



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Application for consent to construct works on
common land

Commons Act 2006: Section 38

National Trust Act 1971: Section 23

Return completed application to:

Planning Inspectorate Wales
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Application for consent to construct works on common land

- Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer
- Refer to separate **Notes** on completing this form (the "Notes") and the 'Common Land Guidance - General Overview' note before, and when, applying
- Consult informally and widely about your ideas before developing a formal proposal

This application is made under *(tick as applicable)*

Section 38: Commons Act 2006

.....
(if there is a Scheme of Management or local Act applying to the land, see Section I and 'Common Land Guidance – Special Consent Provisions (other than National Trust Land)' note before applying)

Section 23: National Trust Act 1971

.....
(see Common Land Guidance – Special Consent Provisions (National Trust Commons)' note before applying))

SECTION A – The land (see Notes 1, 2 and 3)

1. Name of Common CL No.
- (a) Community/Town of
- (b) Borough/County Borough/City of
2. Commons Registration Authority
3. Does owner of common consent to proposals

SECTION B – The applicant

4. Title (e.g. Mr/Mrs/Miss/Ms/Dr)
- (a) Forename(s)
- (b) Surname
- (c) Position/Organisation (if appropriate)
5. Full postal address
-

[Redacted]

Postcode

Telephone number (incl national dialling code)

Mobile number

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by E-mail Post

Details of Agent (if appropriate)

6. Title (e.g. Mr/Mrs/Miss/Ms/Dr)

Contact Name

Organisation

7. Full postal address

[Redacted]

Postcode

Telephone number (incl national dialling code)

Mobile number

Fax number (incl national dialling code)

E-mail address

SECTION C – Area of common and common rights (see Note 4)

8. (a) Is the land on which the works are proposed registered as common land? Yes No

(b) If No, why do you need to apply?

9. (a) What is the total area of the common as registered? 141.326 acres

(b) What common right(s); if any, are registered? (e.g. number and type)

Grazing and yes, they are registered.

Are they ever exercised?

Yes No

If Yes, to what extent (e.g. which commoners are active, which rights are exercised and how frequently?)

The land is being grazed. A list of possible parties exercising the rights is enclosed with this application. On the basis that the register is not updated we checked the ownership of the relevant fields and so far as we are aware the list of registered proprietors reflects the parties who have the right to exercise the grazing rights. Whilst we are aware that the rights of grazing are being exercised we cannot quantify the frequency.

SECTION D – The proposal (see Note 5 and 6)

10. What works are proposed? (tick all that apply)

- (a) fencing
- (b) building/s
- (c) other structure/s
- (d) ditch/es, trench/es, embankments/s .
- (e) other works .

Please specify

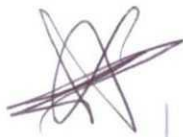
Upgrading of existing access track

11. Area and extent of works

(a) What area will be occupied by the works or enclosed by the fencing? 6,800 sq.m sq m/ha-

(b) What length of works/fencing is proposed? 1,700 m

12. Are the proposed works:



- (a) permanent?
- (b) time-limited? (see Note 7)
- (c) a mixture of both (a) and (b)

Months

For time-limited works, how long will they be needed?

9 weeks

weeks/months/
years

13. Is this application, or any part of it, for works that have already been constructed? (see Note 8)

Yes No

14. Describe the proposed works below

Construction works will be carried out to the existing access track that crosses from the north of Llandegley Rhos Common (RCL 34) whose entrance is off the A44 opposite Larch Grove with the track travelling west to the boundary of the common where it then follows the boundary of the common south until it meets the existing byway open to all traffic, which runs along the southern part of the common from Pye Corner.

The work will comprise construction of an access point together with an upgrade to the existing access to accommodate construction related traffic. This will also use an existing public right of way. As part of the works to upgrade the access work on the common, a wheel wash facility will be constructed. The access tracks will be a minimum of 4.5 metres wide, the width varying locally for junctions, bends and passing places. Topsoil will be stockpiled and subsoil excavated to a maximum overall depth of 400mm below existing ground level (or deeper where tracks are cut into existing slopes).

