Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2014/1087  Grid Ref: 306717.38 303408.91
Community Council: Dwyriw Com  Valid Date: 23/10/2014  Officer: Dunya Fourie

Applicant: Awel Newydd, Mold Business Park
Location: Land between A458 and Tirgwynt Wind Farm Powys
Proposal: Full: Highway upgrades and associated works on land between the A458 and the Tirgwynt wind farm to facilitate deliveries of abnormal indivisible loads
Application Type: Application for Full Planning Permission

Committee Report
The application is reported to Committee as it is accompanied by an environmental statement.

Site Location and Description
The site concerns sections of the A458, B4385 and C2013 classified road which circumnavigates Llanfair Caereinion crossing the B4389 and continues to the site of the consented Tir Gwynt windfarm (P/2013/0026).

Surrounding settlement pattern is predominantly scattered hamlets, individual houses and farmsteads. The two largest settlements are Castle Caereinion and Llanfair Caereinion, Castle Caereinion are approximately 1km from the nearest development site, Llanfair Caereinion is located approximately 1km north west of the nearest development site.

This application seeks full planning consent for upgrade of the existing highway infrastructure to facilitate delivery of turbine components with a maximum length of 45metres. The works involve the extension of the carriageway or other engineering works outside of the highway boundary. The access route concerned under this application extends from the junction with the A458 Trunk Road near Castle Caereinion to the entrance to the Tirgwynt Windfarm site near Cefn Coch. Along this route a number of pinch points have been identified were improvements are required to facilitate the passage of abnormal length vehicles carrying wind turbine components.

There is a total of 12 upgrade points and these are listed as follows:

- **Point 160**: located at A458 and B4385 junction approx. 4.5km west of Welshpool
  The existing junction is a standard major/minor junction (off Trunk Road A458), the detail of the proposed works is shown on plan 5110044/600/TP/GA.01. It is proposed to remove the fence and approximately 13m of hedgerow. The fencing and hedgerow are to be replaced out of the visibility and oversail area.
• **Point 10:** located at the B4385 at the Cil-Haul junction, covering circa 110 meters
This alteration proposes the re-alignment of the carriageway to the south with loose granular material, as shown on plan 5110044/600/TP/GA.002. Earth works to reduce ground level to the south of the current road which shall be graded. There shall also be vertical re-alignment of the carriageway. These works would result in the loss of 4 trees and 70 metres of hedgerow. It is proposed to replace the trees and hedgerow after earth works have been completed.

• **Point 15:** located B4385 junction/crossroad with unnamed local road to Graig
Alteration to this junction was approved under the existing consent P/2013/0026, however this proposal seeks to amend this scheme to accommodate the ground level of the field on the southern side of the junction, the full scheme can be seen on plan 5110044/600/TP/GA.012. It is proposed to remove and replace approximately 59 metres of hedgerow and re-grade the field to allow for oversail and form a new field access. It is proposed to have a grass grid structure between the main carriageway and the new hedge and fence line.

• **Point 20:** located on the minor road between Graig and Rhos Fawr, across a circa 40 metre stretch
The development at this point is located on the northern side of the carriageway, the detail of which can be seen on plan 5110044/600/TP/GA.007. The works will require the removal of 30-40m of hedgerow, and the re-profiling of a 33m stretch of banking bordering the carriageway. The bank will be stripped back to enable widening of the carriageway to the northern side, with a new embankment formed. It is intended that there will be an extension to the carriageway created here which will be permanent tarmacadam.

• **Point 30:** located on the minor road between Graig and Rhos Fawr, across a 25 metre stretch
The proposed development would be located north east of the carriageway and would involve cutting to a 25m stretch of embankment to enable the passage of the AIL trailer, the detail is shown on plan 5110044/600/TP/GA.008. The aim is to lower the ground level on the inside bend of the road. The existing hedge and fence would be removed and replaced on the re-profiled land.

• **Point 35:** located on the unnamed local road at Graig, covering circa 45 metres
The proposal at this location is to provide widening of the carriageway at its northern edge, as shown on plan 5110044/600/TP/GA.013, this requires the removal and relocation of approximately 20m of hedgerow and fence, which would be replaced approximately 1.5m north of its existing position. The existing verge would require stripping to bring the ground level in line with the existing carriageway, it is proposed to finish this area in tarmacadam.

• **Point 40:** Located adjacent to Yr-Helg
It is proposed to trim approximately 10m of hedge and fence and realign approximately 10m of fence on the eastern side of the road to enable the oversail of the AIL, as shown on plan 5110044/600/TP/GA.009.

• **Point 50:** located adjacent to Yr Helgy
It is proposed to realign the hedge on the approach to the road bend, as show on plan 5110044/600/TP/GA.010. On the bend itself, it is proposed to cut an area on the inside of
the bend covering a distance of approximately 18m to the north west of the carriageway. This will involve stripping back the existing verge to the level of the existing carriageway, removing the hedgerow and reinstating it on the re-profiled surface approximately 1.5m further back from the carriageway.

- **Point 60, 65, 70**: located to the north east of the minor road junction at Pentre-coed covering a 150m section of route along the unnamed local road
  The proposal seeks to widen the existing carriageway at point 60 from 3.82m to a width of 4.5m and widen the carriageway between point 65 to 70 from 3.02m to 4.5m, as shown on plan 5110044/600/TP/GA.003. The widening at point 60 can be achieved utilising the existing verge, without altering the existing ground levels. The widening at points 65-70 require cutting into the existing embankment to the south east of the carriageway, over a stretch of approximately 40m, and the re-profiling of the slope. The hedgerow and fence would be reinstated on the re-profiled slope. Loose bound drainage material is proposed at the toe of the formed embankment to prevent surface water run-off onto the carriageway. The surfacing of the additional carriageway is proposed to be bound material, the specification of which is to be agreed with Powys County Council.

- **Point 80**: located at an unnamed local road adjacent to Groesfer covering a 24m section or route
  It is proposed at this location to widen the carriageway to the south of the road, on the outside of the bend, as shown on plan 5110044/600/TP/GA.004. The area to be re-graded and widened would be approximately 30m, the existing verge would be re-profiled slightly to enable the widening. The hedgerow and fence would be relocated approximately 1m from their existing position.

- **Point 90**: located at an unnamed local road approximately 200m north west of Fron Wellt Farm
  The proposal at this location involves an area of road widening and re-grading of the ground level, as detailed on plan 5110044/600/TP/GA.005. The area proposed to be widened is approximately 60m, the re-profiling of the embankment will require the removal of the existing hedgerow and fence, along with 2 trees, the hedgerow and trees would be replaced on the re-profiled ground.
  There is also a northern option proposed, which consists of cutting into the existing embankment on the northern side of the road, as detailed on plan 5110044/600/TP/GA.005-V2. The re-profiling would require the removal of the hedge and fence and be re-profiled once the slope has been created. The development would result in the loss of 11 trees, it is proposed these would be compensated for in replacement planting. The applicant states the trees to be lost are considered of low quality and as such there is potential for biodiversity gain through re-planting of native species.

- **Point 110**: located at unnamed local road junction, 5.6km north west of New Mills and 1.6km east of Cefn Coch, covering a 60m section of route.
  The proposed development at this location involves the removal of the island at the road junction and the realignment of the carriageway for a length of approximately 50m to reduce the severity of the bend, this is detailed on plan 5110044/600/TP/GA.006. The realignment requires cutting into the southern side of the road and the removal of 2 trees and relocation of the hedgerow and fence line, approximately 5m back from its current position. The area to
be cut into would extend up to 9m back from the current edge of the carriageway and would be re-profiled to tie in with the existing ground levels.

**Environmental Impact Assessment**
An environmental impact assessment (EIA) was submitted with the application.

The EIA includes the following assessments:
- Non technical summary
- Landscape and visual assessment
- Hydrology and Geology
- Cultural Heritage
- Natural Heritage

**Consultee Response**

*County Councillor David Jones*

*E mail of 13 November 2014*

I refer to Application P/2014/1087 Highway Upgrades associated with Tirgwnt Wind Farm.

I enclose an e-mail I have received from Mrs. Daphne Bursell on this subject. I feel there is a deal of controversy about this development and as local member I think the issues need to be debated in a public forum and therefore I exercise my right as local member to call this application in for decision by the planning committee.

*County Councillor Viola Evans*

*Letter of 2 November 2014*

There is a great deal of concern regarding this development, I feel that these issues need to be debated in a public forum.

As the Local Member I wish to call in this application for a decision by the County Council’s Planning Committee.

*Llanfair Caereinion CC*

*E mail of 25 November 2014*

As there are considerable road improvements required for this application it was felt that the route should use the long term for any other wind farm construction requirements. Other routes could be combined wherever possible to minimise the impact on the countryside. Furthermore this new route should be constructed so that in the long term HGV traffic can use it to by pass the town of Llanfair Caereinion.

*Dwyriw CC*

*E mail of 27 November 2014*

Dwyriw Community Council is happy to support the improvements to the Highway at point 110 in the Dwyriw Area by Tyn Coed, Cefn Coch

*Caersws CC*

*Letter of 27 November 2014*
The application P/2014/1087 Awel Newyd Cyf Highway upgrade and associated works on land between A458 and consented Tirgwyt Wind Farm to facilitate abnormal loads and deliveries.

This application was discussed at the Community Council meeting on 27th November 2014.

