



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

Dear Holly-Ann Hobbs

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

Application for discharge of condition 35 from P/2014/0672 (APP/T6850/A/17/3176128):wheel-washing

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. Any plans, construction or management arrangements that differ from the requirements of Condition 2 require new applications.

Condition 35

Wheel-washing facilities, to be approved in writing by the Local Planning Authority shall be provided at the site exit before any other development commences. Such facilities shall thereafter remain available during the construction period and be used by all vehicles exiting the site.

The response to this condition is contained in a letter to Keith McKinney from Gordon Buchan, Director WYG Environment Planning Transport Limited dated 16.11.18

A wheel wash will be provided on site (outwith the common) to reduce the potential for mud and debris to be deposited on the public road. Further measures will include, but not limited to:

- Stone road surfacing;
- A tar finish on the site access road from the site access junction, at least 15m into the site;
- The provision of brooms and lance cleaners to knock off any construction debris from the undersides of vehicles prior to them accessing the public road; and
- The provision of a standby road sweeper at specific points during the construction programme to keep the public road clean.

These details should prevent, as far as is reasonably practical, the depositing of debris onto the public road.

We have not located wheel-wash facilities in the original plans but *in the original application and ES* they have a dual purpose :

1) to stop mud and debris getting out onto the public highways

ES 3.3.2

The introduction of a wheel-wash facility will be required at the entrance to the site during the construction period in order to reduce the risk of soil being transported onto the main roads.

ES 10.7.7

The requirements for mitigating effects of dust and vehicle movements include the use of dust covers over vehicles and stockpiles, dampening down of areas which could potentially produce dust and the provision of wheel washing facilities. Areas where these activities occur will also provide sustainable drainage measures for sediment entrained run-off, such as silt traps.

2) to stop invasive species coming in to the site and therefore also to the SAC from elsewhere (see HRA table 5.6: poorly reproduced in the version available at the Public Inquiry)

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| <p>Construction period</p> <p>The accidental importation of invasive species on wheels of vehicles could affect habitats. Japanese knotweed and Himalayan balsam are present within the SAC.</p> | <p>Invasive species brought into site on wheels could be transported into the river and affect the habitat through importation of alien species.</p> | <p>Mitigation: Relevant guidance from Defra and NRW will be followed. In particular, all plant and equipment to be used on site will be washed and disinfected before arriving on site to remove all soil. On arrival there will be a visual inspection of the machine to verify it has been cleaned effectively. Any plant or equipment failing the inspection will be returned to the hirer for proper cleaning.</p> | <p>Probable – Potential significant impacts anticipated</p> | <p>Extremely Unlikely - No significant impacts anticipated</p> |
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- No wheel-washing facilities have been provided during the construction of T5. There are none at the New Diversion Northern site entrance and have been none at the Northern site Entrance for HGVs.
- Countryside Services has written:

It is noted that the Construction Environmental Management Plan refers to a proposed wheel cleaning facility, to be located near the site exit to the A44. However, no details of the design, size or exact location for the facility have been included. It is also noted that the supporting information for application 18/0994/DIS states that this facility is to be 'outwith the common.' However, no plan has been supplied to show its exact location and nor has detail of the design been supplied. In addition, it is stated that there will be a tar finish on the site access road from the site access junction; it is not clear whether this refers to the access track across the common, or to access tracks that are adjoining the common.

- The fact that there is no place for wheel-washing facilities to protect the ecology of the wind farm site/SAC and the safety of the public highways is a direct consequence of a rushed development program, using access not described in any detailed plans and without planning permission. The Developer's financial pressure is not a viable planning excuse for failing to provide facilities required by a pre-commencement condition.
- The Developer's (and Powys CC's) claim that that development has proceeded in keeping with the applications to discharge conditions is not true with respect to Condition 35.

- NRW's Head of Planning has assured us that it is Powys CCs responsibility to monitor the HRA mitigations and NRW's continuing monitoring of construction is only to identify significant harm to hydrology and designated sites. The Inspector's Addendum Report on Appropriate Assessment for HRA purposes says:

12. In agreeing with the suggested list of conditions the Council confirmed at the inquiry that it had relevant experience in relation to several other wind farms schemes in its area of discharging similar conditions and undertaking monitoring to ensure compliance. It also confirmed that in agreeing the additional details sought by the conditions it would call on the specialist advice of NRW when necessary. I consider that the suite of measures proposed to mitigate any harmful effect on the SAC can be relied upon to be effective. It is reasonable to assume that the conditions' requirements will be complied with and monitored effectively, particularly given the potentially serious consequences of not doing so in the case of the conditions in question.

The Inspector has been proved wrong in his "*reasonable assumption*" that the conditions would be complied with, nor can he rely on mitigation measures in the Appropriate assessment if they are not monitored and enforced. The public requires and deserves written clarification of the division of duties and responsibilities between PCC and NRW, agreed by both parties.

Conclusions

- **Wheel-washing facilities set out in the ES and HRA have not been provided.**
- **This is a breach of this pre-commencement Condition**
- **It is also mitigation promised in the HRA/Appropriate Assessment. The Inspector's completion of the Appropriate Assessment was predicated on the compliance with conditions.**
- **Condition 35 cannot be discharged.**

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

NB. We are copying in NRW and Radnorshire Wildlife Trust because Powys have told us that they will not put our objection on the planning Website

Sincerely

Jonathon Colchester

Chairman of CPRW Brecon & Radnor Branch