

**Reader, Diana (ESNR-Sectors & Business-Regional Development & Delivery)**

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**From:** Diana Reader [REDACTED]  
**Sent:** 27 January 2016 16:23  
**To:** Reader, Diana (ESNR-Sectors & Business-Regional Development & Delivery)  
**Subject:** Fwd: Brechfa Forest Connection  
**Attachments:** WPD Letter 25th January 2016.pdf

*\* enclosed*

Sent from my iPad

Begin forwarded message:

**From:** Diana Reader [REDACTED]  
**Date:** 27 January 2016 16:19:18 GMT  
**To:** [BrechfaConnection@pins.gsi.gov.uk](mailto:BrechfaConnection@pins.gsi.gov.uk)  
**Subject:** Brechfa Forest Connection

Good afternoon Katherine

In response to the Inspector's second round of questions we would like to provide the Inspector with an update on the attempts we have made to engage with WPD to advance negotiations towards a voluntary agreement.

The attached letter attached speaks for itself.

*\** I have posted today the original letter to us from Bruton Knowles, (our attached letter is in response), and I have additionally posted our letter to WPD of 12th January.

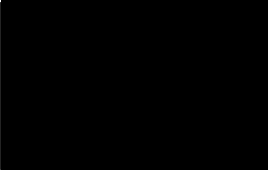
Apologies that I have had to post on these two further letters, and not forwarded scanned copies to you as requested by the Inspector, but our scanner had developed a fault.

Yours sincerely  
Diana & Kevin Reader

WPD Letter 25th January 2016

Sent from my iPad

Western Power Distribution  
FREEPOST B FOREST CONNECTION



25th January 2016

Your Ref: NCWB/510854

Dear Mr Hubbard

Further to our letters of 9th November 2015, 12th January 2016 and my statement at the Open Floor Hearing on 30th November 2015.

We are extremely disappointed with the response we have received from Mr Buxton on your behalf. It is apparent from the response that Mr Buxton has not read our letters thoroughly and does not have a basic grasp of the concerns we have, the letter is full of inaccuracies which we outline below -

**BT Line -**

Mr Buxton suggests the BT line could be diverted or placed underground.

We have advised that the BT line is already underground, directly underground where you propose to site pole 155.

**Mains Water Supply -**

Mr Buxton refers to the hydrologists report from 2014 and advises that WPD concluded that the alignment as proposed does not impact upon the pond and water tanks.

We have advised that the water supply is a mains supply, directly under where you propose to site pole 155, our private water supply, pond and water tanks are sited three fields away.

**Changes made following Consultation -**

Mr Buxton states that we requested fewer poles on our land, this is not the case.

Our consultation suggestions at Stage 3 included the two poles, as per the Overview Document, there was no request by ourselves to have fewer poles.

One pole (numbered Pole 155 at Stage 3) had been relocated prior to the Stage 3 Consultation as it was originally sited on a botanically sensitive area (see your own survey reports).

Pole 155 in the submitted design cannot be sited as shown as it is directly over the underground BT line and mains water supply. The location site cannot be moved in either direction along the width of the development zone, running alongside the field boundary, as the BT line and the water supply also follow this route. It cannot be moved 5 meters north along the route as this would site it in our access track and to the south would site it in the middle of the field in the area of a ramparted pingo.

Pole 155 has been sited in an area which was never considered throughout the consultation process and the site has not been subject to the various surveys.

At Stage 3 the site of the pole in this area, pole 157, was situated in the adjacent field. The site was selected with regard to the ramparted pingos, our request for the route to follow the lowest possible point and our request that the existing mature tree line was utilised to provide a visual screen.

The submitted design has disregarded the views that we have expressed throughout the consultation process. Please can a member of your Project Team engage with us to discuss any possible modifications to the proposals.

**Undergrounding of existing 11kv line** - Mr Buxton states that there was never an undertaking to bury the 11kv line.

When you and members of your Project Team met with us on 8th September 2014 we walked the boundaries of our smallholding. We stood under the line in our top field as I wanted to show you the panoramic visual impact of the line encircling our property on three sides. I was told that this section of the line would be put underground. The conversation is very clear in my mind and it was most defiantly an undertaking. It was a response when I raised the point that there would be lines crossing on the skyline. I understand that our neighbours also received the same undertaking. Following conversations with other landowners similar undertakings were also given to them which WPD now do not recollect.

Mr Buxton states that WPD only considered which 11kv lines required undergrounding after the Stage 3 Consultation had closed.

At Stage 3 WPD would have been fully aware of the existence of the 11kv lines and other infrastructure. The design at Stage 3 had single poles crossing our land, this design would not have been possible unless the existing 11kv line was put underground as there would not have been sufficient clearance. Therefore either there had been an undertaking at Stage 3 to underground the 11kv line or the design we were asked to consult on was not possible to construct with single poles as outlined and was incorrect. We expected that the design submitted at Stage 3, for our final consultation, was a fully worked-up, feasible and deliverable design which drew on the year and a half of various surveys, not just an indicative design which had not even had the consideration of existing infrastructure. We find this approach by WPD unbelievable.

