



**Campaign for the Protection of Rural  
Wales  
Brecon and Radnor Branch  
Upper Noyadd, Clyro, HR3 5JS  
01497 820814**

9<sup>th</sup> January 2019

Dear Holly-Ann Hobbs

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

**Application for discharge of condition 26 from P/2014/0672 (APP/T6850/A/17/3176128): Public Rights of Way**

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 made clear even how Phase One is to be completed and how, for example, AILs will arrive on site. 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 in relation to Phase One is not sufficient for discharge of conditions which, of course, have application to the entire development. All new development and site access options that are now being raised by the developer or all those for which he has previously received planning permission must be treated as possible elements in this development and must be fully taken into account before conditions can be discharged.

New plans, construction or other procedures, deviating from the ES, Approved Plans or other documents as set out in Condition 2 of the Minister's permission, require new planning application.

**Condition 26:** *Prior to the commencement of any construction works on site, a scheme to provide for the remediation of any incidental damage or deterioration directly attributable to the development on the A44, within 100 metres of the proposed site accesses (and to include the unclassified roads leading from the A44 to the site) shall be prepared in consultation with Powys County Council as the local highway authority and submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:*

- a) *The undertaking of a condition survey of the proposed highway to be used as AIL and construction delivery routes prior to the commencement of development;*
- b) *The undertaking of further condition survey work after the first export; and*
- c) *Provision of details and timescale for works to remediate damage or deterioration to all parts of the highway including street furniture, structures, highway verge and carriageway and footway surfaces.*

*The scheme shall be implemented as approved.*

**Traffic conditions:** Relevant to the consideration of discharge of all traffic conditions is the fact that the developer has, so far, proposed two means of access for AILs to the wind farm site and there is no certainty that even if one (access via northern gate to common) is used for Phase One the other (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, it is borne in mind that the developer has planning permission for use of the route via Pye Corner and so may, if it suits him, decide to use this route. Powys do not have the powers to remove permission for the Pye Corner route. All impacts of both routes from the A44, across the Llandegley Rhos Common must be assumed to be possible and fully considered. Similarly, the impacts of the works on the common, proposed in documents attached

to Condition 31, must also be fully taken into account. If this is not done, and if any verbal undertakings made by the developer are assumed to have any validity, the developer will consider himself entirely free to pursue the route of his choosing without the appropriate constraints.

We believe it is inappropriate to consider discharge of any of the traffic conditions until the developer has made completely clear precisely what the traffic access arrangements will be for both Phases of the wind farm construction.

**Scope of Highways Remediation Plan:** Condition 26 is intended to provide for remediation of *'any incidental damage or deterioration directly attributable to the development on the A44, within 100 metres of the proposed site accesses'* whether arising from AILs or other construction traffic.

Para 1.1 of the Highway Remediation Plan states *'WYG has been commissioned by Hendy Wind Farm Limited (HWFL) to undertake a Highways Remediation Plan for the delivery of abnormal loads [our emphasis] associated with the construction of the Hendy Wind Farm'*.

**The scope of the HRP is insufficient.** Residents have already reported road damage, resulting from heavy use by construction vehicles, which is affecting drainage on the A44 and risking flooding to the Grade II listed building opposite the common entrance. This has been reported to Welsh Water who are investigating.

**Southern access via Pye Corner:** Para 2.7 states: *'All traffic accessing the site will approach the access junction from the A44. It is proposed that no access will be permitted from the Local Powys Council road network via Pye Corner.'* This means nothing: the Pye Corner route is the route for which the developer has been given planning permission. Powys cannot take away that permission. The developer can at any time choose to use this route and it must be treated in the consideration of discharge of conditions as a real possibility. In fact, given the conflicting statements made about AIL access to the common via the northern gate, where on the one hand modifications are being made as per documents accompanying Condition 31, and on the other hand, as per developer's verbal statement to Planning Officer Gwilym Davies, no works are being carried out on the common, the southern route should perhaps even be treated as a probability

**Works on the common:** References in Para 2.8 to *'an upgraded access on the A44'*, 3.9 *'design of the main site access'* confirm the intention to carry out the works set out in documents submitted for Condition 31 on the NE corner of the Llandegley Rhos Common. The impacts of these works, should the developer receive the necessary permissions from the Inspectorate and from Powys, must be considered in terms of the adequacy of remediation proposals.

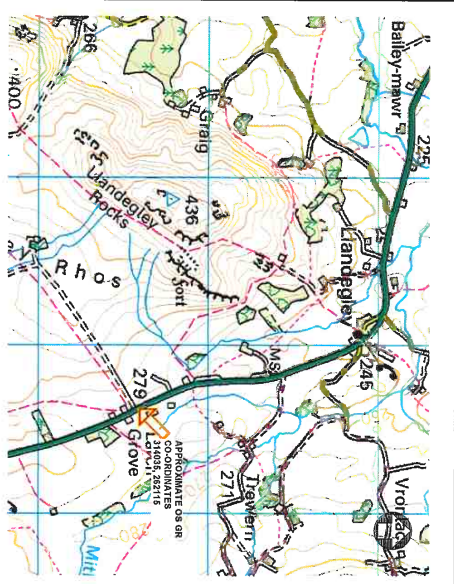
**The scope of the HRP is therefore also insufficient in terms of:**

- **the areas considered to be potentially impacted** and must be expanded to take account of the possibility of the use of the Pye Corner route. This is the route set out in the approved plans, deviation from which is a breach of Condition 2.
- **Impacts considered** – impacts of 'access upgrade' works must be considered within this document.