The works will be fenced off during construction using the Heras 151 System of fencing to a height of 1.8 metres with a round top panel and anti-climb mesh which is the strongest panel on the market. Any potential trip hazard will be highlighted and there will be an anti-tamper tool to provide additional security to the fence. The fencing has high visibility feet. For further details, please see section D1 of this application.

15. Say more about the nature and purpose of the proposal, and explain why the proposed works are needed on the common (see Note 9)

Upgrading to allow vehicles to exit the common via the existing northern entrance

16. It is strongly recommended that you consult **informally** on your proposals at an early stage in their development. (See Note 10 and 'Common Land Guidance - General Overview' note)

What **informal** consultation have you carried out? Give details below

We have had a consultation process with the community council and wider stakeholders in addition to the formal scoping opinion given to the P.C.C.

SECTION D1 – Additional questions where proposed works involve fencing
(If your proposal does not include fencing, go straight to Section E)

17. Please give details of:

(a) the type(s) of fence proposed

Temporary Herras fencing

(b) the height of fencing

1.8 metres

18. Please give **full** details of the need for fencing. This should cover: why fencing of this type is needed, what the aim of the fencing is, and why it is the length proposed.

The fencing will be put in place temporarily as required to allow plant and machinery to be separated from the general public/livestock during construction works to the existing track.

19.(a) What other measures (i.e. alternatives to fencing) have you considered? Why are these not available to you, or not considered to be practical?

Temporary fencing thought to be best option in relation to presence of livestock and health and safety

(b) Give details of any measures proposed to mitigate the visual effect of the fencing.

Fencing will be removed as sections of upgrading are completed

20.(a) How will you ensure that the public and others with rights (e.g. common rights holders) will have access to the land after the fencing is in place? Give details of the number, type and location of stiles and gates (see also question 17.(b)).

The work will be carried out in sections to allow common right holders access to land

(b) Will the fencing cross any public right of way or road? (See 'Common Land Guidance - General Overview' note) ... Yes No

If **yes**, has the consent of the highway authority been given for any stile, gate or cattle grid and bypass which may be required? Yes No

.....

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but consent is needed please give:

Date of Application

Reference Number

Highway Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

SECTION E – Other consents (see Notes 11 and 12)

21.(a) Is planning permission needed for your proposal? Yes No

If **Yes**, has planning permission already been obtained? Yes No

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but application has been made please give:

Date of Application

Reference Number

Planning Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

Submitted full application and associated environmental statement

(b) Has an Environmental Impact Assessment screening opinion been adopted? Yes No
(See 'Common Land Guidance - General Overview' note)

If Yes, has a screening application been approved by Welsh Government? Yes No
.....

If Yes, please enclose a copy. Copy enclosed

If No, but an opinion is needed, please give details of application:

SECTION F – Designations

22.(a) Is the proposal in or near a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC) a Special Protection Area (SPA), a wetland listed in accordance with the Ramsar convention? (See Note 13 and General Overview) Yes No

If Yes, please give details, identify on the map (see Section K), and provide evidence that you have consulted Natural Resources Wales

A formal scoping report was submitted to Natural Resources Wales as part of the Hendy Windfarm planning process. The response letter is appended to this application.

(b) Will the proposal affect a Scheduled Ancient Monument (SAM)? Yes No
.....

If Yes, please give details, identify on the map (see Section K), and provide evidence that you have consulted Cadw (see Note 14).

[Empty box]

(c) Is the proposal in a National Park or Area of Outstanding National Beauty (AONB)? Yes No

.....
If Yes, please give details and provide evidence that you have consulted the National Park Authority or Natural Resources Wales.

