



**Campaign for the Protection of Rural  
Wales  
Brecon and Radnor Branch  
Upper Noyadd, Clyro, HR3 5JS  
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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 27 from P/2014/0672 (APP/T6850/A/17/3176128): Engineering drawings for construction traffic access to site**

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 three weeks**. 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, 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 27: Engineering drawings for construction traffic access to site**

No development shall take place until detailed engineering drawings of all highway works on the **A483 (T), A44 and U1574** have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall also include:

- a) drainage details;
- b) road markings and signage proposals;
- c) a programme for the implementation of the works;
- d) details of visibility splays that shall be kept free of obstruction exceeding 0.26 metres above the carriageway level; and
- e) the submission of Road Safety Audits prior to the works being undertaken and upon completion of the highway works.

The works shall be implemented in accordance with the approved details.

Sum total of the developer's information supplied to discharge this condition reads:

***"All the road modifications are temporary and are detailed in the AIL TMP (Condition 28) or in the access junction design pack (Condition 31). Given the temporary nature of these works, no Road User Safety Audits or drainage assessments are required."***

We will leave Powys Highways to comment on road modifications on the A483 Llandovery to Wrexham road, and focus our comments on the A44 and U1574.

**Permitted access off A44 to the wind farm site:** The developer only has planning permission for access to the site as set out in the Environmental Statement (Section 13.2):

*"Access to the Development would be taken from two points:*

- The first will be a new priority junction located to the south of the junction of the A44 with the U1574 (Pye Corner) and will provide for all vehicles approaching from the south to turn left from the A44 and all vehicles leaving the site to turn left and head north on the A44. The left in left out arrangement will be enforced through central coloured surfacing, white lining and reflective bollards on the A44. Abnormal Indivisible Loads, which will approach the site from the north under civilian escort and police control, will be permitted to turn right into the site; this will require the temporary removal of the central bollards. The new access will connect to the U1574 approximately 80m southwest of the existing junction of the U1574 with the A44.*
- The second access will use an existing land off the A44 to the north of Pye Corner which will be modified to permit all inbound movement by general construction traffic. The access will be used by inbound vehicles only, the access track leading from the junction to the site will operate as one way only and no egress will be permitted onto the A44."*

In ES 13 Fig 13.1 the S and N accesses are referred to as the 'primary' and 'secondary' access respectively.

The developer's own consultants (WYG, Edinburgh) appear confused in their letter on transport issues to Cunnane Town Planning dated 12<sup>th</sup> January 2015 (Appeal doc APP 140) where further, but conflicting, explanation of the two point access is set out. In this letter WYG set out **both** that all incoming traffic from the south would use the S access **and** that all incoming traffic would use the N access. However, it is reiterated that the N access would be a one way

route for incoming traffic only, and would not be used by AILs. On behalf of the developer, WYG commit to provision of full engineering drawings of the accesses off the A44 should consent be given.

**Note that the developer does not have permission for any vehicles to leave the site from the N access, or for any use of N access for AILs, incoming or leaving. This is important – the Powys Highways consultation response which was relied on when this application was approved considered road safety in relation to the access arrangements as set out in the ES ONLY. The developer’s departures from ES permitted access arrangements have critical safety implications and planners should not be permitting this deviation from approved plans.**

The developer has already deviated from the ES by using the N access for all incoming and outgoing traffic and constructing an extra track to T5. No doubt emboldened by the acquiescence of all authorities concerned so far, he clearly intends to do whatever is cheapest and quickest irrespective of conditions, environmental impacts and Common Land Laws. The relevant authorities have apparently lost all control.

Four main areas of access modification are proposed to facilitate use of N and S access by construction vehicles:

- 1) ALL turning area on NE corner of Llandegley Rhos common for (unauthorised) use of N access
- 2) Modifications to U1574 (please see our response to Condition 32)
- 3) New road section constructed in field adjacent to A44 and leading from the A44 to the U1574
- 4) Modifications to the BOAT across Llandegley Rhos common.

