



Campaign for the Protection of Rural Wales

Brecon and Radnor Branch
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20th January 2019

Dear Holly-Ann Hobbs

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

Application for discharge of condition 28 from P/2014/0672 (APP/T6850/A/17/3176128): AIL 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.

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, and it is clear that any undertakings given are not to be relied on. It follows that information submitted specifically in relation to Phase One is not sufficient for discharge of conditions which apply to the entire development.

CONDITION 28: Engineering drawings for construction traffic access to site:

ALLs associated with the development shall be delivered strictly in accordance with an AIL Traffic Management Plan (AILTMP) which has been submitted to and approved in writing by the Local Planning Authority. In this respect, the AILTMP shall be prepared in consultation with the Welsh Government as Welsh trunk road highway authority and Powys County Council as the local highway authority prior to the commencement of any works. ALL's shall be delivered along the routes specified in Sections 1,2,4 and 5 of the Strategic Traffic Management Plan for Mid-Wales Wind Farms dated August 2012 unless the Newtown Bypass is completed and operational. The AILTMP shall include:

- a) proposals for transporting ALLs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic;*
- b) management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place;*
- c) details of temporary signage;*
- d) details of any alterations to any works that are carried out to enable AIL movements;*
- e) evidence of trial runs that mimic the movement of the worst case ALLs along the access route;*
- f) number and size of ALLs, including loaded dimensions and weights;*
- g) number and composition of AIL convoys, including anticipated escort arrangements;*
- h) methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;*
- i) convoy contingency plans in the event of incidents or emergencies;*
- j) estimated convoy journey durations and timings along the route, including release of forecast traffic queues;*

- k) *swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route;*
- l) *proposals for the temporary or permanent modifications required to the highway or its associated infrastructure along the access route and details of how this would be managed;*
- m) *plans for the reinstatement of any temporary works after completion of the construction phase;*
- n) *a review mechanism in light of the construction of the Newtown Bypass;*
- o) *land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features;*
- p) *proposals to liaise with all relevant stakeholders (including the relevant highway and planning authorities, Police, members of the public and local communities, hauliers, developers and landowners) prior to the submission of notifications for AIL deliveries and applications for special orders for AIL deliveries;*
- q) *consideration of the cumulative impact of other wind farm schemes proposing to use all of part of the same access route and coordination with those schemes where possible;*
- r) *the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy;*
- s) *means of control of timing of delivery of AIL movements;*
- t) *temporary traffic diversions and traffic hold points;*
- u) *restrictions of AIL movements during the Royal Welsh Show;*
- v) *details of banksmen and escorts for abnormal loads;*
- w) *full details of any highway works associated with the construction of layover areas, passing places and highway improvements including:*
 - i. *the detailed design of any works;*
 - ii. *geometric layout;*
 - iii. *construction methods;*
 - iv. *drainage; and*
 - v. *street lighting.*

CPRW Brecon & Radnor Branch has restricted comment on this document to the final stages of the journey of AILs onto the site.

The planning situation

Permitted access off A44 to the wind farm site:

The developer only has planning permission for access to the site set out in the ES (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.”*

The developer’s own consultants (WYG, Edinburgh) appear confused in their letter on transport issues to Cunnane Town Planning dated 12th 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. In ES 13 Fig 13.1 the S and N accesses are referred to as the 'primary' and 'secondary' access respectively.

The developer only has planning permission for the construction and the entrance management described in the ES, and for AIL transport over the Southern route, but has now submitted another entirely different set of plans for access from the A44 by AILs (see plans 1 and 2 below) and, apparently abandoning the second, has actually constructed yet a third (on 17.1.19) which is in use in conjunction with the "secondary" (not permitted for AILs) route across the Common. The route in use requires planning permission, and potentially also consents from the Inspectorate under the Commons Act.

There is no indication of which access will be used for Phase Two.

Since all authorities have acquiesced so far, the Developer clearly intends to continue to do whatever is cheapest and quickest irrespective of conditions, environmental impacts and Common Land Laws. The relevant authorities have apparently lost all control.

Powys has so far failed in requiring the developer to provide all information relevant to AIL access for THE WHOLE PROJECT, including the use of the southern access to the wind farm site access.

