

Written Submissions Philip James Watson.

I think it is important that the planning Inspectorate know the background to this case. In 2014 National Grid carried out some works on the line involving pylon XC481. At the time the pylon was placed just to the North of the right of way that passes through Mr Inghams land. I was aware that the pylon was being replaced with a new one but was not told that it was going to move south over the right of way. I was asked at the time by National Grid(verbally) to not use the right of way because there would be a lot of work taking place in that area. In March 2016 I walked the right of way and found that the new pylon was blocking the right of way. I contacted NGrid immediately via email. National Grid had already provided a route around the pylon but this was neither adequate nor was it a legal right for me to use. Mr Ingham refused to provide a legal right around the pylon mainly because he does not want me travelling through his yard next to his house. He admitted this many times in court. National Grid signed an easement with Mr Ingham granting a permanent right for the pylon to block the right of way. There had been a wayleave signed previously to this allowing NGrid to erect the pylon but this was not a permanent right. The wayleave clearly stated that it was subject to third party rights on or under the land. My permission was needed to join in and enter the easement agreement but none was sought from Mr Ingham or NGrid. The agreement was signed in July 2016.

Several years of litigation took place until the matter finally came to court in May 2019. NGrid were not joined into this case because they had signed a standstill agreement with me. The judge held that it was an illegal obstruction of the right of way but did not order the pylon to be removed. Instead she awarded damages in lieu of an injunction and these were to be assessed on a negotiating basis.

A joint expert witness from Cundalls was appointed to assess what would have been agreed prior to the erection of the pylon. He said that I had the same rights as a tenant in this situation and that I should have been given 25% of the easement payment. He also said that I would have negotiated a suitable route around the pylon at the same time. He also said that this 25% could have been paid by NGrid and not Mr Ingham.

The winners in any litigation are not the claimant or the defendant but the lawyers. The time spent by the parties is irrecoverable and winning party is only able to reclaim 65% of it's legal costs from the other side. If NGrid had notified me in a timely fashion then no legal action would have had to take place.

National Grid will claim that the case is historic but surely this matter is repeating itself again and the above case is very relevant. The plans have been changed again to block the right of way. No explanation has been given. It is a fact that Mr Ingham does not want the right of way to exist because it devalues his land. National Grid are not allowing me into any negotiations and have not offered me 25% of whatever is negotiated with Mr Ingham, or even a route around the CSEC. They refuse say what has been discussed. Instead NGrid (which is a profit making organisation) have offered me nil compensation and no route around the pylon. It simply wants to get away with it's actions for a second time.

There is now a legal precedent and the case was refused an appeal on 3 occasions. National Grid have to recognise that I have rights and not simply dismiss them in this way.