No objections or comments were made to this application

Tregynon CC
No response received

Aberhafesp CC
No response received

Carno CC
No response received

Llanerfyl CC
No response received

Llanfihangel CC
No response received

Llangyniew CC
No response received

Castle Caereinion CC
No response received

Manafon CC
No response received

Powys Highways
E mail of 28 January 2015

The Highway Authority has no objection to the principle of this application, however detailed engineering drawings will be required for Section 38/278 purposes. In view of the technical requirements of the submission I recommend the following conditions are attached to any decision notice:-

“Prior to any works commencing on site detailed engineering drawings for the highway improvement works as detailed on the approved plan shall be submitted to and approved in writing by the LPA”

“The works as identified on the approved plan shall be fully completed to the written satisfaction of the LPA before any Abnormal Indivisible Loads are commenced.”

“Prior to any Abnormal Indivisible Loads commencing a trial run shall be undertaken and completed to the written satisfaction of the LPA”

I assume WG will be responding on their junction with the Trunk Road
Further to the site meeting Wednesday 12th November 2014, I’ve listed some points for further consideration and detailed design.

Chainage 99m – The Survey drawing indicates a vertical change in level of the existing road surface of approximately 0.5m this is not correct. In addition near this location is a 225mm approx. diameter culvert crossing for a small water course from the ground above at Lower Cil Haul. The proposed re-alignment and raising of the carriageway will require both the renewal of this culvert and the addition of a new headwall or manhole.

Chainage 128m – At Section ‘E’ a private drive is located to the North further detail on the tying in with the proposed road levels are required. A PCC 900mm diameter concrete piped culvert is also located at this location, the proposed road level is an increase of almost 0.5m the upstream headwall is likely to require some alterations. The downstream timber post and rail parapet on this culvert would also appear to be within the oversail projections detailed on the drawing 5110044/600/PT/SP/011, the culvert could possibly be extended downstream and the parapet fence relocated.

Chainage 99 – 128m – There are both a drainage ditch and a ‘well’ located on the south side of the existing carriageway between these chainages these need to be addressed with regard to the proposed drainage details at later design stage.

On the north side of the road a vertical drop over a rock face into a water course exists, approximately 4m, this is not detailed fully on the cross section B-B on drawing 5110044/600/PT/SP/011 and although the design proposal is to move the carriageway over 2.0m to the south it is also to raise the carriageway by a further 0.8m. In TD19/06 the RRRAP should be done if traffic speeds are higher than 50mph and traffic volumes are higher than 5000 AADT, traffic volumes are much lower here so the designer should undertake their own risk assessment without the aid of the RRRAP and use the guidance and technical requirements to aid in the decision process. Has a designers risk assessment been carried out to support their decision not to provide a RRS. Note: if a RRS is provided it may also obstruct the oversail projections!

Chainage 200m – 240m – No x-section has been provided but it appears the road may be raised slightly at this location also, both highway drainage on the south side of the existing carriageway and the weak verge above the lower field level on the south side of the carriageway will need alteration some alteration and strengthening works are required, this can be looked at in the further detail at Section 38 stage.

Generally the proposed re-alignment will provide an improvement of vertical alignment especially at the side road junctions but more detailed drainage design is required.

Welsh Government Highways
Letter of 25 March 2015

I refer to your consultation of 4 March 2015 regarding the above planning application and advise that the Welsh Government as highway authority for the trunk road network directs that any permission granted by your authority shall include the following conditions:
Traffic Management Plan (TMP)

1. No on-site development works shall be undertaken until:
   a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
   b. details of any improvement works required to such structures as a result of construction of the development;
   have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

2. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

3. 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 submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

4. AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP 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. evidence of trial runs that mimic the movement of the worst case AILs along the access route;
   c. number and size of AILs, including loaded dimensions and weights;
   d. number and composition of AIL convoys, including anticipated escort arrangements;
   e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
f. convoy contingency plans in the event of incidents or emergencies;

g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues;

h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route;

i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;

j. plans for the reinstatement of any temporary works after completion of the construction phase;

k. 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;

l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements;

m. consideration of the cumulative impact of other wind farm schemes proposing to use all of part of the same access route.

5. AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

6. 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 as agreed with the relevant highway authority including:
   a. the detailed design of any works;
   b. geometric layout;
   c. construction methods;
   d. drainage; and
   e. street lighting;

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

7. No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.
8. The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/03. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

9. The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

**Proposed alterations to the junction/access off the A458 trunk road to the B4385**

10. Full details of the highway works associated with the proposed alterations to the junction/access off the A458 trunk road as indicated on the submitted plans including the detailed design, geometric layout, construction and drainage, shall be submitted to and approved in writing by the Welsh Government as Welsh trunk road highway authority prior to commencement of any works on the development site.

11. The proposed alterations to the junction/access off the A458 trunk road as indicated on the submitted plans shall be completed to the satisfaction of the Welsh Government as Welsh trunk road highway authority prior to commencement of any works on the development site.

12. The visibility splays shown on the submitted plans of the proposed alterations to the junction/access off the A458 trunk road shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction.

13. No drainage shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed alterations to the junction/access off the A458 trunk road as shall be constructed such that it does not drain into the trunk road drainage system.

14. Suitable fencing, the form of which shall be agreed in writing by the LPA in consultation with the Welsh Government shall be provided along the trunk road boundary of the site sufficient to prevent direct access to the trunk road.

15. The Applicant shall commission and pay for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/03. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works.

16. After completion of the (wind farm) construction works the temporary over-run area shall be permanently reinstated in accordance with the details to be agreed with the Planning Authority in consultation with the Welsh Government.

The above conditions are included to maintain the safety and free flow of trunk road traffic.
The following points should be brought to the attention of the applicant:

a) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

b) Any adjustment, re-siting and/or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant’s own expense.

c) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

d) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

e) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; [http://www.traffic-wales.com/traffic_signs.aspx](http://www.traffic-wales.com/traffic_signs.aspx).

**Letter of 1 December 2014**

I refer to your consultation of 4 November 2014 regarding the above application and advise that the Welsh Government as highway authority for the A458 trunk road directs that the application remains pending until such time as the information below is provided:

1. The applicant must provide an amended drawing clearly detailing the entire junction visibility splays, in accordance with the Design Manual for Roads and Bridges (DMRB), in particular clause 2.25 within TD 41/95, including the tangential splays. In fact the entire access must be designed in accordance with DMRB, if for any reason the access does not conform to DMRB, then it is the designers responsibility to request departure from standards from the Highway Authority.

**Wales & West Utilities**  
**Letter of 6 November 2014**

According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However Gase pipes owned by other GT’s and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, surfaces and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.
Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

NRW
Letter of 29 April 2015

Natural Resources Wales (NRW) previously responded to this application in letters dated 6 March 2015 and 27 March 2015. The Applicant provided further information on 17 March and 2 April 2015 in response to these letters. We have considered the further information provided on 2 April 2015 and this letter represents our updated advice on this application.

Natural Resources Wales does not object subject to the imposition of conditions.
In our letter of 27 March we requested further information on a number of outstanding matters. Although the applicant has supplied some of this information we note that some of the requested information has still not been provided, in particular the use of maps and aerial photographs to demonstrate the impacts on habitat connectivity. However the 17 March letter confirms that ‘the applicant will relocate or reinstate all hedgerows which will require removal as part of the works during the first available planting season following completion of development work’ and the 2 April letter confirms that in addition habitat connectivity will be maintained if works are undertaken outside the winter period by moving hedgerows to the edge of all working areas to maintain connectivity throughout the working period.

We consider that sufficient information has now been submitted to demonstrate no detriment to the maintenance of the favourable conservation status of the affected populations of European Protected Species, subject to the securing of mitigation measures in suitably worded conditions.

We advise that the following conditions are attached to any consent that your Authority is minded to grant:
1. Prior to the commencement of any works a Species Protection Plan will be submitted to and agreed with the LPA in consultation with NRW. The Plan should include provisions for the following:
   (a) Provisions for dormouse survey prior to the commencement of any works and suitable avoidance and mitigation measures.
   (b) The submission of contingency measures to be implemented in the event of dormouse or any other protected species being found during construction.
   (c) Update surveys for breeding birds, badger, bats, water vole and otter and any relevant updated mitigation measures.
   (d) Suitable avoidance and mitigation measures for any trees to be felled with the potential to support bats.
   (e) Measures including timing of works to avoid any impacts on fish using watercourses with the potential to be impacted by the works
   (f) Submission of an ecological compliance audit scheme
2. Prior to the commencement of any works details of all habitat (including hedgerows and trees) removal, protection, relocation and re-creation will be submitted to and agreed by the LPA in consultation with NRW. This should include provisions for:

(a) Aftercare of all replanted hedgerows and trees for a minimum of 5 years.
(b) A tree protection plan incorporating the measures in the Outline Arboricultural Method Statement in the Environmental Statement (2014) and in line with BS 5837:2012.

3. Prior to the commencement of any works a Construction Environmental Management Plan will be submitted to and agreed in writing with the LPA in consultation with NRW. The Plan should include provisions for:

(a) Pollution prevention measures to avoid any impacts on the water environment
(b) Any lighting measures during construction and operational
(c) Method statements for all works
(d) Detailed design of any watercourse crossings or culverts to be amended or replaced as part of the proposal
(e) A timetable for all works to include working hours
(f) Provision for the retention of an Ecological Clerk of Works during the construction period including site clearance
(g) Measures to avoid the introduction and spread of invasive species.