We maintain that the introduction of twin poles is an engineering solution to avoid undergrounding the existing 11kv line to save cost and/or construction time. This decision has been disguised by linking it to accommodating change requests by ourselves and our neighbours. Mr Buxton states that an optimal route was found to accommodate both parties. In fact neither parties views have been accommodated. The requests by ourselves or our neighbours do not require the introduction of twin poles and neither parties are satisfied with the proposed design, especially the introduction of twin poles. As I outlined in our letter of 12th January we do not accept that it is a matter of accommodating one neighbours preferences over another as has been suggested and this stance by WPD is divisive and not in the spirit of the consultation process.

Our Stage 3 submission followed a further site meeting with you and members of your Project Team the day prior to the opening of the Stage 3 Consultation exhibition in Carmarthen. We were told that you had engaged with our neighbours and we were left with a plan which was revised on site by a member of your team which reflected the discussions and were based on a single pole design, with twin poles only at the turns. We were asked to submit our Stage 3 Consultation proposals based on the discussions held and the plan left with us. Our Options A & B which we submitted reflect the revised plan you left us with. Our options A & B push the route down to the lowest possible point and additionally push the twin pole 154 down over the brow of the slope which will greatly reduce the visibility impact to both ourselves and our neighbours. We urge you to engage with us to discuss any possible modification to the submitted design which will be acceptable to all parties.

**Comparisons of pole heights Stage 3 Design / Submitted Design** - Mr Buxton's response to our request for comparative heights of the single poles at Stage 3 Consultation and the twin poles in the submitted design illustrates a total lack of understanding of the issue.

So a comparison of the visible height from our property can be made, please provide -

At Stage 3 Consultation, poles 154 - 158 plotted on a topographical map  
Submitted design, poles 153 - 156 plotted on a topographical map

Only with the height of the pole and the height of the contour can the visibility be compared. Ideally, we would like to see the submitted design on the 3D modelling, just as we viewed the Stage 3 design.

**Heads of Terms** - Our solicitor has advised us not to sign the Heads of Terms document until our concerns regarding the design and other issues have been resolved through engagement with WPD. Additionally, at

the recommendation of our solicitor we are compiling a list of additions which our solicitor requires to be added into the HoTs document e.g. agreement of livery costs/approvals/travel expenses should it be necessary to temporarily move our horses off our land for health and safety reasons, works access notice, compensation payments for land we cannot graze due to construction damage, logging to our specifications any timber felled on our land, etc. Our solicitor has advised us not to rely on any verbal undertakings provided by WPD and that all points should be included in the legally binding HoTs document.

**Timing of construction works** - Mr Buxton states that repair to damage to our land caused by construction will be carried out once 'ground conditions permit'. This suggests that construction works will be carried out without due regard to ground conditions at the time. We have highlighted throughout the consultation process that the fields where it is proposed to site the poles are very wet, we were assured by members of your Project Team that works along the line would be scheduled and work on our fields would be carried out at the driest possible period. If construction is attempted during wet months the damage to the peat bog will be extensive. It will take the peat bog time to recover its structure and we may not be able to safely graze our fields for two seasons. We note from your submitted documents that NRW have expressed concern regarding possible damage to peat bog and pingos and there is mention of protective tracking for construction vehicles. However there is no specified mitigation detailed for our land in the proposals. Additionally, there is mention of specialist pole foundations which will be used in peat land. We require confirmation that works will not be scheduled during wet months and also details of what land damage mitigation and foundation design are planned. We intend to link-in with NRW regarding their concerns.

**Progress to a voluntary agreement** - Mr Buxton trusts that his letter answers our outstanding concerns and that we will now feel able to progress to a voluntary agreement. Regrettably it does not on any level.

Please can someone from your Project Team engage with us to discuss any possible modification to the proposals and to competently answer our questions and concerns. We do not consider Mr Buxton's letter constitutes any form of engagement. This response from WPD is at the best arrogant and dismissive of the consultation process and additionally is not in the spirit of consultation or negotiation.

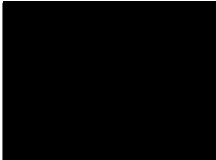
Yours sincerely

Diana and Kevin Reader



**Date:** 21 January 2016  
**Our Ref:** NCWB/510854  
**Your Ref:**

Mr and Mrs K Reader



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Dear Mr and Mrs Reader,

### **WPD: Brechfa Forest Connection**

Thank you for your letter of 12<sup>th</sup> January, Mr Hubbard has asked me to respond to you and I trust this letter helps to answer some of your concerns so that we can move forward with negotiations for a voluntary agreement.

WPD, as any applicant for an NSIP project, collates information from a variety of sources, including landowners, land registry titles, on-site surveys and utility searches. Some utility surveys were conducted as part of the preparation for the DCO submission. Further utility surveys will be required should the application be consented. However utility companies frequently cross each other's assets and standard agreements are in place to assist with this, so WPD is not unduly concerned by the presence of a BT telecoms cable which could be diverted or placed underground with BT's consent.

