



**Campaign for the Protection of Rural
Wales
Brecon and Radnor Branch
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17th January 2019

Dear Holly-Ann Hobbs

HENDY WIND FARM: Land Off A44 SW Of Llandegley Llandrindod Wells Powys

Application for discharge of condition 29 from P/2014/0672 (APP/T6850/A/17/3176128): Construction Traffic Management Plan

CPRW Brecon & Radnor Branch reserves the right to make further representations in response to this application.

Phasing of development: It has emerged from documents submitted for discharge of condition 21 that the developer is treating this development as consisting of two phases, Phase One being the installation of Turbine 5 and the remaining construction work making up Phase Two. Phase One construction has failed to adhere to approved plans and the developer is in breach of Condition 2.

The developer has not even made clear how Phase One is to be completed and how, for example, AILs will arrive on site **although this is planned in the coming few days**. Once Phase One is complete, it is not clear whether the developer intends to revert to approved plans and access and AIL routes for the remainder of the development or not. It follows that information submitted specifically in relation to Phase One is not sufficient for discharge of conditions which, of course, have application to the entire development.

Traffic conditions: Relevant to the consideration of discharge of all traffic conditions is the critical fact that the developer has proposed a new means of access for AILs to the wind farm site within a discharge of conditions application. This is inappropriate and, even worse, there is no certainty that even if the N access (gate to common opposite Larch Grove) is used for Phase One the S access (via Pye Corner) may not be used for Phase Two, or even that a third option may yet be proposed.

It is essential therefore that, whatever statements the developer may have made to officers at Powys about his current intentions, or whatever is written into discharge documents, it is borne in mind that the developer only has planning permission for the construction and the entrance management described in the ES, as set out below. This includes use of the route via Pye Corner and so he may, if it suits him, decide to use this route. Powys do not have the powers to remove permission for the Pye Corner route.

Powys must require the developer to set out the access construction and traffic management plan for the whole development at this stage. Any new planning permissions required, including permissions from the Local Authority and the Inspectorate for works on the common, should be applied for, consulted on and determined before discharge of conditions. All environmental impacts of any route from the A44, across the Llandegley Rhos Common must be fully considered.

If this is not done, and the developer continues to rely on verbal undertakings which are not shared with the public, the developer will continue to consider himself entirely free to pursue the route of his choosing without the appropriate constraints whatever valid objections are made.

We believe it is inappropriate to consider discharge of any of the traffic conditions until the developer has set out, in writing:

- 1) precisely what the traffic access arrangements will be for both Phases of the wind farm construction, and**
- 2) obtained all relevant consents and permissions for works as required under law.**

CONDITION 29: *No construction works shall take place on site until a Construction Traffic Management Plan (CTMP) for non-abnormal indivisible load vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Traffic Management Plan shall thereafter be complied with and shall include the following:*

- a) construction vehicle routing, including specific measures to ensure that construction traffic uses the proposed route;*
- b) means of monitoring vehicle movements to and from the site including the use of vehicles displaying a unique vehicle number, a livery indicating use at the development site and a telephone number for complaints to be logged;*
- c) the complaint's [sic] procedure;*
- d) timing of vehicle deliveries to the site;*
- e) the management of junctions and crossings of highways and other public rights of way;*
- f) contractual arrangements for the control of construction traffic offsite and to ensure that complaints and breaches of the TMP requirements are able to be remedied;*
- g) a travel plan aimed at maximising the use of sustainable travel by the construction workforce associated with the development;*
- h) communications with members of the public and local communities; and*
- i) a review mechanism in light of the Newtown Bypass.*

WYG has prepared a Construction Traffic Management Plan (CTMP) which is supplied for discharge of Condition 29. Once again there is a profound disconnect between the promises made within this document and the reality of events taking place now in connection with the Hendy Wind Farm construction. This gap between promise and action is obviously in part a consequence of Powys Council's decision to allow the developer to commence and continue construction before discharge of conditions – which leads to a bizarre situation where the Local Authority is reviewing documents about how a responsible developer ought to conduct the construction phase of the wind farm while in reality the developer does something entirely different on site. At the same time, the failure even to attempt to implement promises made within this document is an insight into the relative importance the developer attaches to the promises made when set in the balance against the imperatives of time and money.

We are sorry that Powys Development Management has not considered the consequences for local residents of failing to enforce against construction before discharge of conditions.

This is by no means an exhaustive list of concerns we have about the CTMP:

1. Para 2.7/3.5: Estimates of traffic volumes within the ES assumed quarrying on site. All stone used to date has been brought in. There is no indication whether the quarry to the south of the site will be used in later stages of the development or not, and whether or not traffic estimates require restatement. This should be made clear and revised traffic numbers provided as appropriate.
2. Para 2.8: This paragraph states that construction will take 4 to 6 months. The Construction Programme in the CEMP sets out a programme over 14 months, but construction of Turbine 5 lasting just over two months. Does this CTMP relate specifically to Phase One only, or is 2.8 simply a wild inaccuracy? If the former, this needs to be made clear, and all information for the Phase Two, where that differs from information supplied, needs to be supplied within the CTMP.
3. Para 3.2: This is a deviation, though the fact is not acknowledged, from the agreed plans for which the developer has the Minister's approval, and therefore a breach of Condition 2.