Letter of 27 March 2015

Natural Resources Wales (NRW) previously responded to this application in a letter dated 6 March 2015. In this letter we objected because of insufficient information with regard to a number of matters. The Applicant responded to our letter in a letter dated 17 March 2015 setting out their response to the queries raised.

We have considered this further information and consider that we are not in a position to withdraw our previous objection. Further information is required to demonstrate no detriment to the maintenance of the favourable conservation status of the relevant populations of European Protected Species.

To progress our consideration of the application we suggest that the Applicant submits the following:

We consider that insufficient information has been submitted on the impacts of the scheme on connectivity with regard to dormouse. Existing information on dormouse records and habitat connectivity should be used to inform an assessment of fragmentation, dispersal and continued access to foraging areas for dormouse. Aerial photograph should be used to inform this assessment.
Further evidence to support the statement by the Applicant that there are not likely to be any bat roosts in buildings adjacent to works. The assessment needs to consider impacts on connectivity as well as disturbance and direct habitat loss.

Further information and a commitment from the Applicant regarding the potential for hedgerows to be translocated or replanted and the likely timescales for this. An assessment of the total length of hedgerow to be removed would be helpful.

We note the confirmation by the Applicant that only one tree is considered to have the potential to support bats. A planning condition will be required to secure the necessary mitigation for the removal of this tree.

At this stage it is considered that a number of other planning conditions will also be required for protected species and birds including measures to ensure compliance audit and contingency measures. However in the absence of the information above you should continue to regard NRW’s position as one of objection. Once we have received the outstanding information we will review our position.

**Letter of 6 March 2015**

**Natural Resources Wales objects as there is insufficient information for us to advise on the environmental impact of the proposal and the proposed mitigation measures. We will review our position when further information is provided.**

Our detailed comments on the Environmental Statement (ES) are in Annex 1. However we wish to highlight in particular the need for further information on the following:

- The potential impacts on dormouse and the necessary avoidance and mitigation measures.
- The potential impacts on bats and the necessary avoidance and mitigation measures.
- The extent of the hedgerow removals and the mitigation for hedgerow loss.
- Further details on the reinstatement and restoration measures proposed.
- Details of works to watercrossings including potential impacts on otters.

We cannot currently advise that there would be no detriment to the maintenance of the favourable conservation status of any of the populations of European Protected Species potentially affected by the works.

We will provide further advice and review our position when the requested further information is supplied.

**Other matters**

We note that the ES (para 1.2) states that the turbine blade length for the Tir Gwynt windfarm will increase from the 36m blade length or 72m rotor diameter assessed in the ES (2007) for the windfarm application. It appears to be proposed that the turbine blade will now be 45m with a total rotor diameter of 90m increasing the blade swept area from 4071m² to 6361m², an increase of 56%. We query whether this worst case scenario was assessed within the ES for the windfarm. We accept that the overall turbine height will not change but a turbine with a larger rotor diameter may have a different environmental impact. Reference to the ES (2007)
para 5.6.6 shows the landscape and visual amenity impact assessment and visualisations for the windfarm were undertaken using a 36m blade length.

Annex 1 - Natural Resources Wales' Detailed Comments on the Environmental Statement
1. NRW was not consulted for any scoping advice with regard to this ES and there were no other pre-application discussions with the applicant.

2. The ES states in para 4.4 that the construction timetable may be interrupted by the cessation of works during the bird breeding season. Given that this cessation is secured by a planning condition with consent P/2013/0026 we do not see how the construction timetable could not be interrupted by the bird breeding season.

3. The ES states that it includes all locations where it is known that third party land will be needed (para 4.15). It is not clear if all works which do not require third party land have been included in the ES. We consider this would need to be included in any cumulative assessment.

4. Para 4.9 states that further detailed drawings for the works will be submitted as required by planning condition. It needs to be clear within the ES that the worst case scenario has been assessed with regard to the full extent of the future potential works. This needs to be clarified by the applicant.

5. NRW do not agree with the applicant's definition of ecological value in Table 1. For example areas which mean the criteria for designated as a SSSI but which have not been designated should be regarded as being of national value rather than regional value. Powys Wildlife Sites should be regarded as being of Regional/Powys value rather than local value. It is also not clear what it meant by Regionally or County important species populations and how these would be defined. It is unclear as to the difference between County and High Local values are and this is important as a number of receptors have been defined as 'high local'. We also do not agree with some aspects of the definition of the magnitude of ecological effects as defined in Table 2. For example it appears that to be defined as a high magnitude of effect, the effect could have to be not replaceable or reversible.

6. Species and habitats are defined as being of a certain value in the ES without any clear justification for this value in relation to the definitions in table 1. For example, the ancient woodland is defined as being of 'local' value but no surveys appears to have been undertaken of the woodland to determine this and this conclusion appears to have reached because ‘the woodland is one of several semi-natural ancient woodlands present within this part of Powys’ (para 1.12) but this does not appear to relate to the definitions in Table 1.

7. The ES identifies that in three locations works are proposed to roads in proximity to watercourses (para 7.3). We cannot located information within the ES with regard to the detailed nature of the proposed works to these watercourses and this information is requested from the applicant. The ecology assessment states that there are no records of white clawed crayfish but a recent record in 2014 of this species is present within 4km of the works and in the same catchment. Further information is required of the potential for this species to be present in the affected watercourses and to be impacted by the works.

8. In various parts of the ES there are descriptions of the works which are uncertain with regard to their nature. For example, ES para 4.16 refers to wherever possible hedgerows being trimmed rather than removed. This provides some uncertainty with regard to the magnitude of the works and it is unclear if the ES has assessed the worst case scenario.
9. The desk study was undertaken for a 1km buffer and this may not have allowed no potentially significant records to inform the ES being identified such as recent records for white clawed crayfish in the Banwy catchment.

10. The ES states that there are no records of dormouse within 2km of the proposal. We consider that the desk survey should have used a 5km area of search which would have demonstrated a number of records of dormouse within 5km. No survey has been completed for dormouse other than a search by an ecologist on one occasion which does not comply with good practice guidance for dormouse surveys. The reason for this approach is not justified. There is also a lack of detailed information as to the extent of the removal of hedgerow/habitat removal which is suitable. Areas of hedgerow are assessed as having low connectivity when they appear to connect to areas of woodland (area 10 south of the road). There is also a lack of information on the timescales between hedgerow removal and reinstatement and no consideration of avoidance and mitigation measures for this species. Insufficient information has been provided to demonstrate that the hedgerows offer low potential to support dormouse. We do not agree the assessment for dormouse in the ES.

11. There is a lack of information on whether there are likely to be bat roosts in the vicinity of any of the works, for example within the farm buildings at location 10. If roosts are present they would be affected by the potential hedgerow removals.

12. A number of trees to be removed are considered to be suitable for roosting bats. These have been identified but there is some inconsistency regarding their assessment in the ES. The tree surveys states that TN1 is the only tree to have moderate potential to be a roost whereas other parts of the ES described as other trees as having the potential to be an occasional roost e.g. TN24. The ES does not clearly identify mitigation measures for these trees.

13. No surveys has been undertaken for birds and the potential for schedule 1 species such as red kite to use the trees to be felled.

14. No otter surveys have been undertaken at the locations where the works are proposed adjacent to watercourses. This an omission.

15. The study areas for the badger and water vole surveys are not provided and we suggest a map is provided to demonstrate the areas within the zone of impact which have been surveyed or considered with regard to their potential to support these species. Mitigation in the form of pre-commencement update surveys will be required.

16. The total length of hedgerow to be removed is not provided in the ecological assessment so the magnitude of the impacts are unclear. No justification is provided as to why hedgerows cannot be translocated. There is inconsistencies within the ES as to whether the hedgerows will be replanted. For example para 2.1 under Bats states that ‘a commitment has been made to replant or reinstate hedgerows where this practicably possible’ (our emphasis). The applicant needs to provide greater specificity as whether hedgerow and tree replanting will be possible and can be secured, especially given the need to relate this to providing mitigation measures for European Protected Species. There is no time frame for replanting hedgerows.

17. The tree surveys recommends that root protection area (RPAs) are designated during the construction process but it is unclear as to whether there is the potential for these to be safeguarded during construction and whether further loss of trees is likely because this mitigation is not practicable. The ES considers that indirect effects on trees are likely to occur
through compaction of roots but does not quantify this loss. There is therefore low confidence in the estimate of the magnitude of effect on trees.

18. The ES states that there is likely to be run off of surface water/sediment and compaction of roots within the ancient woodland but does not propose any mitigation measures for these effects because it considers they will only occur in the construction phase. There is no consideration of the potential for impacts in the operational phase when both types of impacts would appear to be potentially possible.

19. There is no cumulative assessment in the ES with other projects including the other proposed road amendment schemes. Para 1.17 states that a cumulative assessment is not required because of the small scale nature of the works. We do not agree with this process to assessing the potential for cumulative impacts.

20. We welcome the proposed mitigation measures but consider that further avoidance and mitigation measures need to be identified for European and national protected species.

Powys Ecologist
E mail of 20 March 2015

Thank you for sending me a copy of NRW’s letter dated 6th March 2015. I write to confirm my support of NRW’s response and particularly the Detailed Comments set out at Annex 1 of that letter.