[Empty box]

SECTION G – Existing works and adjacent common land (see Note 15)

23.(a) Are there any existing buildings, roads, fences or other constructions on the common? Yes No

.....
If Yes, give details below (see Section K)

The road is existing. To be improved

(b) Does any area of common land or village green, of a different registration number, adjoin the common on which the works are proposed? Yes No

.....
If Yes, give details and identify the boundaries on the map (see Section K)

[Empty box]

SECTION H – Public access (see Notes 16, 17 and 18)

24.(a) Do the public have a right of access to the common for air and exercise under section 193 of the Law of Property Act 1925? Yes No

.....
(b) Is the common subject to an Order of Limitation made under section 193? Yes No

.....
If Yes, give its date and other details, and send us a copy of the Order

SECTION I – Schemes of management and local Acts (see Notes 19 and 20)

25.(a) Is there a Scheme of Management for the common made under the Commons Act 1899? Yes No

(b) Is there any other regulatory Scheme or Act for the common? (e.g. a Provisional Order Confirmation Act under the Commons Act 1876) Yes No

If **Yes** to (a) or (b), give its date and other details, and send us a copy of the Scheme or Act.

SECTION J – Advertisement and consultation (see Notes 21, 22 and 23)

You must advertise your proposal in one main local newspaper and at the main points of entry to the common **within 7 days** of making your application. Use the draft notice at **Annex A of Notes**.

You must also send a copy of the notice (using the letter at **Annex C of Notes**) to the following:

- the owners of the land
- the commons council or association (if there is one)
- all known commoners
- others with a legal interest e.g. tenants, those with easements, or other rights over the land
- any relevant community/town, borough/county borough, city or county council
- Natural Resources Wales
- Cadw
- National Park authority (if the proposal is in a National Park)
- Open Spaces Society (**see Note 24**)

26. Which newspaper will the advertisement appear in, and on what date?

The County Times on a date which is within seven days of this application

27. Are you the owner of the land? Yes No

If **No**, does the owner support your application?
.....

Yes No

Provide written evidence of the owner's views. Evidence enclosed

Pls see enc option agreement-pls refer to clause 8

SECTION K – Maps (see Note 25)

You must include with your application **two copies** of a map which fully meets the requirements set out in **Note 25**. The map must clearly show what you are proposing to do and where.

28. Two copies of the map that meets the requirements set out in **see Note 25** are enclosed

SECTION L – Public inquiry or hearing (see Note 26 and 'Common Land Guidance - General Overview' note)

29. Give the name and address of a suitable place in the locality for holding a public inquiry or hearing, should this be needed.

The Pavilion, Spa Road, Llandrindod Wells, Powys, LD1 5EY

Contact Name/Tel Number: [REDACTED]

Checklist (tick to confirm)

For all applications:

I have read the relevant **Notes** and 'Common Land Guidance - General Overview' note

For section 38 applications only:

- I am satisfied that:
.....
 - the land is registered as common land or is otherwise within the scope of section 38
 - the proposed works would prevent or impede access

For section 23 applications only:

- I have enclosed a letter from the National Trust confirming its view that the proposed works are "desirable" under section 23(1)

For all applications:

- I have:

- answered all the questions on this form in full
- enclosed two copies of the map that meets the requirements of Section K
- enclosed a copy of the commons register in respect of this common, where registered (i.e. details of land, rights, and ownership, and the register map)
- enclosed a copy of any document mentioned in answering the questions on this form (e.g. planning permission, scheme of management, written permission of the landowner, letters from informal consultees etc.)
- understood that any of the application papers may be copied to interested parties on request, and have informed people as necessary

I will within 7 days:

- advertise the proposal in one local newspaper
- post a copy of the notice at the main entry points to the common
- send a copy of the notice to all those listed at Section J
- place a copy of the notice, map and application at the inspection point

I will write to you as early as possible, using the letter at **Annex D** of the **Notes** to confirm that the advertising requirements have been met

SECTION M – Declaration

I/We* apply under section 38 of the Commons Act 2006/section 23 of the National Trust Act 1971* to the Welsh Ministers for CONSENT to construct the works described in Section D of this form.

**delete as appropriate*

Signed

Name (BLOCK letters)

Position (if applicable)

Organisation (if applicable)

Date

You must keep a copy of your completed form

Data Protection Act

Your application will be in the public domain. As such, all papers associated with it will be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.