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 with the proper public consultation period for EIA development, and determined before discharge of conditions.

All environmental impacts of any route from the A44, across the Llandegley Rhos Common must be fully considered before Development begins.

A44 access onto the Llandegley Rhos common and public safety.

In response to the plans submitted within documents for discharge of Condition 31, Dale Boyington, Powys Highways, made certain stipulations as below:

- Access arrangements must comply with Design Manual for Roads and Bridges and take account of the fact that vehicle speeds are high in both directions on the A44.
- A minimum of 15 metres of the access should be surfaced in bituminous macadam.
- Drainage implications of the works carried out must be assessed. It's not impossible but it is unlikely that this access route will be temporary, given that there are 6 further turbines to be delivered and there will need to be an access for AILs to facilitate any delivery of replacement parts.
- Speed of vehicle travel on this stretch of road requires visibility splays in both directions of 215 metres.
- Drawings satisfying above requirements should be submitted to and approved by Powys Highways.

These requirements for public safety on the highway equally apply to the new access arrangements now constructed. It is unfortunate that Dale Boyington is apparently not currently available (until 4th March) to comment on the new access off the A44 during its construction and use.

Swept Path Drawings

Powys Highways have requested submission of new swept path drawings, drawings as supplied by the developer being inadequate to allow a thorough analysis of the potential impacts. No new drawings are uploaded to the application website so do not know if this request has been complied with. It is unacceptable that discussion and approval of AIL routes is now going on between the developer and public authorities when this is a matter of high public interest there is there a requirement for public consultation under planning law.

- **It appears swept path drawings required for all AIL movements for all turbines at the pre-commencement stage, have never been submitted for the access off the A44 prior to its use by AIL convoys.**

Public Information (Paras 5.40-5.42):

Despite undertakings in the Environmental Statement (ES 13.8.2), regarding the provision of public information via the local and national media, company website and by means of the establishment of a '*construction liaison committee*' nothing of the kind has happened.

The AIL TMP repeats the commitment to provision of public information and even raises the possibility (Para 5.42) of a '*local newsletter for distribution to properties along the most affected sections of the proposed access routes, advising of convoy movements and the measures put in place to ensure the safe and efficient operation of the road network*'. ‡ Powys Development Management should not be satisfied by the empty promises of this document.

It is expected that AIL convoys will take place during this week. No one in the local community has had any direct communication: there is none of the promised relevant information on the HWF company website:: there is no '*construction liaison committee*', no local newsletter from the developer, and we are not aware of any media announcements.

- **The Developer has failed in all aspects of public communication**

Construction period Para 2.27:

This paragraph states that construction will take 4 to 6 months. The Construction Programme in the CEMP sets out a programme of over 1 year, with construction of Turbine 5 during the first two months. The timescale must be clarified and section q) of the condition concerning cumulative turbine transport must be addressed.

Conclusions:

The construction and use of a 3rd Northern diversion from the A44, without planning permission or discharge of any conditions precedent, and the authorities' failure to act to prevent this, has left a deeply concerning situation in which the public have completely lost faith in their national and local planning systems.

Since the new Northern diversion from the A44 has no planning permission, there is no way pre-commencement condition 28 can be discharged. Consultation on the application to discharge this condition has no power to control this development.

For Phase 2, the Developer can no longer sustain his claim that the overriding need to commission T5 by 31.1.19 to receive RoCs, allows breach of Planning Conditions and unauthorised development.