I have read the ecology information submitted with the ES, and given that I am in full agreement with NRW’s response, I have not provided a detailed response myself. However, I have below set out the thoughts and recommendations that I noted down whilst reading the information provided.

It is considered that inadequate information has been submitted to assess the potential ecological impacts. This outstanding information is required prior to determination.

Further information is required for great crested newts. Great crested newts were not found in an update survey in 2014. Was this a full survey of four or six visits? Details of the update great crested newt survey are required. Perhaps a water sample could be collected in spring 2015 to undertake an eDNA analysis to establish presence or absence of GCN, although greater than knowledge of presence/absence is required then additional survey work will be required.

There does not appear to have been any assessment of the potential for reptiles on the verges. Slow worms and lizards are widespread on Powys’ road verges.

In addition, given the amount of hedgerow being removed (what is the length to be removed), approximately half of which are species-rich, I do not agree with the value of the hedgerows given in the ES and therefore also the impact assessment. The hedgerows are a Priority BAP habitat and part of an extensive hedgerow network. I cannot find reference to the total length of hedgerow to be affected and therefore it is not possible to assess the potential impacts of the loss/translocation of these hedgerows, nor the potential impact on other species either, such as dormice. Has translocation of the hedgerows been considered? This
may be possible in some areas. Details are also required on how much hedgerow is proposed to be translocated rather than removed.

With regard to NRW’s request for the further information required to assess the potential impacts to dormice, dormice are widespread across mid Wales and are under recorded and therefore the potential presence for dormice needs to be based on habitat suitability rather than presence of records. In mid Wales also, dormice are found in ‘poor’ hedgerows as demonstrated by the surveys undertaken to inform both the proposed Newtown bypass and the A470 to Erwood Road Improvement Scheme.

Depending on the impact assessment for dormice (required as part of the EIA process to determine likely impact and the potential significance), i.e. the surveys/assessment concludes that impacts to dormice are unlikely or negligible, then reasonable avoidance measures for dormice will also required. However, if impacts are identified (for the entire scheme or just certain sections) and an EPS licence is required then RAMS on there are unsuitable and a method statement and mitigation strategy will be required. This may involve removing the hedgerow in two stages, i.e. remove the top of the hedgerow in the late winter (February) and then remove the base of the hedgerow or cut the hedgerow to ground level in late April. Therefore, this phased approach needs to be taken into account in the project programme;

There should be one document which contains all of the ecological mitigation, including any pre-construction update surveys (if more than 2 years has passed since the consent). The following needs to be added to the Pre-Construction Ecological Management Plan (CEMP):

- All sections of hedgerows removed will be replanted with a mixed native species hedgerow with at least five species typical of the local area. This species mix needs to be agreed with the LPA.
- Those hedgerows which can not be translocated and will be cut to ground level and proposed to be left to regrow shall also be overplanted with native mixed hedgerow to help them become re-established. This species mix also needs to be agreed with the LPA. All affected sections of hedgerows must be double-fenced with 2m centres to protect them from livestock whilst they become re-established.
- The use of badger gates need be considered in the areas of effected hedgerows, if appropriate, i.e. if the fenced section is near to badger setts and is long enough to prevent badgers getting off the road.
- Given GCN were present in 2011, an update survey is required.
- Where hedgerows are to be cut to ground level, consideration of the use of a suitable geotextile, such as Teram, to be laid over the exposed roots to provide protection to the roots and soils/seedbank from vehicles and debris. Powys have used this on some of our maintenance schemes.
- Given the length of hedgerow to be removed it is not considered appropriate to remove the hedgerows during the nesting bird season, as there will be nesting birds using the hedgerows and a piecemeal approach (as required to wait for young birds to fledge) to hedgerow removal is not considered appropriate or acceptable. If there are small sections of a hedgerow that can not be removed outside of the nesting bird season, then an alternative approach will be required to be approved by the LPA. Good forward planning is required with regard to the hedgerow removal to ensure that the works can be undertaken during the nesting bird season, otherwise there is potential for significant and lengthy delays.
There is a disused badger sett to the east of Position 60. Therefore, a pre-commencement update badger survey and any other update surveys as necessary to inform the CEMP.

A scheme of Biodiversity Enhancements is required. This could include enhancing the pond at Position 10 to enhance it’s suitability for amphibians and great crested newts. I understood that the pond is quite shaded. Perhaps vegetation could be cleared. Other enhancements could include enhancing the hedgerow network by gapping up sections and linking hedgerows to areas of woodland, etc.

No impacts to designated sites are anticipated. The nearest designated site is 200m away. There are no Local Wildlife Sites affected by the proposed works.

Once the outstanding information above has been submitted and the impacts on protected species have been fully considered and you are in a position to determine the application and minded to approve the application, please could you attach the following conditions:

- Prior to commencement, A Hedgerow Method Statement, Mitigation Strategy and Enhancement Strategy are required to be submitted for LPA written approval.
- Prior to commencement of development, a Tree and Hedgerow Protection Plan, in accordance with BS: 5837: 2012 is required for all retained trees and hedgerows to protect the root zones, including roots of offsite hedgerows and trees, including the areas of adjacent woodland, particularly the semi-natural ancient woodland at Position 10.
- Prior to commencement of development, a Construction Ecological Mitigation Plan is to be prepared by the site ecologist in agreement with the developer, and contractor and is required to be submitted for written approval by LPA and NRW. This should include: timing of hedgerow removals and other vegetation clearance, including trees. Hedgerow and vegetation removal will need to be undertaken outside of the nesting bird season which is March to August, inclusive; water crossing mitigation; pollution prevention measures; protected species mitigation, including for dormice, otters and bats in trees and foraging along hedgerows, Provision for badgers to move through the works area should they wish and that precautions are put in place to ensure that badgers are not at a greater risk of mortality on the roads as a result of the works, and any other appropriate and necessary measures as identified in the ES and submission of the additional information requested by NRW.
- An European Protected Species (EPS) Contingency Plan setting out the measures to be taken if EPS are found unexpectedly on site;
- An Ecological Clerk of Works is to be employed pre-commencement and to be retained for the duration of the scheme. The ECoW will be responsible for tool box talks to staff in relation to the different aspects of the work, such as works near water, hedgerow cutting and removal, soft-felling of trees, etc; Supervision of identified works, on site daily, be capable of prioritising where they need to be for supervision, as they won’t be able to be in all 12 locations at once!
- A Post Construction After Care and Monitoring Plan to be submitted for NRW and LPA approval.

Cadw
No response received

Powys Environmental Health
E mail of 15 December 2014
I have no objection to this application. From an Environmental Health point of view the upgrades to the network appear relatively minor construction projects and any disruption from noise or dust is likely to be transient and short lived. Therefore existing controls available through other legislation will be the most appropriate method of controlling noise and dust from these works.

MOD
No response received

Dyfed Powys Police
No response received

Clwyd Powys Archaeological Trust
E mail of 6 November 2014

We note the location of the proposed highway works and the content of the cultural heritage assessment. We are in agreement with the mitigation suggested in 7.3 of the NTS and the two farmstead earthworks sites (PRN’s 130727, 130752) and the milestone (PRN 201059) listed as lying adjacent to the road scheme should be marked in advance for avoidance during site construction works in accordance with the mitigation cited in the CPAT assessment (Section 8, Page 12, Appendix D).

Powys Commons Registration
E mail of 5 November 2014

Commons Registration have no comments on P/2014/1097 as no registered Common Land is affected.

Powys Countryside Services
Letter of 18 November 2014

Thank you for your consultation, received 4th November 2014, regarding the above planning application.

A number of the proposed application sites may directly or indirectly affect various public footpaths at roadside. It is therefore strongly recommended that the applicant checks their proposals against the Definitive Map, which is the legal record of the location and status of public rights of way, and give full consideration to the layout of the development so that it does not obstruct the public right of way.

The Definitive Map is held in the Council’s Gwalias Offices, Ithon Road, Llandrindod Wells, and can be viewed by appointment.

If it is not possible to safeguard the existing public rights, the applicant will need to apply for a legal diversion (Public Path Order) of the public right of way affected. However, this is a complex and lengthy legal procedure, which takes a minimum of six months to process and costs at least £2,000. The County Council is not obliged to make a diversion order and success of a Public Path Order cannot be guaranteed.

The Council will also expect any new or diverted routes to be created to a minimum width and of a suitable surface, at the developer’s expense.
Development over, or illegal interference with, a public right of way before a diversion order application has been fully processed, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

It is expected that all development proposals will be in-line with the guidance set out in the Powys County Council’s ‘Rights of Way and Development - A Practitioners Guide’, available from Countryside or Planning Services’ upon request or on-line at http://www.powys.gov.uk/index.php?id=1756&L=0

For more information and an application form for a Public Path Order please contact the Rights of Way Officer, Sian Barnes (01597 827595) sian.barnes@powys.gov.uk

National Grid UK Transmission
E mail of 10 November 2014
I have checked the area and found National Grid will not be affected by this proposal.

Letter of 23 January 2015
National Grid is proposing a 400kV connection to connect new wind farms in Mid Wales to the electricity transmission network in Shropshire (the Mid Wales Connection Project). The connection would be between Bryngwyn, near Cefn Coch, Powys and Berghill, near Lower Frankton in Shropshire. The present stage in the project includes developing the proposed project boundary which was announced in autumn 2014. As part of this work National Grid will be undertaking an Environmental Impact Assessment (EIA).

