

Appeal by Hendy Wind Farm Ltd against refusal of planning permission to construct and operate 7 wind turbines with a maximum tip height of 110m and maximum hub height of 69m together with ancillary development comprising substation, control building, new and upgraded access points and tracks, hard standing and temporary compound and associated works at land off A44, SW of Llandegley, Llandrindod Wells, Powys, LD1 5UG.

Evidence of Penny Everett - Amenity

on behalf of

Brecon and Radnor Branch of The Campaign for the Protection of Rural Wales



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Witness details

My name is Penny Everett.

My address is Pye Corner Farm, Llandegley (Land Registry Title attached as Appendix A). The farmland, which previously belonged to the holding of Pye Corner Farm, is owned and farmed by Mr Douglas Bayliss and his family, Mr Bayliss being a party to the Planning Application as the access from the A44 will be across the field he owns which runs parallel to the A44.

My late husband, Richard and I moved into the original small cottage in January 1999 following my retirement (as a Branch Bank Manager) and together we spent the next five years completely renovating and enlarging it to include an extension to the main structure and a garden room. Sadly, my husband was diagnosed with the terminal industrial disease Mesothelioma in September 2003 and he died six months later in April, 2004: my elder son, his wife and baby lived with me until 2006. Since then, I have lived there alone. I am active in the immediate and wider community having been Clerk to two local Community Councils from 2006 – 2017, a member of the Powys Community Health Council, and am currently a Community Governor for Builth Wells High School and a member of the Shadow Governing Body tasked with the closure of Builth Wells High School and Llandrindod High School and establishment of the new Bi-lingual Secondary School (due to open in September 2018).

1 Planning Application P2014/0672

1.1 At the time the application was lodged, I was the Clerk to Penybont & District Community Council and, therefore, had the responsibility of liaising on the Council's behalf with Hendy Windfarm Ltd, Shepherd+Wedderburn, Lexington Communications and the Planning Authority, together with the Planning Inspectorate in Cardiff in relation to the Application to De-register common land. As I had no decision-making powers in relation to the Community Council, there was no conflict of interest but, in the interests of transparency, I announced to the Council in Public Discussion Time, that I would be personally objecting to the Application and was prepared to stand down as Clerk and tender my resignation if the Council so wished. The Council requested that I remain in post which I did until I resigned at the age of 70, leaving office on 31 December 2016.

2 Community involvement

2.1 Following a very well attended Meeting held on 23rd October 2014, convened by the Community Council at the request of the community, and chaired by Cllr. Nigel Dodman of New Radnor Community Council, Penybont & District Community Council formally resolved to object in the strongest possible terms to both the Planning Application and the Application to De-register Common Land at Llandegley Rhos and, in consultation with the four serving Community Councillors who had declared no financial interest in these matters, I compiled and submitted their letters of objection to Powys County Council Planning Department and the Planning Inspectorate in Cardiff. Minute 7.7: 4.11.2014. Minute 7.8

2.2 In addition, over 200 letters of objection were received by Powys Planning Dept; both from our own community and from people who visited the area to enjoy the beauty and peace of our landscape and take advantage of the B&B accommodation available close by. A Petition containing 150 signatures objecting to the Planning Application

was also organised and submitted to Powys Planning with a covering letter setting out their objections more fully.

2.3 Appendix B confirms that arrangements published by Shepherd+Wedderburn for public access to information in relation to the application for De-Registration, had not been complied with. Further, the three Community Councils involved with this Application had resolved that they would not discuss any Community Benefit until such time as the application had been determined (see Appendix C).

2.4 It should be noted that three Penybont & District Community Councillors had declared a financial interest in this Application and therefore were required to leave all meetings while this matter was under discussion.

2.5 Where the community is concerned, their views and feelings should be given due regard: High Court Judge, Mrs Justice Lane ruling in a case for Wind Turbines Hemsby, Norfolk agreed to a previous refusal by both Council and Local Government Inspectors saying “lower carbon emissions did not take primacy over the opinion of local people”.

