

RES Response to Comments Submitted by the Open Spaces Society

Upper Ogmore Wind Farm

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Revision History

Issue	Date	Name	Latest changes
01	16/03/2021	Chris Jackson	First Created

RES Response to the Open Spaces Society

Comments received by the Planning Inspectorate on 21 January 2021

- 1.1 Open Spaces Society comments are in italics. RES responses follow each comment in plain text.

'The area of the replacement land is precisely the same as that of the release land, yet the release land is widely dispersed and its removal from the heart of the common will have a severely adverse effect on the landscape and public enjoyment. Therefore the area of replacement land should be significantly greater to compensate for this loss of public interest.'

- 1.2 Much of the release land will only be occupied during the construction period (approximately 10 months) and, following construction, will once again become available for public access. The replacement land will provide a new area for public enjoyment, which is not currently accessible, thereby increasing the area available to the public for the whole of the (post construction) life of the wind farm.

'The deregistration of linear areas of land, represented by access roads, will make the common vulnerable to fencing, because fences could be erected along the access roads without consent under s.38 of the Commons Act 2006.'

- 1.3 Fencing will only be required during the construction period to ensure the safety of all users of the common. A Construction Environment Management Plan, to be agreed via planning condition, will ensure that disruption to public access during construction is kept to a minimum and adequate signage will be provided at public crossing points.

'We request a binding commitment to reregister the deregistered areas of common land: when the works are complete (in relation to land needed for temporary work areas), or when the works are decommissioned (in relation to other works: the turbines and access roads).'

- 1.4 We intend to apply to re-register the de-registered construction areas of the common when reinstatement is completed following construction. We also intend to apply to re-register the remaining de-registered areas of the common following reinstatement at the end of the life of the wind farm.

‘Part of the release land is crossed by publicly-maintainable rights of way, but Bridgend County Borough Council has not joined in the application, despite its interest in the land vested in it by s.263(1) of the Highways Act 1980. Defra takes the view that the highway authority must join in the application, does the Welsh government not have the same requirement and, if not, why not?’

- 1.5 In a letter dated 15 January 2021, the Planning Inspectorate confirmed that, by virtue of section 61(3) of the Commons Act 2006, all owners of highways crossing release or replacement land are considered to be owners for the purposes of a section 16 Commons Act 2006 application. An e-mail dated 22 February 2021 from Bridgend County Borough Council (BCBC) Rights of Way Officer confirmed that consent had been granted for BCBC to be co-applicants with RES under section 16. That e-mail was submitted to the Planning Inspectorate on 22 February 2021.

‘What is the status of Nathan Thompson, who has signed the application form on behalf of the Duchy of Lancaster?’

- 1.6 Nathan Thompson is the Chief Executive Officer of the Duchy of Lancaster.

‘The map of the release and replacement land is drawn on a map at a scale of 1:25,000: is there a larger-scale map?’

- 1.7 Following receipt of an e-mail dated 3 February 2021 from the Planning Inspectorate, a map of the release land and replacement land at a scale of 1:10,000 was submitted to the Planning Inspectorate on 5 February 2021.

‘Q.G.36 states that the land is subject to s.193 of the Law of Property Act 1925, but no details are given. Does s.193 apply because the common is in a former urban district, or because of a deed executed under s.193(2)?’

- 1.8 Following receipt of a letter dated 22 January 2021 from the Planning Inspectorate, a response was submitted by letter to the Planning Inspectorate on 29 January 2021 confirming that as before 1 April 1974 the common was first situated within an urban district and then a borough, s.193 of the Act applies but that due to COVID restrictions the Council have not yet been able to confirm if, additionally, there was any deed executed under s.193(2).

'Q.D.31 refers to a consultation report at appendix 2 – we don't appear to have any appendices. Could these be sent please?'

- 1.9 The consultation report is included within Appendix 2 - Common Land report, which was submitted in support of the Commons Act Section 16 Application. It is published on the Planning Inspectorate website and can also be found on RES' project website at this link [Upper Ogmores Commons Act 2006 Section 16 Application Appendix 2 - Common Land Report.](#)