The application (Reference P/2014/1087) for proposed highway upgrades and associated works on land between the A458 and the Tirgwynt wind farm (Grid Ref: 306717.38/303408.91), is on an abnormal indivisible load (AIL) route option for the National Grid Mid Wales Connection. I am therefore writing to you to provide a consultation response to the proposed activities.

The proposed development reference P/2014/1087 may affect design and/or sensitive construction along within the preferred route corridor. National Grid wishes to be controlled and notified of the progression of the planning application and submissions relating to this proposal, to verify and potential impact on the proposed development of the Mid Wales Connection project.

If planning permission is granted, it is requested that the following information is provided to me at the contact details below:

- The maximum extent of the proposed final design
- The maximum extent of the proposed working area
- The proposed construction start and end dates
- Details of any proposed works to Pont Pren-Dano bridge

This information would be considered within the on-going design development and EIA.

Powys Land Drainage
No response received

Powys Tourism
No response received

Health & Safety Executive
E mail of 11 November 2014
Thank you for your e mail received into HSE on 6 November 2014 asking HSE to make available any information which may be relevant to the preparation of an environmental statement for the highway upgrades and associated works on land between the A458 and the Tirgwynt Wind Farm to facilitate deliveries of abnormal indivisible loads at Land between the A458 and Tirgwynt Wind Farm, Powys.

This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of Major Hazard Sites and Major Accident Hazard Pipelines.

When potential development sites are identified, if any of them lie within the Consultation Distances for either a Major Hazard Site or Major Accident Hazard Pipeline, Powys Council can use PADHI+, HSE’s on-line decision support software tool, to see how HSE would advise on any proposed development.

Therefore HSE has no comment to make on this application

Public Response.

Site notices were erected at each of the 12 pinch point locations.

Properties adjoining the road and 30m off the road along the entire route between the works at either end of the route (depending on the direction of travel) were notified in writing.

A total of 52 letters were submitted in objection to the proposed works, the reason for objection are summarised below. The full responses have been considered and are retained on the planning application file.

1. Disruption and inconvenience to users of the B4385 and C2013 by delay in travelling time and requirement to use diversions.
2. The B4385 and C2013 roads are not designed for heavy traffic, there are signs erected by the Highway Authority stating along the route stating “not suitable for long vehicles”.
3. Use and the upgrade works of the B4385 and C2013 will have a detrimental effect on commuters and businesses through delays, gridlock and pollution.
4. The bridge at Cwm Golau is a Victorian Grade II Listed feature and should be protected from being hit.
5. There will be a detrimental impact on wildlife through removal of hedgerow and mature trees to accommodate the proposed works.
6. Road safety; cars already drive along the road too fast, removing bends and straightening the road this will increase the speed of traffic flow and is likely to cause accidents.
7. This application would result in the removal of hedgerows and trees, no badger set of bat surveys have been carried out.
8. Disturbance to residents through noise of traffic, impact on amenity and the enjoyment of gardens close to the road.
9. Impact on water supply water supply.
10. This road is used as a diversion route when there are accidents of the A458 road, if heavy traffic used the B4385 there would be no diversion or alternative route for emergency vehicles to access/exit the A458 road. What provision has been made to address the loss of a diversion route?
11. B4385 is susceptible to flooding, it has previously collapsed due to subsidence leading to the road being re-built and a culvert being created to divert water straight into the river Banwy. Culverts have not been surveyed to determine whether it can withstand the increase in daily traffic and construction vehicles.
12. No risk assessment has been carried out in association with increased traffic using the B4385.
13. No assessment has been carried out of the economic cost to residents and businesses due to delays on this route.
14. Steep gradients of the road, Dolarddyn has gradients of between 5 and 15%, is this going to take the strain of a 45m long vehicles carrying deliveries of AILs.
15. Vibration could cause cracks and damage to masonry.
16. Impact on National Eisteddfod traffic which is being hosted in the area in 2015.
17. Damage to the road surface eroded by streams of heavy traffic.
18. Disturbance of hydrology and pollution of water courses.
19. Improvements of the road will lead to industrialisation of the highlands.
20. Impractical options considered as alternatives: rail, air, other roads are not mentioned.
21. The EIA hasn’t addressed the existing accident black spots on the road and how the AILs can be transported safely. Will all AILs be escorted by vehicles with warning lights?
22. Pinch point 10—there is no consideration of culvert when proposing road widening.
23. Pinch point 15—there is limited visibility for approaching traffic coming over the hill to view vehicles turning left off the B4385.
24. The size of the AILs will not allow two way traffic or use of passing bays on the single width C classified road from the B4385 to site.

It is necessary to provide context to these comments made in association with the planning application before Members. The route for transportation of AILs was approved under the original planning consent (M/2007/0931 and P/2013/0026). These approvals were subject to conditions and a Legal Agreement requiring certain works and information, including trial runs and a Transport Management Plan being provided prior to commencement of development.

The following section shall aim to provide clarification to Members regarding some of the issues raised by interested parties and explain why they are given little weight under this application.

**Points 1, 8, 10 and 21 raise concern regarding heavy use of traffic along the B4385 and C2013.** The Executive Transport Summary submitted in May 2010 as part of planning application M/2007/0931 states “they do not intend to use the B4385 for construction traffic” and they state “AILs shall always be transported by Police”. The Executive Transport
Summary estimates there will be approximately 2 abnormal load convoys on the network per week over an eight month period with a maximum of delay to road users of 10 minutes.

**Point 20 raises concern regarding the absence of alternative road routes identified in this application.** A Traffic Management Plan for use of the Trunk Roads was agreed under the original application to the satisfaction of the Welsh Assembly Government. Alternative road routes from the Trunk road to site were explored under the original consented scheme and this is when this route for transportation of AILs was agreed. It was considered not feasible for AILs to access the site from Carno due to the steepness of the road and as such the current access route was agreed by Powys Highway Authority.

**Point 12 concerns the absence of risk assessments carried out.** Paragraph 1.1.5 of the Legal Agreement for Tir Gwynt Windfarm requires that risk assessment results are to be included in the Transport Management Plan as well as a method statement, details of escort vehicles and monitoring of the highway network.

**Point 17 concerns damage caused to the road surface.** Paragraph 1.1.6 of the Tir Gwynt Legal Agreement confirms a Highway Condition Survey including all agreed formal and informal diversionary routes is carried out before transportation of AILs but after the Trial Run. The results of which shall be given free of charge to the Council within 5 working days of receipt by the developer, this is in order that the Council can identify and determine any damage caused to the Highway Network by the AILs and construction traffic. Before the expiry of 20 working days of the Construction Traffic Final Notice Date the Council and Developer shall use reasonable endeavours to agree which buildings shall be subject to a further building survey and the developer shall thereafter commission such additional surveys before expiry of 3 calendar months of such agreement.

**Point 4 concerns the Grade II listed Pont Pren Dano bridge.** Under the approved scheme a diversion through third party land is agreed for the transportation of AILs. As these details have already been agreed, they do not form part of this application for works to the route.

**Point 15 raises concern that buildings shall suffer structural damage due to vibration.** Paragraph 1.5. of the Legal Agreement states; before the expiry of 20 working days of the construction Traffic Final Notice Date the Council and Developer shall use reasonable endeavours to agree which buildings shall be subject to a further building survey and the developer shall thereafter commission such additional surveys before expiry of 3 calendar months of such agreement.

**Planning History**
P/2013/0026-Section 73 Planning Application to vary conditions 14,15,23,32,42,49. Conditional consent granted 31 October 2013.

M/2007/0931: Construction of 12 wind turbine generators (tower height of 80m), crane hardstandings, access tracks, electricity substation and anemometer mast together with engineering operations involving 3 no. borrow pits and underground electricity cable network. Conditional consent granted 9 March 2012.
Principal Planning Policies
National Policy Statement for Energy (EN-1):

This overarching National Policy Statement for Energy (EN1) is part of a suite of NPSs issued by the Secretary of State for Energy and Climate Change. It sets out the Government’s policy for delivery of major energy infrastructure.

EN-1 details the commitment to meeting a target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990.

The UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020.

EN-1 outlines that to secure energy supplies that enable the 2050 obligations to be met, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector.

The government target is for around 30% of electricity to be generated from renewable sources.

EN-1 sets out the general principles that should be applied in the assessment of development consent applications across the range of energy technologies.


Taken together with EN-1, EN-3 provides the primary basis for decisions by the windfarm on applications it receives for renewable energy schemes.

EN-3 provides assessment and technology-specific information for onshore wind.

National Planning Policy update

Welsh national energy policy and in particular the policy and aspirations set out in PPW and TAN 8 are consistent with the UK Government policy statements.

Planning Policy for Wales, Edition 7 (July 2014)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes.

In relation to determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- The contribution a proposal will play in meeting identifies national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
• The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
• The impact on natural heritage and the historic environment;
• The need to minimise impacts on local communities, to safeguard quality of life for existing and future generations;
• Ways to avoid, mitigate or compensate identified adverse impacts;
• The impact of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
• Grid connection issues where renewable (electricity) energy developments are proposed; and
• The capacity of, and effects on, the transportation network relating to the construction and operation of the proposal.