2.6 In addition, I compiled and submitted my own personal letters of objection on 14th September 2014.

3 Affects of proposed construction on my access and wellbeing, and the landscape

3.1 During the 5 years that this application has been in process, I have not emphasised in my objections the very personal affect that the construction process and turbines, once installed, will have on me and my quality of life and wellbeing - but I think this is a suitable forum for me to bring this forward. At the meeting with the Penybont Community Council held on 13th November 2013 (see Appendix D), Mr Steven Radford, Project Manager & Director of Njord Energy Ltd, acknowledged to me that he appreciated my particular situation and that they would be making arrangements to come and see me. These arrangements never took place and I remain in the dark about the actual plans as to the works involved to make it possible to affect access onto the common; works which will have to take place immediately in front of my

property (see photograph at Appendix E). I have received no information as to how I, and any visitors, deliveries, mail, etc will be able to use the lane as we do now or what restrictions are to be imposed on me.

3.2 With regard to the turbines themselves, it should be noted that in the extensive photographic representations of viewpoints in the immediate and surrounding areas compiled by the Applicants, a view showing that which will be seen from my home at Pye Corner is not represented.

3.3 Reference is made in the details of the Application as to how complaints and difficulties regarding access will be managed by provision of a telephone contact point. I am very concerned as to how this will be done in practice and how it will be “policed” and the speed of response where it is possible that emergency vehicles could be involved. Presumably, this contact number will be for any problems/incidents along the whole length of the transportation arrangements, not just the concentrated area at Pye Corner? Of course, if the Appeal is granted, conditions will presumably be applied but I know from experience that Powys CC are seriously stretched when it comes to monitoring Enforcement issues and I find no comfort in words on a page which may turn out to be no more than lip service and platitudes whilst I am trying to deal with the problems on a day to day basis and, being only one resident in the eye of the storm, so to speak, I think it is not difficult to relate to my concerns.

3.4 I take absolutely no comfort whatsoever in possible assertions that I am being sacrificed for the greater good. It was made very clear at the recent Hearing on the LDP that Powys is already accomplishing more than its fair share of contribution to renewable energy.

3.5 If the Appeal is allowed, this project is going to have an overwhelming affect on my wellbeing and quality of life:

- a quiet lane will turn into an enlarged road which must be constructed to highway standard. At present, even after heavy rain, surface water does not

cause any problems, the construction work might have implications for run-off which affect my entranceway.

- in order to widen it, ancient trees and hedgerows will be removed and banking must be constructed to facilitate access.
- 40 ton trucks and 40 metre long low loaders will be passing in close proximity to my gateway and the glass wall of my garden room: there will, no doubt, be damage – some obvious – if windows are broken but consequential damage to fabric and foundations are a different matter.

3.6 My ability to come and go from my property without hindrance will be severely compromised, as set out in paragraph 3.1. There will be noise: dust: mud: massive inconvenience – in short, total disruption of my life and wellbeing by a project that will be working to a timescale where time means money, not the quality of life of myself or other residents.

3.7 At the meeting of the Powys Planning Committee where this application was determined, which I attended in full, County Councillors spoke of their incredulity that their own officer was recommending approval in this beautiful landscape. This landscape differs from other windfarms, either operating or contemplated in Powys, in that the proposal is to site wind turbines in a valley, not high up on the top of uplands, and their impact on the surrounding farmland and settlements will, therefore, be all the greater.

3.8 The Review of the Environmental Statement commissioned by Powys County Council from “Enplan” (February 2016) Landscape and Visual Aspect Assessment-Chapter also makes mention of the trackways:

- 2.9 Page 11 states “indeed, the access tracks do not feature at all in the detailed visual impact assessment and they do not, therefore, appear to have been taken into account, at least not explicitly.”

- 2.10 “The magnitude of the effect on the landscape of the access tracks is discussed (5.8.2 page 5.40) and states that the access tracks would not effect the existing characteristics of VSAA”.....once weathered”
- 2.10 “We do not accept this, in our judgement the nature of these access tracks would be uncharacteristic, wholly out of place, in the landscape”.

3.9 Therefore, whatever construction plans are envisaged to achieve access onto the Common around the dogleg bend adjacent to the entrance to my driveway, the drop in gradient and the crossing of small stream which runs down the Edw, cannot be achieved without unacceptable permanent damage and infrastructure more suitable to a Business Park than an area of quiet contemplation.

4 Conclusion

4.1 Together with the community in which I live, I value the unspoilt peace of Llandegley Rhos, the arrival of the curlews each year, the swooping of the starlings each winter and the buzzard which perches on the BT pole at the top of the lane to watch my comings and goings - and the right in perpetuity to do so (see Appendix F).