forum.

My name is Jillina Gardiner, I am the member of Carmarthenshire Local Access Forum (CLAF) who lives closest to the western side of Brechfa Forest and have therefore been one of the people following this development from the beginning. The points I will be raising at this hearing relate to legislation regarding the role of the CLAF and rights of way.

The Countryside and Rights of Way Act 2000 part V sets out the requirement for each highway authority to create an advisory body known as the Local Access Forum, with the members representing users of rights of way, owners and managers of land and representatives of other special interests, in Carmarthenshire's case that includes tourism. The legislation specifies that the role of a LAF is to provide advice to the highway authority and other bodies exercising functions relating to open access land regarding the improvement of access and enjoyment by the public of the rights of way network and open access land. Carmarthenshire County Council is the highway authority for all of the area covered by this planning application.

In the planning application for the Brechfa West grid connection, where the surveyors came across locked or overgrown public rights of way they have presumed that the rights of way will remain in that state. Rights of Way legislation requires that when a highway authority is notified of any obstruction to a right of way they must take action to clear the obstruction. The Countryside and Rights of Way Act 2000 covers the powers to order an offender to remove an obstruction. The legislation sets out time limits and provides the person making the complaint to the highway authority the option of applying to a magistrate court for an order requiring the highway authority to take action if they are not satisfied that the obstruction has been cleared. Locked gates and overgrown vegetation are both relatively simple obstructions to clear. The Rights of Way department of Carmarthenshire County Council have confirmed that they were not notified by the surveyors preparing this planning application of any obstructed RoW at the time of carrying out the surveys. The surveyors should have reported the obstructions to the highways authority, rather than using the temporary obstructions as a reason for not assessing the visual impact on rights of way users along the route of the power line.

Carmarthenshire County Council and the public have questioned why the impact of the development cannot be mitigated by constructing the substation on the western side of the forest, so that there is no need for a 150 foot wide area of the forest to be cleared and kept clear with an overhead line running through it to a substation on the eastern side of this section of forest now that the planning application is for a power line to only connect a single wind farm to the National Grid.

The Countryside and Rights of Way Act 2000 requires a highway authority to produce and maintain a rights of way improvement plan (ROWIP) which contains an assessment of how

well the RoW network meets the public's current and likely future needs and solutions. The ROWIP is produced in consultation with the public. In Carmarthenshire a number of problems were identified for which the solution set out in the ROWIP is to make the most of the opportunities provided by the open access status for walkers, cyclists and horse riders of Brechfa Forest. This planning application fails to consider and provide appropriate mitigation for the impact of closing a section of Brechfa Forest to the public during construction, and the impact on public enjoyment of the forest of the wide gash through the forest containing overhead power lines post construction.

<http://www.carmarthenshire.gov.wales/home/residents/leisure-outdoor-activities/public-rights-of-way/improvement-plan/#.VnKUt3FFDIU>

Last week during the hearings the legal representatives of WPD said that the reason for not mitigating the impact of the power line on users of Brechfa forest by relocating the substation, was that the site of the substation formed part of the development consent order for the wind farm and therefore could not be changed. However, the wind farm developers have recently submitted an application to modify the development consent order for the wind farm which includes making extensive changes including changing the routes of power lines and access tracks between turbines. So the question remains as to why the impact of the power line cannot be mitigated by constructing the substation to connect to the wind farm at a location to minimise the length of power line needed.