This technical advice note provides technical advice on renewable energy and should be read in conjunction with Planning Policy Wales.

TAN8, outlines the Welsh Governments target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. In order to meet these targets the Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources.

The technical advice note details that in order to try and meet targets for onshore wind production, for efficiency and environmental reasons amongst others, large scale (over 25MW) onshore wind development should be concentrated into particular areas defined as Strategic Search Areas (SSAs).

The technical advice note considers most areas outside SSAs should remain free of large wind power schemes. They recommend local planning authorities consider the cumulative impact of small schemes in areas outside of the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs.

They advise that whilst that there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power over capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a County.

Other Technical Advice Notes.

• Technical Advice Note 5: nature Conservation and Planning (2009);
• Technical Advice Note 6: Planning for Sustainable Rural Communities
• Technical Advice Note 11: Noise (1997);
• Technical Advice Note 12: Design (2009);
• Technical Advice Note 13: Tourism (1997);
• Technical Advice Note 15: Development and Flood Risk (2004);
• Technical Advice Note 16: Sport, Recreation and Open Space (2009);
• Technical Advice Note 18: Transport (2007);

Powys Unitary Development Plan (Adopted March 2010)

Principal Strategic Policy:

• UDP SP3 - Natural, Historic and Built Heritage: A strategic policy that requires development to take account of the need to protect, conserve and wherever possible enhance the natural, historic & built heritage.
• UDPSP12 – Energy Conservation & Generation: Proposals for energy generation from renewable sources will be approved providing that they meet the landscape, environmental, amenity and other requirements set out in this plan.

Principal Generic Policies:
• GP1: Development Control
• GP2: Planning Obligations
• GP3: Design and Energy Conservation
• GP4: Highway and Parking Requirements
• GP5: Welsh Language and Culture
• ENV1: Agricultural Land
• ENV2: Safeguarding the Landscape
• ENV3: Safeguarding Biodiversity & Natural Habitats
• ENV4: Internationally Important Sites
• ENV5: Nationally Important Sites
• ENV6: Sites of Regional and Local Importance
• ENV7: Protected Species
• ENV8: Tree Preservation Orders
• ENV14: Listed Buildings
• ENV16: Landscapes, Parks & Gardens of Special Historic Interest
• ENV17: Ancient Monuments & Archaeological Sites
• ENV18: Development Proposals Affecting Archaeological Sites
• ENV 19: Development Proposals Affecting Archaeological Sites
• EC1: Business, Industrial and Commercial Developments
• EC7: farm/ Forestry Diversification for Employment Purposes in the Open Countryside
• T2: Traffic Management
• T3: Transport Assessments and Travel Plans
• T4: Transport User Hierarchy
• T6: Walking and Cycling
• TR1: New Tourism Developments
• TR2: Tourist Attractions and Development Areas
• RL3: Leisure, Recreation and Arts Facilities
• RL6: Rights of Way and Access to the Countryside
• RL7: Long Distance Rights of Way
• E3: Wind Power
• E5: Off-Site Works
- The Economic Impact of Wind Farms on Tourism – Study into the potential economic impact of wind farms and associated grid infrastructure on the Welsh tourism sector (2014).
- The University of Edinburgh, Tourism Impact of Wind Farms (April 2012).
- Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (February 2011)
- Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology

**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

**Principle of considering this proposal prior to the conditions of the consent being discharged and an AIL trial run commencing**

Paragraph 1.1.7 of Tirgwynt Legal Agreement states “all design drawing and method statements of all works required to enable the transportation of the Abnormal Loads; road
and junction improvements, construction of lay-bys, alterations to street furniture are completed in consultation with the Council”.

The Legal Agreement states “provided that for the purposes of this schedule only the commencement of development shall not include the carrying out of the accommodation works for the Trial Run or in accordance with 1.1.3 and 1.1.4”.

Paragraph 1.1.1 states “A method statement for a trial run ("The Trial Run") of the transportation of the abnormal load is submitted and approved by the Council following consultation with the Trunk Road agency and the police authorities and any other public authorities as Council consider reasonably necessary”.

Paragraph 1.1.2 states “The completion of The Trail Run and the submission of a report of the findings of the Trial Run to the Council for consideration by the Council in consultation with other relevant agencies and in accordance with condition 12 of the planning permission”.

Paragraph 1.1.3 states “(in the event that The Trial Run identifies such works are require) to construct and complete such works as are reasonably required by the Council to the written satisfaction of the Council subject to paragraph 3 below”.

Paragraph 1.1.4 states “all required accommodation works (including but not limited to street furniture removal re-siting; road alignment; junction improvements) are carried out at the Developers expense to the reasonable satisfaction of the Council and the methodology is agreed in writing with the relevant highway authority and police authority”.

The Legal Agreement confirms works to the network to facilitate transportation of AILs does not constitute commencement of development and as such determination of this application would not be in breach on the pre commencement conditions of planning consent P/2013/0026 which have not been discharged.

The legal Agreement confirms the methodology of the transportation of AILs, a trial run of the AILs and any improvements works required are all submitted and approved by the Council and associated authorities prior to the first delivery of an AIL. While this application is made prior to an AIL trial run being conducted, the desk top study has identified the areas subject to this application as requiring upgrade works. Members are therefore advised we can consider this application even though it is prior to the AIL trial run taking place. Should further work be required to the road network after the AIL trail run, a further application would be required.

Landscape and Visual Impact
Policy ENV2 (Safeguarding the Landscape) requires that development should take account of the landscape quality, be appropriate and sensitive to the character of the surrounding landscape, ensure satisfactory integration into the landscape, no unacceptably adversely affect nature conservation or amenity features nor result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands.

Landscape:

A landscape assessment has been carried out and submitted as part of this application. The landscape effects are identified as:
• The potential effects on land fabric within the site, and
• The potential operation effects on landscape character, including consideration of any effects within designated areas.

The assessment identifies pinch point 160 is located within Landscape Character Area (LCA) M12 Banwy Valley and pinch points 80,90 and 110 are located within LCA M13 Tregynon/Llanerfyl. All other pinch points are located within LCA M10 Guilsfield. The assessment concludes, all three landscape character areas would experience direct effects.

In comparison to the lengths of hedgerows separating the areas of proposed works, the sections of hedgerow to be removed are short. Natural Resource Wales consider that, provided the recommended conditions which ensure the removal and reinstatement or translocation of the hedgerows and trees is controlled and the carried out at the appropriate time, they raise no objection on landscape grounds.

The proposed scheme gives includes two options for the works at pinch point 90. Works carried out to the south of the road and protecting the north verge would be considered more appropriate. The reason for this is works to the south of the road would require the removal of 2 trees rather than the 11 which would be required should the works to the north of the road be carried out. It is recommended that a condition of any forthcoming planning consent confirms works to the south of the road is the approved scheme.

It is concluded that the proposed development would result in a loss of hedgerow and tree vegetation cover, however the implementation of translocated and replacement hedgerow and tree vegetation would result in a negligible effect on visual and sensory and landscape habitat aspect areas as described by LANDMAP within the study area.

The Assessment concluded that direct effects on the landscape fabric and landscape character would be minor adverse, reducing to negligible once the mitigation proposals had been implemented.

Visual:

Detailed visual assessments for each potential impact area are outlined in Appendix 2: Detailed Pinch Point Assessment Sheets. The Assessment considers views of the pinch points from surrounding residential properties would be filtered by intervening roadside vegetation and are of sufficient distance to result in a slight to negligible change and moderate to minor adverse temporary effects which are not considered significant.

The Assessment considers views would be primarily of plant and machinery during construction period, these visual effects would be apparent to residents on the north western edge of Castle Caereinon, users of local footpath and bridleway network in the immediate vicinity to each pinch point, National Cycle 81 route, Oak Wood Valley holiday lodges at Graig and caravan park at Coed Bron-y-Fedw.

Paragraph 4.9 of the Environmental Statement Volume 2 states “the pinch points shall be re-landscaped in accordance with the submitted landscaping scheme.”
The Assessment concludes there would be temporary significant adverse visual effects during construction from several public rights of way near the proposals. However, it states these effects are reduced to minor/moderate once mitigation proposals were in place.

It is accepted the proposals would result in changes to the existing landscape at 12 separate points along the highway network. However it needs to be noted that the areas sit outside of any areas designated for nature conservation and amenity and the design of the project has purposefully avoided damage to the ancient woodland adjacent to works at pinch point 10.

It has been identified that plant and machinery during construction would be the main source of visual impact. The main visually sensitive receptors are users of the public rights of way and properties (residential and tourist facilities) close to the proposed works, particularly at pinch point 10 where there are properties within 50 metres of the site. The undulating topography of the land and extensive hedge field boundaries and trees would interrupt long and mid range views into the site. The plant and machinery would be temporary at each pinch point, indeed the Environmental Statement confirms construction at each point would not exceed 2 weeks. The landscaping scheme proposes to reinstate all hedges and trees removed to accommodate the works, a more detailed scheme which includes a method statement shall be required to be submitted and approved prior to commencement of works.

In consideration of the temporary nature of the works and the landscape mitigation scheme to be agreed, it is considered the proposed development would not unacceptably adversely affect the surrounding landscape character and would not have an unacceptable visual impact, and as such accords with UDP policies GP1 and ENV2.

