

143816Am

143817Am

+ 143818 Am

06  
V

**From:** Williams, Kirsty (Assembly Member) [mailto:Kirsty.Williams@assembly.wales]

**Sent:** 05 February 2015 11:57

**To:** Mullineux, Philip

**Subject:** Reeves Hill Windfarm Application

**Importance:** High

Dear Mr Mullineux

I write with regard to Reeves Hill Windfarm Application (RHWF) , I understand that a new application for **non-material amendments** to the RHWF permission which has been submitted to Herefordshire Council. I would respectfully ask that you fully take the points below into account in your consideration of this application.

I am led to believe that landowners have requested that the wording of the planning conditions be changed so that they can start development of any part of the project except wind turbine foundations **before** Powys grants permission for access and the access is built. Meanwhile, I understand Powys will not determine Access (P/2012/0573) until March at the earliest and the Herefordshire permission expires soon (26.04.15).

A number of my constituents have approached me with serious concern that landowners are exploiting a planning provision designed to allow changes to conditions which have no significant impacts or implications, to take forward fundamental material changes to the permission. I believe that the conditions in question are negative conditions which, according to Government Planning Guidance, should not be set unless otherwise the Planning Permission would have to be refused. I understand that Herefordshire Council presented the substance of these conditions to the Planning Committee before they voted on RHWF and the conditions are also backed up by a clear legal Highways Planning Obligation signed by Powys.

I understand that the result of changing the wording would be that any construction of the development, excluding turbine foundations, could be completed before:

- a) Powys makes a decision on P/2012/0573 for Access to RHWF
- b) Access construction in Powys is completed
- c) Herefordshire signs off a successful trial run of turbine delivery (because the legal Planning Obligation would be incompatible with the amendments and would be cancelled).

Therefore construction of an unspecified extent, with a significant environmental impact on Powys and Herefordshire, could take place before there is any certainty that a wind farm could ever be built.

Also, three year planning permission is a national requirement (S91 T&CPA1990) which ensures that Planning Permission cannot endure beyond a reasonable period when it is likely that circumstances have changed. The 2007 ecological survey for RHWF is out of date: As you will be aware planning guidance (NPPF), noise assessment guidance, experience of wind farms and standards required of EIA information have all changed in the past 3 years.

It seems to me that these are **material** amendments and Planning Guidance insists that the LPA can only give permission if they are satisfied that the amendments are non-material.

Finally, I just wanted to reiterate that this is the third planning application that has been submitted for wind turbines on Reeves Hill. The most recent application proposed wind turbines only on the Herefordshire side of the border, though my constituents in Powys, particularly in Norton, Presteigne and Knighton, will arguably be impacted upon more by the proposals than residents living on the Herefordshire side of the border. Therefore I am sure you can understand my constituents frustration at not being able to comment on an application that will significantly impact upon them should it be passed and I would appreciate learning why there has been no opportunity for public comment on this application.

Thank you for your consideration of the above, I look forward to hearing from you.

Yours

Pp. M. Hughes

**Kirsty Williams**  
**Assembly Member for Brecon & Radnorshire | Aelod Cynulliad dros Brycheiniog a Sir Faesyfed**  
**Welsh Liberal Democrats | Democratiaid Rhyddfrydol Cymru**  
**4 Watergate**  
**Brecon**  
**Powys**  
**LD3 9AN**

**01874 625739**

[www.kirstywilliams.org.uk](http://www.kirstywilliams.org.uk) | [@kirsty\\_williams](https://twitter.com/kirsty_williams) | [facebook.com/kirstywilliams.cymru](https://facebook.com/kirstywilliams.cymru)

**Welsh Liberal  
Democrats**  
**Democratiaid  
Rhyddfrydol Cymru**



NB: Due to the provisions of the Data Protection Act I am obliged to tell you if I need to pass your details onto a third party in order to address the matter you have raised. Please note that I will retain your details in my records so I can keep you up to date with my activities and other information I think will be of interest to you. If you do not wish me to pass on or retain your details, please let me know.

Any of the statements or comments made above should be regarded as personal and not necessarily those of the National Assembly for Wales, any constituent part or connected body. Dylai unrhyw ddatganiadau neu sylwadau uchod gael eu trin fel rhai personol ac nid o reidrwydd fel datganiadau neu sylwadau gan y Cynulliad Cenedlaethol Cymru, unrhywn ran ohoni neu unrhywn gorff sy'n gysylltiedig a hi.

---

Mae'r neges e-bost hon wedi cael ei sganio gan wasanaeth Symantec Email Security.cloud.  
I gael rhagor o wybodaeth, ewch i <http://www.symanteccloud.com>

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---