Details of your water supply were taken and recorded in July 2014. The hydrologists for WPD considered this information and concluded that the alignment as proposed does not impact upon the pond and water tanks.

Concerning the changes made following the consultation, WPD had to balance the views of those consulted. Often consultees suggest changes that conflict, and a considered view has to be taken by the applicant. I understand that you requested that fewer structures were placed on your land and that the route was moved further west and down the hill. WPD could not fully adopt your suggested changes without causing changes to pole positions that would be detrimental to your neighbours, but an optimal route was found to accommodate both requests.

The compromise solution allows for a re-alignment in response to your change request but so as to not increase the number of poles on your neighbours land a longer span to pole 154 is required, this extra span carries a heavier weight of cable and therefore an H-pole is required in place of a single pole on your land. You will note that WPD's amendment has also reduced the number of poles along this section of the line from the five proposed at stage 3 (poles 154-158), to four (poles 153-156).

The height of the H-pole (154) referred to in the DCO submission is lower at 14m high than the single pole (155) that was 15m high and consulted on at stage 3.

The switch to an H-pole was not to overcome the 11kV lines, but to support the extra weight of cable arising from attempts to accommodate your change request and those of your neighbours.

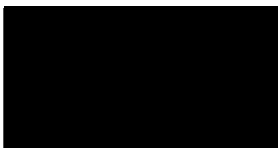
There never was an undertaking to bury the 11kV line, but this would have occurred if the submitted scheme had insufficient clearance from the existing line. However WPDs consideration of which 11kV lines required undergrounding only took place after the design was frozen following stage 3 consultation. The conclusion was that with the submitted design there is no network requirement to underground the 11kV line and therefore no change is proposed.

The Heads of Terms tabled make provision for further claims for injurious affection and disturbance. Assessment of injurious affection usually takes place after construction when the visual impact can be properly considered. Nevertheless we have invited your agent to submit claims for injurious affection and these will be progressed if properly supported with market evidence; to date no claims have been received. Any negotiations for injurious affection do not prevent agreement with the heads of terms. Also no injurious affection would arise in the event that the scheme is not consented, and therefore no payment will be made until after construction.

It is in all parties' interest that construction works are carried out causing the minimum of damage to the land. However we provide reassurance within the Heads of Terms by undertaking that should damage occur then you are able to claim for any losses that may arise and that the repair to the land will be carried out once ground conditions permit.


I trust that this answers your outstanding concerns and that you now feel able to progress with the voluntary agreement.

Yours sincerely



**N C W Buxton MSc MRICS**

cc: Iwan Jones, BJP



12th January 2016

Your Ref: BFC/AH/108

Dear Mr Hubbold

Further to our letter of 9th November and my statement at the Open Floor Hearing on 30th November.

As we have requested, we would like someone from your Project Team to engage with us to address the points we have raised so that we can enter negotiations to reach a voluntary agreement.

The plan we were presented with on 22nd September proposes to locate a pole directly over an underground water connection and BT line. As acknowledged in WPD response to the Open Floor Hearing questions, we had advised WPD of this existing infrastructure as WPD requested. There was no requirement for us to plot out the route on a plan, it is the responsibility of WPD to correctly plot existing infrastructure.

In addition to the points we raised in our letter of 9th November we want to know why the section of the existing 11kv line which crosses under the new line on our neighbour's the Davies land is now not going to be undergrounded. When I met with your Project Team on 8th September 2014 and we stood under the line in our top field I was advised that this section would be put underground. Have twin poles been substituted in this section to gain the necessary clearance between the two lines to avoid the cost/time in undergrounding?

Accommodating the request to move the pole further away from the Davies house doesn't require the introduction of twin poles. We suggest the introduction of twin poles in this section is not a requirement but an engineering solution which has been introduced to avoid undergrounding the existing 11kv line, this solution we suggest has been disguised by linking it to repositioning poles at the edge of fields. We also do not accept that it is a matter of accommodating one neighbour's preference over another as has been suggested -

WPD Document 9.12

5.1.17...The issue raised by Mrs Reader about pole 155 is a good example. One land owner was asking for a pole to be moved closer to a hedge, and this had an impact on another landowner. In such circumstances, a judgement must be made by the Applicant, the Examiner and the Secretary of State.

If the existing 11kv line is placed underground as we were originally advised then single poles can be used as originally proposed and with consultation they can be positioned to satisfy all parties.

In the response to my question regarding the height of the proposed twin pole 155, WPD have advised that it is 14m in height. In our letter of 9th November we requested the height of the original single pole as proposed at stage 3 consultation in both the original proposed location and the new location in the plan we received on 22nd September for comparison. Please provide this comparison as requested. A twin pole at 14m is preferable to a twin pole at 17m, however a single pole at 11m would be far less visible. From the first meeting with WPD and throughout all the consultation process we have put forward our views that the visibility was our greatest concern. We asked for the lowest point of the valley and existing tree line to be used to provide maximum screening. Our views have been totally disregarded with the introduction of twin



poles.

We urge you to engage with us to discuss any possible modification to the proposals which will be acceptable to all parties so we can progress to an agreement.

Yours sincerely

Diana and Kevin Reader