

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: DIS/2016/0247 **Grid Ref:** 291676 281370

Community Council: Llangurig **Valid Date:** 08/12/2016 **Officer:** Gemma Bufton

Applicant: Mr Radford, Bryn Blaen Wind Farm Limited, c/o Agent.

Location: Blaen y Glyn, Llangurig, Llanidloes, Powys, SY18 6SL.

Proposal: Discharge of conditions 4, 22, 23, 25, 27, 28 and 32 of planning approval P/2014/1102.

Application Type: Application for Approval of Details Reserved by Condition.

The reason for Committee determination

The application comes before Members of the planning committee as Cllr Graham Jones requested it is called in due to it being potentially controversial and in the wider public interest.

Site Location and Description

Conditional consent was granted under appeal by the Planning Inspectorate for the construction of 6 wind turbines with a maximum tip height of 100 metres and maximum hub height of 59 metres together with ancillary development comprising substation, control building, new and upgraded access points and tracks, new alternative recreational track, hardstanding and temporary compound and associated works.

This application seeks to discharge conditions 4, 22, 23, 25, 27, 28 and 32 of planning consent P/2014/1102. Application P/2014/1102 was accompanied by an Environmental Statement and therefore environmental information has been taken into consideration when determining this application.

Condition 4 states:

Site Recording

No development shall commence until all areas that will be disturbed by the development have been photographically recorded and these photographs, alongside a plan detailing the precise location and bearing of these photos have been submitted to the Local Planning Authority in writing.

Condition 22 states:

Highways and Transport

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be prepared in consultation with the Welsh Government as Welsh trunk road highway authority and Powys County Council as the local highway authority and submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved throughout the construction phase of the development.

Condition 23 states:

Highways and Transport

AILs associated with the development shall be delivered strictly in accordance with a AIL Traffic Management Plan (AILTMP). 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. The AILTMP shall include:

- (a) proposals for transporting AILs 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, passing places 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 proposed to be implemented after such movements;
- (e) management of junctions and crossings and any other public rights of way while AIL deliveries take place;
- (f) evidence of trial runs that mimic the movement of the worst case AILs along the access route;
- (g) number and size of AILs, including loaded dimensions and weights;
- (h) number and composition of AIL convoys, including anticipated escort arrangements;
- (i) methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
- (j) convoy contingency plans in the event of incidents or emergencies;
- (k) estimated convoy journey durations and timings along the route, including release of forecast traffic queues;
- (l) swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route;
- (m) proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;
- (n) plans for the reinstatement of any temporary works after completion of the construction phase;
- (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; and
- (u) details of banksmen and escorts for abnormal loads.

Condition 25 states:

Highways and Transport

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements including:

- (a) the detailed design of any works;
- (b) geometric layout;
- (c) construction methods;
- (d) drainage; and
- (e) street lighting;

have been prepared in consultation with the Welsh Government as Welsh trunk road highway authority and Powys County Council as the local highway authority and submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

Condition 27 states:

Highways and Transport

Full details of the highway works associated with any new access onto the trunk road including the detailed design, geometric layout, construction and drainage, shall be prepared in consultation with the Welsh Government as Welsh trunk road highway authority and submitted to and approved by the Local Planning Authority prior the commencement of any works on the site.

Condition 28 states:

Highways and Transport

No development shall commence until full construction details, detailed design drawings and calculations for the foundations and access track have been prepared in consultation with the Welsh Government as Welsh trunk road highway authority and submitted to and approved by the Local Planning Authority.

Condition 32 states:

No construction works shall take place on site until a Construction Traffic Management Plan (CTMP) for non-abnormal indivisible load vehicles has been submitted to and approved in writing by the Local Planning Authority. The Traffic management plan shall be implemented as approved and will include, but not be limited to:

- (a) construction vehicle routing, including specific measures to ensure that construction traffic uses the proposed haul road and proposals for dealing with any infraction;
- (b) means of monitoring vehicle movements to and from the site including the use of liveried construction vehicles displaying the name of the developer, the vehicle number and a telephone number for complaints to be logged. The procedures for dealing with complaints must be provided to the Local Planning Authority;
- (c) timing of vehicle deliveries to the site;
- (d) proposals for appropriate management of junctions and crossings of highways and other public rights of way on site and between the site and the trunk road network;
- (e) contractual arrangements for the control of construction traffic offsite and to ensure that complaints and breaches of the TMP requirements are able to be remedied;
- (f) a travel Plan aimed at maximising the use of sustainable travel by the construction workforce associated with the development;
- (g) vehicle movements during the Royal Welsh Show;
- (h) communications with members of the public and local communities; and
- (i) provision for pre-commencement update surveys for protected species which must include a provision requiring consultation with NRW, including the issue by it of written advice, and provision for the identification of avoidance and mitigation measures.

Consultee Response

PCC Highway Authority

Consultation response received 29/12/2016

Having viewed the documents the extent of works on the PCC Highways is approx. 2/3 percent. The vast majority is all on Transport Wales Network or on private land contained within the applicants site.

The only comments I would wish to make is that they mention within condition 32 CTMP that gates would be set-back only 2.5 metres from the edge of the highway for the C2176. That is far too short and was not agreed at the appeal. I assume this can be picked up at condition 33.

I would point out that we require definite signing at the junction of the A44/C2176 by the Blue Bell Public House instructing all wind farm traffic to go straight on and that no traffic associated with the wind farm is to use the C2176 up past the pub. This will be a clear short cut for traffic coming from the Aberystwyth/Rhayader direction. So they need to include additional signing there. There also needs to be some clear statements on the consequences/actions taken by the developer for abusing this instruction.

Finally, the signing at the crossroads on the C2176 is not correct and again can be picked up by condition 33.

Consultation response received 13/03/2017

I recommend that the highway conditions can now be discharged.

Welsh Government Trunk Road Agency

Consultation response received 07/04/2017

The Welsh Government as highway authority for the trunk road network advises that the above conditions can be discharged.

Public Representations

One public representation of objection has been received.

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Discharge of Conditions

Welsh Government Trunk Road Agency and Powys County Council's Highways department have been consulted on the discharge of conditions 22,23,25,27,28 and 32 as indicated above.

In light of the above consultation responses received from Welsh Government Trunk Road Agency and Powys County Councils Highway Authority, it is recommended that conditions 22,23,25,27,28 and 32 of the application P/2014/1102 can be formally discharged as the information as provided is considered to be acceptable.

The Local Planning Authority has also reviewed the information submitted with regards to condition 4. Information submitted provides a photographic record of views taken at specific points of interest detailing the current state, form and features of the site. The locations of the points of interest have also been identified on maps. It is considered that sufficient information has been submitted and it is therefore recommended that condition 4 of the application P/2014/1102 can be formally discharged.

RECOMMENDATION

It is considered that sufficient information has been submitted to discharge conditions 4, 22, 23, 25, 27, 28 and 32. It is therefore recommended that conditions 4, 22, 23, 25, 27, 28 and 32 are discharged.

Environmental information has been taken into consideration when determining this application (DIS/2016/0247).

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Applicant: Brynblaen Windfarm Ltd

Location: Blaen y Glyn, Llangurig