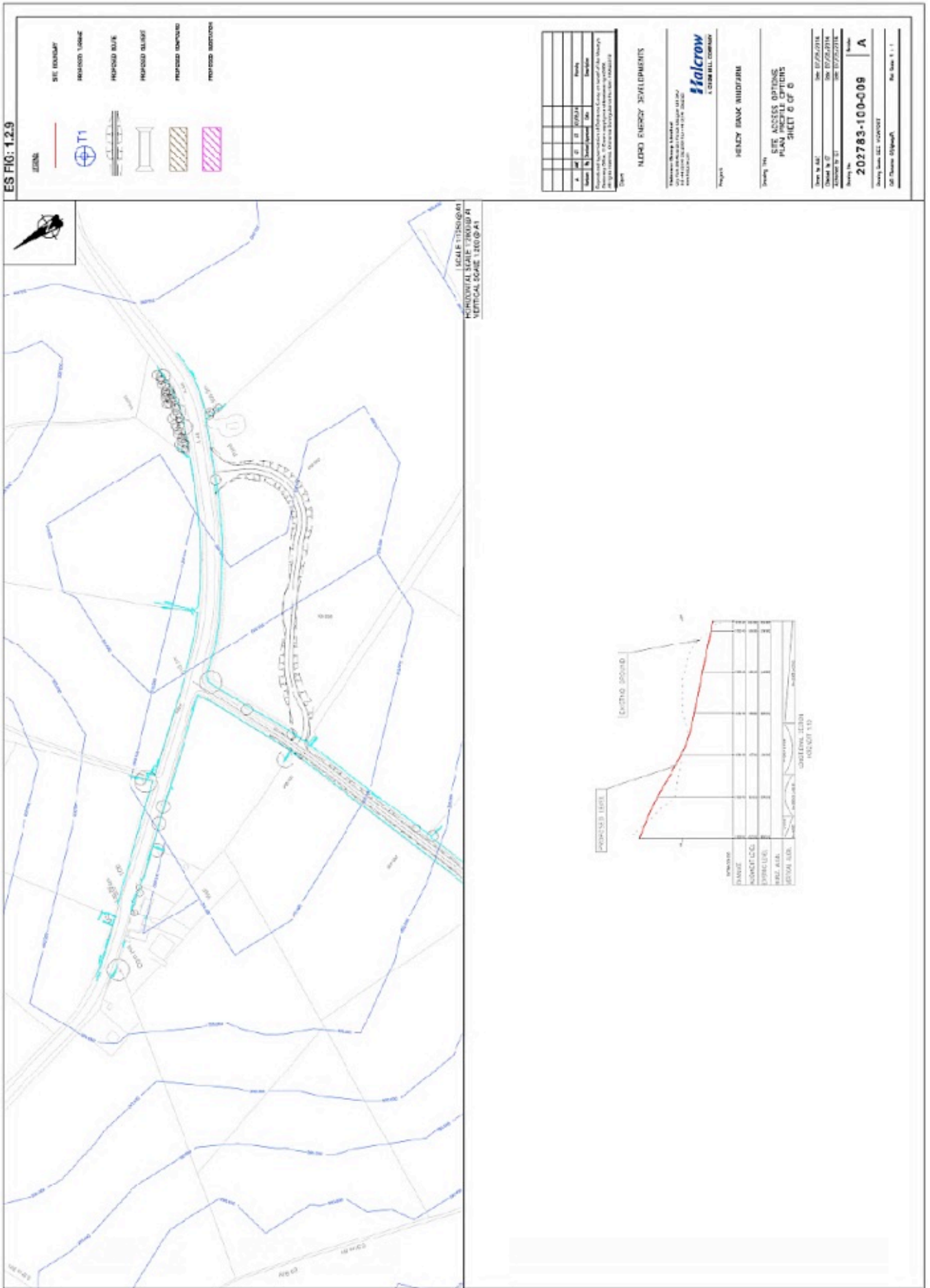
What should be done now?

- 1) The new Northern diversion from the A44 requires full EIA planning permission.**
- 2) While Powys CC will no doubt require a retrospective Planning Application, and has pre-judged the issue in its intention to approve, this approval cannot be presumed and full EIA consultation is required.**
- 3) All access to be used in Phase 2 requires full Planning Permission, clarification, and full engineering drawings including swept path analyses for the potential AIL access before further development commences.**
- 4) The Developer must be obliged to give clear undertakings concerning the Access via the U1574 and Pye Corner and provide full engineering drawings including swept path analyses. The developer's assertions that he will not use the S access cannot be made legally binding as Powys has no powers to remove the permission given by the Minister.**
- 5) AIL trial runs are required and should be undertaken for all AIL access.**
- 6) Full Commons Consent should be applied for and obtained before any further access work over the Common is started, in keeping with Condition 49.**

Sincerely,

Jonathon Colchester, Chairman CPRW Brecon & Radnor Branch

1) **South access from A44 to Llandegley Rhos Common – extract ES Fig**



1.2.9

2) **Works proposed at N access gate from A44 onto Llandegley Rhos common**

