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Eich cyf/Your ref: D2650.4-05/PAW/NHJR

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The Planning Inspectorate Wales
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By e-mail to Wales@pins.gsi.gov.uk

7th November 2014

Dear Sir or Madam

**PROPOSED HENDY WINDFARM –
COMMONS ACT 2006 SECTIONS 16 AND 38 –RESTRICTED WORKS AND
EXCHANGE OF LAND AT LLANDEGLEY RHOS COMMON, POWYS (RCL 34)**

We write in response to a notice dated 8 October 2014 advertising the above consultation, sent by Hendy Wind Farm Limited. We have considered the applications and comment as follows:

Section 16 Application

Second Schedule – The Replacement Land

In terms of protection of public rights of access, we note that the replacement land is separated from the rest of the common. The application does not provide information about how the public would gain access to the replacement land. We would like the applicant to offer replacement land that is contiguous with the common RCL 34 otherwise public access will be discouraged due to the separation of the replacement land from the rest of the common.

From the plan submitted along with the application, the replacement land appears to be felled coniferous woodland. We consider that the accessibility to this land would be difficult for many potential users due to the nature of the ground in felled coniferous woodland. Therefore we consider that this land may be less suitable as public amenity space. Works would need to be carried out on the replacement land in respect of accessibility but such works have not been considered in the application.

In the Second schedule to the application the replacement land is described as 'grazing land'. However, upon the evidence submitted, it is not clear to NRW whether and how

grazing rights could /would be transferred/created on the replacement land. We consider that vegetation management by grazing on the replacement land is needed in order to avoid scrub encroachment on this land which would impede public access. Further, no information has been provided about how the boundary would be made stock-proof and about existing rights over the replacement land, e.g. shooting rights that could potentially affect the public use of this land.

First Schedule – The Release Land

The CL Register lists 11 rights holders with grazing rights for sheep, cattle and ponies - NRW would seek clarification as to whether these rights are to continue to be exercised. Further, the application does not provide provisions to enable grazing of the strip of common land situated south of the proposed deregistered land and north of the River Edw. It is possible that the increased traffic on the widened Byway Open to All Traffic (BOAT) may discourage livestock from crossing the BOAT and thereby restrict grazing.

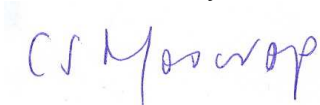
Section 38 Application

Whilst the fencing required during upgrading of the track is temporary in nature and should not impede public access once completed, it is not clear in the plans submitted along with the application where the wheel wash facility is to be located and whether this will be a permanent feature. NRW advise clarification is sought on this, particularly having regard to public access and whether this would result in preventing public access from this part of the common.

Upon the basis of the above, NRW objects to the applications as submitted under s16 and s38 of the Commons Act 2006

I hope these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Yours sincerely



Caroline Moscrop
Arweinydd Tîm / Team Leader
Maesyfed a Gogledd Brycheiniog / Radnor & N Brecknock

cc. Phil Webb – Shepherd and Wedderburn LLP