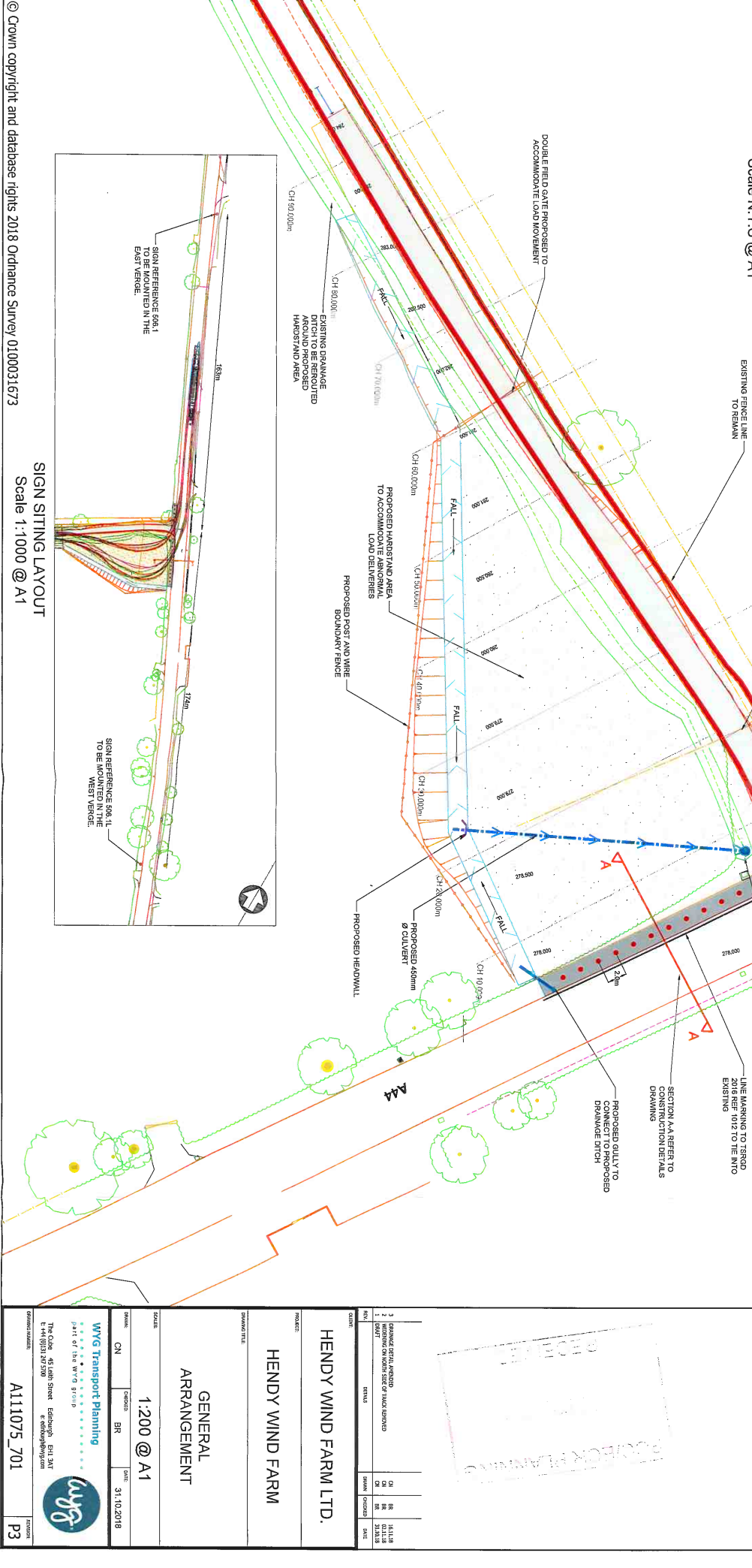
**Accidental damage:** Paragraphs 3.7 to 3.11 make little sense to those who have attended the site. Re damage to verges: compare and contrast photos below: HRP photo – unknown date but prior to commencement of development & resident's photo – 8<sup>th</sup> January 2019.



But since the developer plans substantial hard-surfacing works on the common which are intended to extend some 30m from the gate southwards down the A44, any promise to protect the verge is nonsensical. See extract from Highway Plans 119978 below.