Para 3.2 states *'no access to the site would be undertaken via the Pye Corner Road'* but para 5.3 makes a slightly different statement: *'no bulk deliveries of construction material will access the site via the Pye Corner Road'*. Which is correct? Is there an implied intention to revert, for the later stages of this development, to site access arrangements as per approved plans i.e. including use of the BOAT across the south of the common? Use of the BOAT throws up additional considerations and requirements for further information – not least detailed plans for access from the A44 to the U1574 and for the retaining structure adjacent to the Edw just beyond Pye Corner. Since this route remains an option and Powys cannot remove the permission for this route, all outstanding information must be obtained to control this aspect of the development should the developer later decide to use the BOAT for construction traffic.

4. Para 3.3: The CTMP is dated 16th November and construction vehicles began to arrive on site on the 20th November. Para 3.3 must have been false even at the time it was written. BoP details, contacts, responsible persons etc. must be supplied.
5. Para 3.11: We assume that what is referred to here as an *'unclassified road'* (and as a *'haul road'* in para 3.2) is in fact the graziers' track across the common which has no *'road'* status. The developer's right to use this track, and the landowner's ability to grant such a right, without consultation with interested parties, in particular the graziers, is disputable.
6. Para 3.12: There is no evidence of the existence of such a website, and enquiries about this to Hendy Wind Farm's community liaison have gone unanswered.
7. Para 3.13/5.3: The Access Management Plan is not fit for purpose as it fails to address the critical issues of interaction with public rights of access across the Llandegley Rhos common. Please see CPRW response to 18/0989/DIS.
8. Para 3.15: This discharge document does not recognise either public rights of access across the common or the nature of the track which is in use for construction vehicles. Police are currently investigating several reports of dangerous driving on the Llandegley Rhos common. Induction procedures, if these are even taking place, are clearly ineffective and must be revisited.
9. Para 3.16/3.17: Apparently not yet adhered to.
10. Para 3.18: No wheel wash has been installed.
11. Para 3.22/5.4: Has any such meeting been held or report submitted to Powys Council?
12. Para 4.1/4.2: No information has been provided re vehicle movements to date or in the future. Not even near neighbours or graziers are informed of traffic movements.
13. Paras 4.4-4.7: 4.4 reads *'Providing detailed information to local residents and interested groups is a key part of the construction of any wind farm. To ensure that local residents are given the opportunity to obtain information about the project, and offer their views and suggestions, BRL undertakes a variety of engagement methods.'* We're not sure who BRL might be, but the local community are entirely unaware of any *'engagement methods'* having been undertaken. Despite huge public dismay in the locality at the unlawful development, and at the developer's apparent disregard for planning law, environmental constraints, public opinion and public safety, nothing has been heard regarding the formation of a Liaison Committee. This committee should surely also include representatives of the local community if it is to fulfil its function.
14. Paras 4.8-4.10: None of this has happened. The A44 has had had one lane closed and lights installed for months, AIL delivery of turbine parts is in all likelihood to happen this weekend. There has been no notification at any stage, even to home owners opposite the site entrance. Enquiries to Community Liaison regarding road closures, convoy deliveries etc. have not received any response.

Huge inconvenience has been caused to the local community and users of the A44. The local community has been kept entirely in the dark. While it's clear that AIL convoys must be imminent, no notice about road closures has been given to local people. The developer's security guards have harassed and threatened members of the public on the Llandegley Rhos common. Meanwhile, the developer makes meaningless statements such as that within para 3.11: *'the development will adopt a Considerate Contractor approach to the development of the site'*. This is entirely unacceptable.

Conclusions:

- 1. Powys Development Management must obtain the outstanding information set out above (1 to 4) prior to discharge.**
- 2. Point 13 above: The proposed Liaison Committee must include representatives of the local communities.**
- 3. Powys Development Management cannot discharge condition 29 whilst the information set out in the CTMP is so far removed from practice on site (6 to 14 above). Will there be wheelwash facilities? Will there be an information website? Will there be a Liaison Committee? And so on it goes... There is no point in approving a document which amounts to no more than a pious fiction. Powys Development Management must be satisfied that the provisions set out in the CTMP will in fact be implemented, and the CTMP will be capable of fulfilling its function.**
- 4. We believe it is inappropriate to consider discharge of any of the traffic conditions until the developer has set out, in writing:**
 - a. precisely what the traffic access arrangements will be for both Phases of the wind farm construction, and**
 - b. obtained all relevant consents and permissions for works as required under law.**

This response has been compiled by members of the CPRW Brecon & Radnor Branch Committee.

Sincerely

Jonathon Colchester

Chairman of CPRW Brecon & Radnor Branch