It must be assumed that all areas of modification listed above are entirely possible and full engineering drawings for all will be required, though 4) may be submitted in support of the relevant new applications for consent, which the Local Authority must insist are submitted and determined before Condition 27 can be discharged.

It is unacceptable that while making claims as to the temporary and reversible nature of modifications in his submission the developer has failed to produce any evidence within this submission in support of these claims or provide any indication as to what modifications are required and where.

**1) ALL turning area on NE corner of Llandegley Rhos common:** See plan below of the substantial works proposed on the common at the N access gate (full plans are within documents for discharge of Condition 31). The developer has made conflicting statements about AIL access to the common land via the northern gate. He has submitted plans for substantial modification of the N entrance in the application to discharge Condition 31 but he has also made a verbal statement to Planning Officer Gwilym Davies that no works will be carried out on the common land.

The developer’s statement in submission for Condition 27 that the works at the N access are temporary and reversible is clearly untrue. The land in question is wet, undulating and rises to the west. It also contains a drainage ditch/stream and a copse on the roadside. This area, roughly 30m north-south along the A44 south of the gate, and extending approximately 60m along the track, is to be levelled, culverted, a new ditch created around it, and the entire area put down to hard standing. The wetland copse on the roadside will be felled. There is obviously no way that the works can be reversed and the site returned to its present state.

There is already frequently a problem with flooding on this stretch of the A44, opposite Larch Grove Grade II listed building, and it is clearly essential that for the amenity of the neighbouring house and the safety of road users the suitability of any drainage plans proposed must be verified, and implications of culverting and felling for flooding issues on the A44 fully considered.

Applications for planning permission and Commons law consents are clearly required for this work and must be determined before this condition can be discharged.

The Council must also require proof of title before considering approval of an application in relation to this work, as this appears in dispute and the Land Registry record does not support Sir Robert Green-Price’s claims of ownership. The council would be well advised to seek legal advice.

**2) and 3) Modifications to U1574 and new road section in field:** No information has been supplied for 2) beyond some blue pen markings on ES Fig 1.2.2. Minimal information is supplied for 3) in ES Fig 1.2.9 and ES Fig 13.1. Extracts from Figs 1.2.2 and 1.2.9 are reproduced below. Without even basic technical details, the developer’s assertion that works are reversible can have no weight. It’s unclear whether the U1574 is to be widened, whether there will be encroachment on third party land, whether hedges and trees will be removed. Engineering drawings

are clearly required. The exact nature of the new road across a field, and of its junction with the A44 are wholly unclear.

**4) Modifications to the BOAT across Llandegley Rhos common:** The S access to the site, for which the developer has planning permission, and which the ES describes as the 'primary' route to site, requires a substantial piece of new engineering work on the section of the BOAT across Llandegley Rhos Common just beyond Pye Corner. The only information about this work is found in blue and green pen markings on ES Fig 1.2.2 and the relevant extract is reproduced below.

This work will require planning permission and permission from the Inspectorate under Commons law, and Powys County Council should ensure that the developer properly understands these legal requirements. Full engineering drawings will be required to support these applications, as well as surveys as appropriate, including ecological survey which was not carried out on the common at planning application stage.

**Conclusions:**

- 1) In connection with 1-4 above the Council must require the full information stipulated by this condition. Environmental impacts of modifications, safety and amenity implications cannot be understood without. A further period of consultation will be required when this information is received.**
- 2) The Council must require that the developer submit the necessary applications for planning permission and Commons consents for all works described above and any other proposals affecting the Llandegley Rhos common, and that these are determined (see Condition 49) before this condition is discharged.**
- 3) In connection with the proposed works on the common at the N access, the council should obtain proof of legal title, and would be well advised to take legal advice before any planning approval is given.**
- 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