SIGN LOCATION PLAN  
Scale N.T.S @ A1

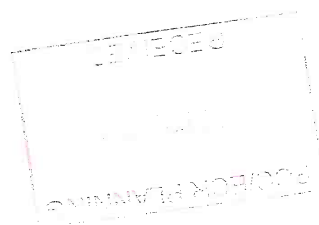


SIGN SITTING LAYOUT  
Scale 1:1000 @ A1



- Notes:
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY CONSENTS FROM RELEVANT AGENCIES AND ALL RELEVANT DEPARTMENTS WITHIN THE APPROPRIATE LOCAL AUTHORITY.
  2. ALL WORKS TO BE EXECUTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, THE DESIGN MANUAL, THE DESIGN MANUAL FOR ROADS AND BRIDGES, AND THE DESIGN MANUAL FOR HIGHWAYS AND RELATED TO DRINKING WATER.
  3. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE CONTRACTOR'S SUPERVISOR AND SHALL BE SUBJECT TO THE CONTRACTOR'S SUPERVISOR'S APPROVAL.
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  8. ALL WORKS TO BE EXECUTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, THE DESIGN MANUAL, THE DESIGN MANUAL FOR ROADS AND BRIDGES, AND THE DESIGN MANUAL FOR HIGHWAYS AND RELATED TO DRINKING WATER.
  9. ALL WORKS TO BE EXECUTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, THE DESIGN MANUAL, THE DESIGN MANUAL FOR ROADS AND BRIDGES, AND THE DESIGN MANUAL FOR HIGHWAYS AND RELATED TO DRINKING WATER.

- Key:
- PROPOSED OVERSIGHT AREA (TYPE 1)
  - PROPOSED ROAD BOLLARDS
  - EXISTING TRACK TO BE REPERCUED
  - PROPOSED DRAINAGE DITCH
  - PROPOSED FENCE LINE
  - PROPOSED REMEDIATION TRAFFIC BOLLARDS
  - RED LINE BOUNDARY



NO.	DESCRIPTION	STATUS	DATE	BY	CHECKED	SCALE
1	ISSUED FOR APPROVAL					
2	REVISION ON NORTH SIDE OF TRACK DITCHES					
3	REVISION ON SOUTH SIDE OF TRACK DITCHES					

HENDY WIND FARM LTD.

HENDY WIND FARM

GENERAL ARRANGEMENT

1:200 @ A1

DATE: 31.10.2018

WYG Transport Planning

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P3

**Wheelwashing:** All mentions of wheelwashing facilities (Para 3.10) are also pure fantasy. No details of design, scale or location are given, and, in fact, the developer has not installed a wheelwash facility at any time since works began on 22<sup>nd</sup> November. Sian Barnes, Powys Countryside Services, has advised (see response to Condition 31) that installation of wheelwash facilities may constitute 'restricted works' on the common for which consents are required, and that additionally they might impact on graziers' access to the common and the access rights of the general public.

**'4. Proposed Works/Damage Protocol':** Refers to the '*design of the planned road works*' without setting out what these are. We assume they are the works which are detailed in the Highway Plans 119978. This being so reversion to current state is not a possibility: the developer intends to drain and level a wet and undulating piece of land, put it down to hard surface and to remove all trees (shown in photos above) at the roadside. The area proposed for hardstanding is approximately 30m north/south and extends approximately 60m along the graziers' track. This work is neither reversible nor temporary and the HRP fails to address this fact. This work also requires new Planning Permission and Common Land permissions.

**'Inspection Regime':** The proposed inspection regime not only fails to cover the various routes which the developer may use to take construction vehicles onto the site, but also proposes a timescale for inspection which allows for no remediation during the full span of the works, which by the developer's own timetable are shown to be likely to exceed a year in duration. Damage to the A44 close to the access to the common has already been reported, for which it is likely that the unprecedentedly heavy use by construction vehicles is responsible. The Inspection Regime should allow for timely repairs as and when damage is reported.

## Conclusions

**The Highways Remediation Plan fails to address the requirements of Condition 26 in its scope. It is also a document which is bizarrely removed from the realities of what is happening on site now and at the same equally silent about possible access arrangements and the 'access upgrade' plans that the developer has put forward in other documents.**

**We would suggest that the entire document should be redrafted such that:**

- 1. It is explicit that this document relates to all highway damage within the vicinity of the access onto Llandegley Rhos common whether resulting from AIL transports or from other wind farm construction vehicles.**
- 2. All routes from the A44 onto the wind farm site which are available to the developer are treated as not only possible but likely and included in consideration in this document.**
- 3. Proposed 'access upgrade' works are fully considered within the scope of this document.**
- 4. Powys Highways and Countryside Services need to agree, in writing, in a publicly transparent manner, with the developer on design, scale and siting of the wheelwash facilities which are also the subject of Condition 35 . It's not acceptable to maintain a fiction that these exist when they don't. Agreed details to be included within the HRP and fully implemented.**
- 5. A meaningful inspection protocol is agreed such that the developer is obliged to fund all road repairs that arise from his operation in a timely manner.**

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

Sincerely

Jonathon Colchester

Chairman of CPRW Brecon & Radnor Branch