**Highways**

The A458 is a trunk road, as such Transport Wales are the responsible highway authority for transport using the A458 and the proposed alterations to the junction between the A458 and B4385.

Following submission of drawings of the junction in accordance with Design Manual for Roads and Bridges, the Trunk Road agency raised no objection in their response of 25 March 2015, provided the recommended conditions are included on any forthcoming planning consent.

This application concerns works to the A458/B4385 road junction and a number of pinch points along the B4358. The proposed works are in association with the transport of AILs. The existing consent and S106 Agreement for the Tirgwynt windfarm (P/2013/0026) requires, amongst other things, information to be submitted, timings of trial runs and a full traffic management plan to be approved by the highway authority and trunk road agency prior to turbine components being transport to the site. As such the conditions imposed by the trunk road agency shall relate to the works within the red line boundary at the A458/B4385 junction only.

Policies SP6, GP4, T1 and T2 concern highway requirements, highway improvement schemes and traffic management. Improvement schemes are required to bring forward benefits including the safety of all road users, especially pedestrians and cyclists and the local environment. Traffic management schemes will be approved where, amongst other things, they utilise the existing road network, reduce traffic congestion and improve the local
environment in order to reduce the level of unnecessary road traffic and its adverse impact upon the environment.

All upgrade works apart from the A458/B4385 junction is on the County highway network. The specific work carried out at each of the pinch points is detailed earlier in the report under the project description and as such shall not be repeated in this section.

Works at the majority of pinch points would require use of third party land. Notice has been served on all parties.

A number of third party responses received raised concern the proposed works would disrupt the free flow of traffic when construction work is being carried out and the re-alignment of the road would result in a faster traffic flow which could result in more accidents. Concern is also raised that the protection of the existing culvert and pinch point 10 has not satisfactorily been considered.

The Highway Authority conclude no objection is raised in principle provided the required information is submitted to the satisfaction of the Highway Authority and in their opinion the proposed realignment will provide an improvement of vertical alignment especially at the side road junctions, but further information is required regarding drainage design. Paragraph 4.9 of Environmental Statement Volume 2 states “construction period will not exceed more than 2 weeks per pinch point”, these periods of disruption are considered short term, a traffic management plan for the proposed works shall be secured through condition, this plan shall include details of how the flow of traffic shall be maintained during construction periods.

Water
Volume 2, Appendix C of the application included a hydrology and geology report specific to the works proposed on the B4385 and C2013 roads.

The consented scheme states “this area of Cambrian hills between Newtown and Machynlleth is characterized by moderately high rainfall, averaging about 1200mm per annum. Rainfall has a range of less than 800mm per annum to well over 2000mm per annum in particular wet years. Given potential evaporation of around 440mm per annum, then by simple subtraction of evaporation from rainfall it is clear that even in dry years there is a significant excess of rainfall available. This excess or effective rainfall is available for surface water run off and for infiltration.

The Palaeozoic mudrock sequence of Mid Wales is traditionally termed a non-aquifer, because these strata do not have a propensity to store and transmit significant amounts of groundwater. However, they are fractured and may perhaps be better described as a poorly permeable aquifer. Experience of drilling into similar strata in Mid Wales indicates that the rocks allow a limited amount of infiltration via bedding planes, cracks, fractures, joints and other discontinuities. This recharges a very small groundwater resource, which provided some baseflow support to the local streams, and may be developed on a small scale to satisfy domestic and minor agricultural needs”.

Minor streams are located at three of the 12 pinch points; 10, 40 and 110. At each of these points earthworks are proposed which has raised the potential for sedimentation. The entire
access corridor is located within the Upper Severn catchment, the water on this section of the River Severn is of very good chemical quality and a grade ‘A’ biological quality according to the General Quality Assessment scheme of the natural Resources Wales. None of the affected streams along the proposed access corridor are formally classified according to the scheme, as they are too small and are not considered main rivers in drainage terms. It is noted in the application that River Rhiw maintains a good quality status specifically and it is noted in the application that this river is also affected in part by the Tirgwynt Wind Farm development.

The potential hydrological effects are identified as follows:

- Sediment runoff
- Stream flow obstruction
- Fuel, oil or concrete spillages

These are identified as short term risks during the construction period, with no long term risk to water quality.

In order to ensure the above effects are controlled and water quality is protected, conditions of any forthcoming planning consent shall require a pollution protection plan to be submitted which includes a construction protocol for limiting construction during periods of high rainfall, restricting the washing out of any concrete plant in the vicinity of any drain or watercourse, method for storage of fuels and refuelling on site.

An additional condition is recommended which requires concrete to be batched off site.

Point 9 raised within third party responses, raise concern regarding the impact on water supply to houses along the route. Paragraph 1.1.1 of the Legal Agreement confirms that subject to the owner/occupiers of Hen Defarn to undertake a water baseline survey of the private water supply serving Hen Defarn prior to commencement of development. The results of the water baseline survey shall be submitted within one month of results becoming available. This has to be done prior to commencement of upgrade works.

Cultural Heritage

Policy ENV14 states “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”.

Policy ENV16 states “The Council will oppose development proposals which would unacceptably adversely affect the character or appearance of historic parks and gardens and their setting. In considering development proposals, the Council will seek to protect the special historic interest to historic landscapes including in Part 2 of the Register of Landscape, Parks and Gardens of Special Historic Interest in Wales”.

Policy ENV17 states “Development which would unacceptably adversely affect the site or setting of a Scheduled Ancient Monument or of an archaeological site of national importance
will not be permitted and the Council will seek to safeguard other sites of archaeological importance wherever possible”.

Policy ENV18 states “Where preservation in-situ is not possible but the Council is convinced that the merits of the proposal mean that development should proceed, they will impose conditions on any planning consent or seek planning obligations to facilitate archaeological mitigation through such means as a site excavation, survey or a watching brief during the development and the observation and/or recording of remains of archaeological interest”.

The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application. Where nationally important archaeological remains and their setting are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ.

The Field Services section of the Clwyd Powys Archaeological Trust (CPAT) undertook an assessment to determine the potential direct impacts on cultural heritage which may result from proposed improvement works for access to Tir Gwynt Wind Farm.

There are three structures along the route which are listed as grade II; Pont Pren-dano (Castel Caereinion), Pont Pren-dan (Llanfair Caereinion) and mile marker opposite The Firs. There are a total of 15 undesignated assets within 50m of the access route, these are listed in full within Volume 2 Appendix D of the application.

Heritage assets were found at the following pinch points:
- Pinch point 10; Dolarddyn Milestone and Cil-haul well and track
- Pinch point 35; Graig sawpit
- Pinch point 70; Cil-haul Farmstead
- Pinch point 80; Bedwyollen Farm

The Assessment concludes that, of the six undesignated assets which a potential impact has been identified only three are known to have any surviving remains; the sit at Cil-haul farmstead, Cil-haul track and Dolarddy Milestone. The Assessment confirms the field survey was unable to assess the site at Bewyollen Farmstead.

Section 8 of the Assessment as detailed in Volume 2 of Appendix D of the application details the mitigation and residual impacts of the development on the three assets identified for preservation in situ (avoidance). The Assessment recommended mitigation is for avoidance which may need to be reinforced through demarcation, while for the track its value is such that no mitigation is proposed.

CPAT responded to consultation on this application, and confirmed the mitigation recommended in the Assessment. A condition of any forthcoming planning consent shall require a scheme for avoidance through demarcation of these features prior to commencement of development.

Subject to the satisfactory provision of a scheme of avoidance being submitted and discharged prior to development, the proposed development accords with UDP policies ENV14, ENV16-ENV18.

Ecology
Atmos Consulting Ltd undertook an Ecological Impact Assessment for the pinch points subject of this application.

None of the development areas are statutory ecological designations, the nearest designated site to the proposed development is Llanllugan Mire SSSI which, at its closest point, is 200m from the north west boundary of the site. Given the scale and nature of the works at a distance of 200m, the Report assessed there would be no impact on this receptor of national ecological value. The report states “it is assessed that no statutory designated or non-statutory designated areas for nature conservation value will be affected by the proposed development in view of the proposed mitigation measures”.

The habitat within the road improvement boundaries is described in the ecological assessment as shorter managed grassland closest to the road and taller vegetation towards the base of the hedgerows that are frequently present at the back of roadside verges. The list below is provided as a description of what the area is like, with detailed description included within Volume 2 Appendix E of the Report:

- Tarmac/concrete hard-standing
- Neutral semi improved grassland
- Hedgerows
- Tall ruderal
- Dry ditch
- Improved grassland
- Arable
- Broadleaved and coniferous trees
- Scrub, and
- Scattered bracken

The Assessment identified the nature conservation value of the ecological features at each of the pinch points and the key impacts and likely significant effects. The Assessment and the later information provided by the applicant confirmed they do not consider protected species of habitats to be significantly detrimentally impact by the proposed works.

The mitigation proposes a site-specific Ecological Mitigation Strategy (EMS) is produced and would include all works required to prevent or reduce potentially adverse impacts on ecological receptors. A full description of the mitigation proposed is set out within the application.

The Assessment concludes the residual impact on hedgerow and semi-natural ancient woodland is considered to be of barely perceptible magnitude resulting in an overall impact of no significance.

The Report concludes several species recorded present within 2km are listed within the habitat Directive, UKBAP or LBAPs. No significant impacts are predicted on these species although mitigation is proposed to ensure compliance with relevant legislation.

