



**Campaign for the Protection of Rural
Wales
Brecon and Radnor Branch
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9th January 2019

Dear Holly-Ann Hobbs

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

Application for discharge of condition 32 from P/2014/0672 (APP/T6850/A/17/3176128): U1547 modifications

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 even 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 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 above. 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 should be applied for and consulted on before permissions are granted. All environmental impacts of any route from the A44, across the Llandegley Rhos Common must be fully considered. **Similarly, the works on the common, proposed in documents attached to Condition 31, should be applied for and the impacts fully taken into account in determination of the application.**

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 made completely clear precisely what the traffic access arrangements will be for both Phases of the wind farm construction.

Condition 26: *No development shall commence until full construction details have been prepared for the sections of the U1574 that may be subject to alteration. These details shall be submitted to and approved in writing by the Local Planning Authority.*

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.”*

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. WYG commit to provision of full engineering drawings of the accesses off the A44 should consent be given.

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.

The developer has already deviated from the ES by using the Northern Entrance 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.

The sum total of the developer’s submission for discharge of this condition is as follows:

“Planning Condition 32:

The planning condition states that No development shall commence until full construction details have been prepared for the sections of the U1574 that may be subject to alteration. These details shall be submitted to and approved in writing by the Local Planning Authority.

It is proposed that the access options from the U1574 are removed from the scheme, with all access being proposed now from the A44. As no sections of the U1574 are subject to alteration there are no construction details that can be provided; this condition therefore is now superseded.”

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. The developer has made conflicting statements made 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. He may well revert to the southern route via the U1574.

The developer’s verbal undertakings cannot be relied upon. This developer has already taken a coach and horses through planning law and significantly deviated from approved plans, without going through the regular channels.

Conclusions:

- 1) We consider it essential that Powys Council require a full description of all the access and traffic management arrangements for the entire project before discharge is even considered. Any deviations from the approved plans, ES and other associated documents require new planning application.**
- 2) The consequence of not requiring this information would be to give carte blanche to this developer to make any alterations he wants to the U1574 should he later choose. There would be nothing that can prevent his altering and using the U1574/Pye Corner route for access to the wind farm site for Phase Two of this development.**

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

Sincerely

Jonathon Colchester

Chairman of CPRW Brecon & Radnor Branch