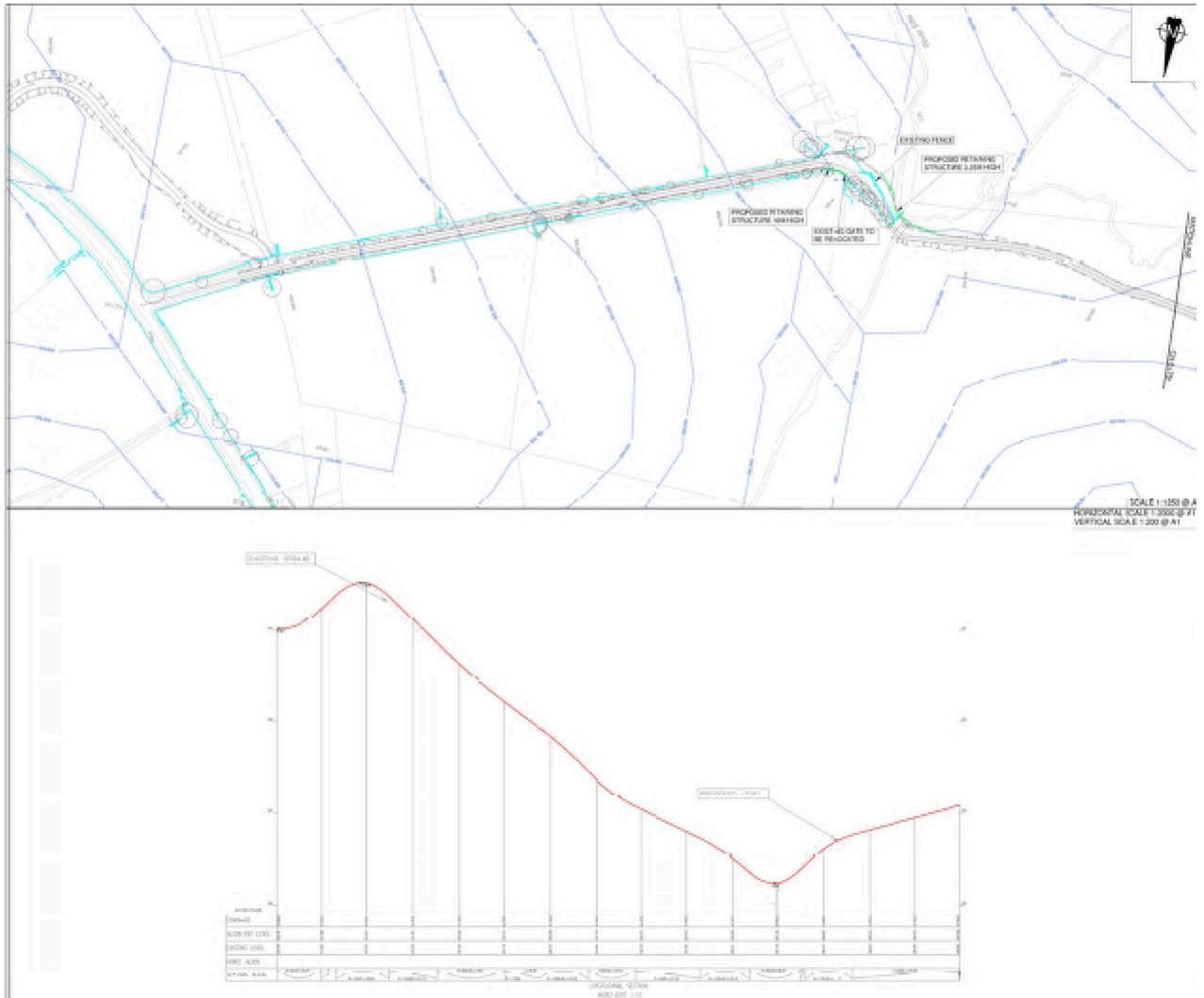
Jonathon Colchester

Chairman of CPRW Brecon & Radnor Branch

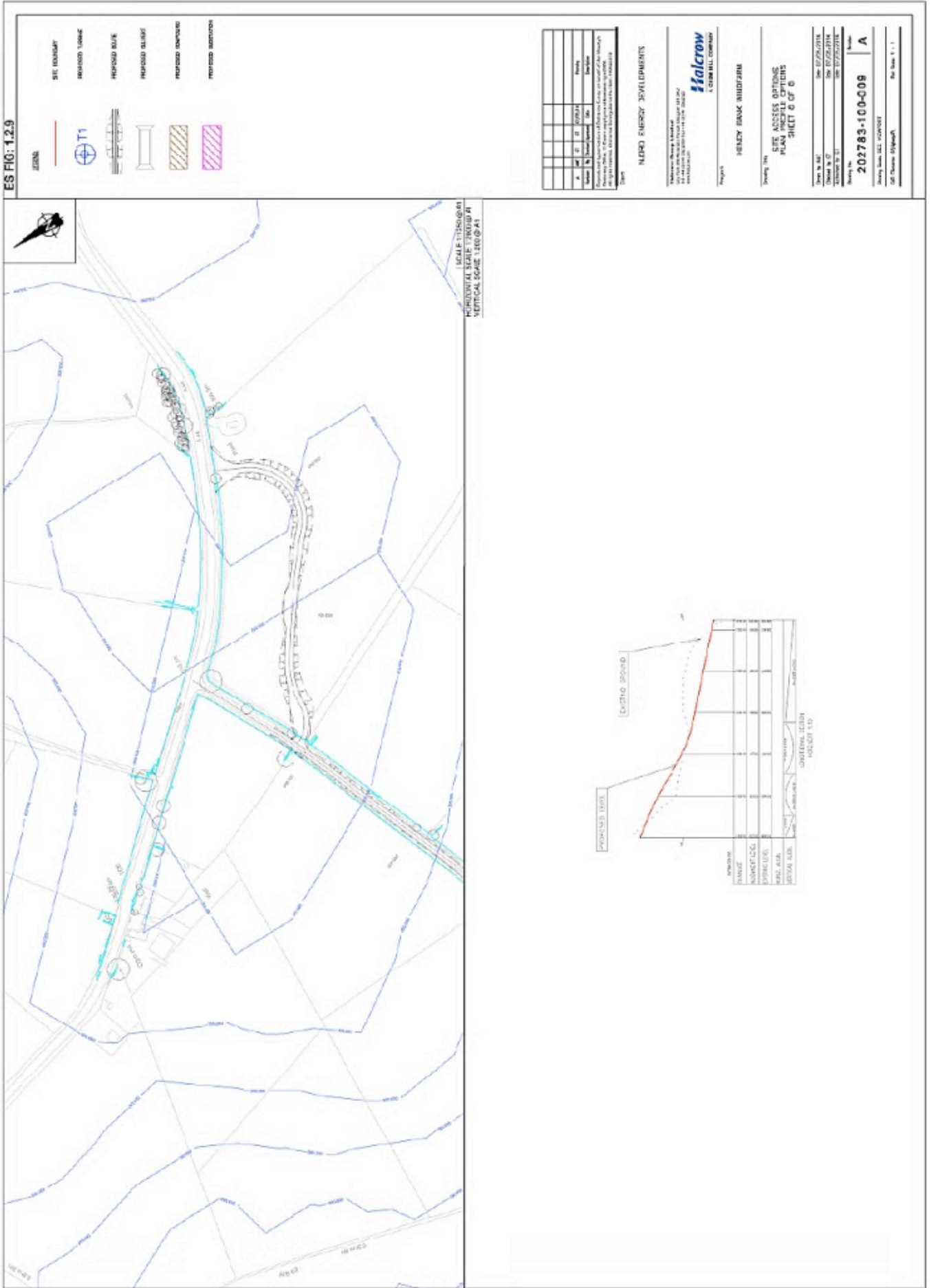
**1) Works proposed at N access gate onto Llandegley Rhos common**



**2) Modifications to U1574 – extract from ES Fig 1.2.2 (poor reproduction quality reflects quality of original document)**



### 3) Road across field adjacent to A44 – extract from ES Fig 1.2.9



4) Retaining structure at Pye Corner – extract from ES Fig 1.2.2