Key areas of concern where discussed via written statements between the applicant and NRW. The results of these discussions are set out below in order.
Watercourses and potential impact on otter and white clawed crayfish

Pinch points 10, 40 and 110 were identified as being close to watercourses, with pinch point 10 being the only site where works to the watercourse may be required in order to extend the existing culvert. The applicant states any works would be limited to a small area and white clawed crayfish are unlikely to be found in this area due to lack of cover and refuge.

A phase 1 survey was carried out at each pinch point which included watercourses in proximity to the sites. The applicant confirm the presence of otter were not identified.

Dormouse

The applicant confirms an assessment of BIS records show no presence of dormouse in the area of works, the closest record to the sites is 2km from pinch point 10 in an area north of the A458. NRW raise the possibility that dormouse would use the area of proposed works for connectivity by dormouse. The applicant confirms the proposed development areas were assessed for habitat connectivity, fragmentation and dispersal, overall the applicant concludes all but pinch point 10 is not favourable habitat for dormouse, as the hedgerows to be removed are already fragmented and it is proposed to remove short sections of hedgerow only. At Pinch point 10 it is proposed to removed 80m of hedgerow south of the road. The ancient woodland and identified potential connectivity hedgerow is to the north of the road and it is not proposed to carry out any works to the north of the road. The applicant confirm that all hedgerow to be removed would either be translocated once the works at the site were complete or be translocated to the edge of the work area and replanted during the planting season, whether the hedges are translocated or replanted would depend on whether the works were carried out in the planting season or not. Either approach would allow all the removed hedge to continue to be used for connectivity purposes, including during the period of works.

Bats

The applicant confirms in the environmental statement and tree survey submitted with the application that trees and hedges along the proposed transport route have been surveyed for bat roosts. One tree was identified as having the potential to accommodate bat roosts (TN51 in the Assessment and T1 in the tree survey). The survey work was carried out from the ground and due to the high coverage of ivy on tree TN51/T1 the survey of this tree was limited. The applicant states that should the tree need to be felled it would be done so by hand and a set of precautionary approach measures for working in proximity to the tree are set out in section 2.1 of the ecological assessment.

Bats can use hedgerows for navigation and habitat connectivity when foraging, the applicant state there would be no detrimental impact to forage bats given the small scale lengths of hedgerow to be removed and the translocation and replanting of the hedgerows, during construction as described under the previous section of this report.

Hedgerow

Discussions between the applicant and NRW concluded that while the application proposes no net loss of hedgerows as a result of the proposed works, a hedgerow mitigation strategy is required. The mitigation strategy would include details of the species and flora for any planted hedgerow to ensure the character of the hedgerow in these areas are preserved.
Cumulative impacts

Concern is raised regarding the cumulative impact of the proposed works, particularly on bats and birds which use the hedgerow network for nesting and as foraging routes. As such the proposed mitigation is welcomed, however conditions of any forthcoming planning consent shall require the following:
- A full landscaping survey to be submitted, this survey shall include a full species list.
- Ecological Clerk of Works to be present on site during the construction period
- Works to be restricted to outside of the bird breeding season.

It is acknowledged that the timeframe for impact is restricted to construction of the road widening and the sections of road widening are scattered over a 16km length of road. It is also acknowledged that the trees and hedgerows to be removed shall be translocated or replanted.

The ecological information included with the application and the additional information provided as part of the discourse between the applicant and NRW is sufficient to conclude that subject to the recommended conditions being included on any forthcoming planning consent, the proposed scheme would not reduce the favourable conservation status of protected species and would not have a detrimental impact on the hedgerow habitats at the site of proposed works, individually or cumulatively. NRW conclude in their response of 29 April 2015 they are satisfied with the proposed scheme provided the recommended conditions are included in any consent.

Tourism
UDP policy TR2 states that development proposals which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed. The landscape quality of Powys and assets such as public rights of way and scheduled ancient monuments are also noted to be of interest to tourists.

The proposed development does not obstruct and is not in close proximity to the existing right of way network, the landscape and visual impact of the development has been discussed earlier in the report, the conclusion being the development would not visually intrude and as such would not be detrimental to the enjoyment of users of the public right of way.

The sites are visually obscured from the nearest settlement and tourist features including National Cycle route 81, Oak Valley holiday lodges at Graig and the caravan park at Coed Bron-y-Fedw.

In light of the above it is considered that the proposed development would not have a detrimental impact on tourism and as such is in accordance with Planning Policy Wales (2014), Technical Advice Note 13-Tourism and TR2 of the Powys UDP.

Recommendation

Taking into consideration environmental information, it is considered that subject to conditions the proposed development is in accordance with the relevant national and local planning policy as listed in the policy section of this report.
Recommendation to Members is therefore one of approval subject to the attached conditions forming part of the consent.

Conditions
1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved (drawing no's: Plans within Environmental Statement Volume 1, 2 [Part 1 appendix A-D, and Part 2 appendix E-F] and Volume 3, all dated October 2014. Site location plans 5110044/600/TP/GA/049 and 5110044/600/TP/GA/050.
3. Prior to commencement of works, detailed engineering drawings for the proposed works shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved plans.
4. No development shall commence until:
   a) an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
   b) details of any improvement works required to such structures as a result of construction of the development; have been submitted to and approved in writing by the local planning authority. the required approved works shall be carried out prior to the commencement of any Abnormal Indivisible Load deliveries.
5. Condition surveys of all highway features at the sites of proposed development shall be undertaken, prior to, during and on completion of the works. The survey reports shall be submitted to and approved in writing by the local planning authority within 28 days of the surveys being completed.
6. Prior to commencement of development hereby approved, a scheme to provide for the remediation of any incidental damage to the highway network and directly attributable to the development, including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved in writing by the local planning authority. the scheme shall be implemented in accordance with the approved details.
7. Prior to commencement of development, a Road Safety Audit of the Scheme (Stages 1-4) in accordance with the Design Manual for Roads and Bridges HD 19/03 shall be undertaken. The scheme shall be submitted to and approved in writing by the local planning authority.
8. Notwithstanding the information submitted with the application, prior to commencement of works full details of the proposed works to junction/access of the A458 trunk road, including the detailed design, geometric layout, construction and drainage, shall be submitted to and approved in writing by the local planning authority.
9. Works to the A458/B4385 junction shall be completed to the satisfaction of the Welsh Government as Trunk Road Agency, prior to commencement of any others works approved under this consent.
10. The visibility splays at the A458 junction, as detailed on the approved plans, shall at all times be kept free from any planting, tree or shrub grown, or any other obstruction.
11. No drainage shall be connected to or discharge into the trunk road drainage system.
12. A scheme to fence the trunk road boundary shall be submitted to and approved by the local planning authority. Works shall be carried out in accordance with the approved details.
13. Within 28 days of the delivery of the last Abnormal Indivisible Load, a scheme for the reinstatement of the temporary over-run area shall be submitted to and approved by the local
planning authority. The approved works shall be carried out within 28 days from the date the scheme is approved.

14. Prior to commencement of works, a Hedgerow Method Statement, Mitigation Strategy and Enhancement Strategy are required to be submitted to and approved in writing by the local planning authority.

15. Prior to commencement of development, a Tree and Hedgerow Protection Plan, in accordance with BS:5837:2012 shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of protection of root zones; including roots of offsite hedgerows and trees, areas of ancient woodland and semi-natural ancient woodland at pinch point 10.

16. Prior to commencement of development, a Construction Ecological Mitigation Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall be prepared by the site ecologist in agreement with the developer and contractor(s). The Plan shall include: timing of hedgerow removal and other vegetation clearance, including trees. Hedgerow and vegetation removal shall not be undertaken between the 1st March and 31st August, inclusive; water crossing mitigation; pollution prevention measures; protected species mitigation, including for foraging dormice, otters and bats, including badgers.

17. Ecological Clerk of Works (ECoW) shall be appointed and shall be retained for the duration of the scheme. The role of the ECoW will include daily presence on site for the duration of the consented works.

18. A Post Construction After Care and Monitoring Plan shall be submitted to and approved by the local planning authority.

19. An European Protected Species Contingency Plan shall be submitted to and approved in writing by the local Planning authority

20. Tree felling shall be carried out strictly in accordance with Section 2.1. of the Ecological Statement.

21. Prior to commencement of development, the two farmstead earthworks sites (PRN's 130727, 130752) and the milestone (PRN 201059) shall be marked for avoidance in accordance with the mitigation cited in the CPAT assessment (Section 8, Page 12. Appendix D).

22. Prior to commencement of development a Pollution Prevention Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include a construction protocol for limiting construction during periods of high rainfall, restriction for washing out any concrete plan in the vicinity of a drain or watercourse and a method statement for storage of fuels and refuelling on site.

23. Notwithstanding the information submitted with the application, no concrete shall be batched on site.

Reasons
1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.


Notes

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under the agreed measures be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

Any adjustment, re-siting and/or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant’s own expense.

The applicant should note the planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.

Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

Road traffic signs in Wales must be bilingual, Welsh and English, and adhere to the Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

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Tel: 01597 82 7230 E-mail:dunya.fourie@powys.gov.uk
Application No: P/2014/1087

Applicant: Awel Newydd Cyf
Location: Land between A458 and Tirgwyn Wind Farm