
STATUTORY INSTRUMENTS

2014 No. 2441

INFRASTRUCTURE PLANNING

The Clocaenog Forest Wind Farm Order 2014

Made - - - - - 11th September 2014

Coming into force - - - - - 2nd October 2014

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Work No. 8 – A temporary civil construction compound comprising an enclosed area of hardstanding of 2500 square metres located at Ordnance Survey National Grid Reference Point SJ0095558354 and including a temporary office and staff welfare building together with an area for the storage of materials for use in the construction of the authorised development.

Work No. 9 – A temporary civil construction compound comprising an enclosed area of hardstanding of 2500 square metres located at Ordnance Survey National Grid Reference Point SJ0178451133 and including a temporary office and staff welfare building together with an area for the storage of materials for use in the construction of the authorised development.

Work No. 10 – A borrow pit for the extraction of stone to be used in the construction of the authorised development, having an area of 39,200 square metres and a depth of up to 18 metres located at Ordnance Survey National Grid Reference Point SJ0189157562.

Work No. 11 – A borrow pit for the extraction of stone to be used in the construction of the authorised development, having an area of approximately 13,600 square metres and a depth of up to 16 metres located at Ordnance Survey National Grid Reference Point SJ0246654106.

Work No. 12 – A borrow pit for the extraction of stone to be used in the construction of the authorised development, having an area of approximately 18,300 square metres and a depth of up to 20 metres located at Ordnance Survey National Grid Reference Point SJ0185151493.

Work No. 13 – A borrow pit for the extraction of stone to be used in the construction of the authorised development, having an area of approximately 11,300 square metres and a depth of up to 19 metres located at Ordnance Survey National Grid Reference Point SJ0078050630.

Work No. 14A – A temporary electrical compound comprising an enclosed area of hardstanding of 2500 square metres located adjacent to the onsite electricity substation forming Work No. 5A at Ordnance Survey National Grid Reference Point SJ0131558784.

Work No. 14B – A temporary electrical compound comprising an enclosed area of hardstanding of 2500 square metres located adjacent to the onsite electricity substation forming Work No. 5B at Ordnance Survey National Grid Reference Point SJ0219750429.

PART 2

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1. Landscaping and clearance of vegetation required in connection with Work No. 3.

PART 3

Requirements

Definitions

1. In this Part of this Schedule—

“abnormal indivisible load” has the same meaning as in the Road Vehicles (Authorisation of Special Types) (General) Order 2003;

“commencement”, in relation to the authorised development, means the date on which the authorised development begins by the carrying out of a material operation as defined in section 155 of the 2008 Act and “commence” and “commenced” shall be construed accordingly;

“ecological clerk of works” means a suitably qualified environmental professional or group of professionals;

“European protected species” means a species listed in Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010;

“felling” means any felling or lopping undertaken pursuant to article 28 (felling or lopping of trees) of this Order;

“first export date” means the date the authorised development first exports electricity on a commercial basis;

“Noise Guidance” means the guidance in Part 4 of this Schedule;

“NRW” means Natural Resources Wales;

“site” means land within the Order limits;

“stakeholder group” means the representatives of organisations which will advise on the measures within the habitat management plan and the implementation of those measures;

“TMFGL” means Tir Mostyn and Foel Goch Limited (reg no 5264934) or the owner from time to time of the Tir Mostyn and Foel Goch Wind Farm;

“Welsh devolved function” has the meaning given by section 36 of the Public Bodies Act 2011; and

“wind turbines” means the wind turbines forming part of Work No. 1 and “wind turbine” shall be construed accordingly.

Submission and approval of details

2. Where, under any Requirement, details or a scheme or plan are to be submitted for the approval of the relevant planning authority then unless the Requirement provides otherwise—

- (a) those details or scheme or plan and that approval must be in writing,
- (b) the details, scheme or plan must be implemented as approved, and
- (c) the approved details, scheme or plan are to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority, provided that no amendments may be approved by the relevant planning authority where such amendments may give rise to any materially different environmental effects to those assessed in the environment statement and that where under any Requirement there is an obligation to consult with a third party prior to the submission of any details, scheme or plan for approval to the relevant planning authority then there shall be an obligation to consult with the same third party prior to the submission of any amendments to the approved details, scheme or plan to the relevant planning authority.

Time limits

3. The authorised development must be commenced within 5 years of the date of this Order.

Expiry of development consent

4.—(1) The development consent granted by this Order expires 25 years after the first export date.

(2) Confirmation of the first export date must be provided by the undertaker to the relevant planning authority within one month of its occurrence.

Decommissioning and site restoration

5.—(1) Not less than 12 months before the expiry of the development consent granted by this Order, a decommissioning and site restoration scheme must be submitted to the relevant planning authority for its approval.

(2) The decommissioning and site restoration scheme must include provision for—

- (a) removal of all above-ground elements of the authorised development (with the exception of Work No. 3 and Work No.4A or 4B),
- (b) removal of turbine bases and cabling to one metre below ground level, and
- (c) restoration of the disturbed areas.

(3) Decommissioning and restoration must be completed in accordance with the approved decommissioning and site restoration scheme within the period set out in the approved scheme.

Failure of turbines

6.—(1) If any wind turbine fails to provide electricity to the grid for a continuous period of 12 months the undertaker must—

- (a) notify the relevant planning authority within one month of the expiry of that 12 month period;
- (b) if so instructed by the relevant planning authority, submit to the relevant planning authority within 2 months of that instruction a detailed scheme setting out how the wind turbine and its associated ancillary equipment, including cabling (but excluding the turbine bases and cabling more than one metre below ground level) is to be removed from the Order limits and how the disturbed areas will be restored, and
- (c) implement the approved scheme no later than 6 months from its approval unless a longer period is agreed in writing by the relevant planning authority.

(2) The agreement of the relevant planning authority in paragraph (1)(c) may only be given in relation to immaterial changes where the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Plans

7.—(1) Subject to the power to deviate set out in article 6 (power to deviate) and any other Requirement the authorised development is to be carried out in accordance with the plans or other documents certified in accordance with article 36 (certification of plans etc).

(2) No wind turbine may be constructed—

- (a) within 50m from the highest point of existing and new forest edge, when measured from the closest part of the rotor sweep of any wind turbine; and
- (b) within 50m of any watercourse shown on Figure 8.1 of the environmental statement.

(3) Subject to the requirements of paragraph (2), no other part of the authorised development with the exception of road widening and culverting may be carried out within 30m of any watercourse shown on Figure 8.1 of the environmental statement unless shown on the plans or other documents certified in accordance with article 36 or unless approved by the relevant planning authority.

(4) The approval of the relevant planning authority in paragraph (2) may only be given in relation to immaterial changes where the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Construction traffic management plan

8.—(1) No authorised development may commence until, following consultation with the Department of Transport of the Welsh Government and any relevant highway authority, a construction traffic management plan has been submitted to and approved by the relevant planning authority.

(2) The construction traffic management plan in paragraph (1) must include—

- (a) construction vehicle routing plans,

- (b) site access plans,
 - (c) details of the management of junctions to and crossings of the public highway and other public rights of way,
 - (d) details of the scheduling and timing of movements of delivery vehicles including details of abnormal indivisible loads,
 - (e) details of escorts for abnormal indivisible loads,
 - (f) details of temporary warning signs and banksman and escort details,
 - (g) proposals for assessing the existing condition of affected highways,
 - (h) details of any temporary or permanent improvements to the public highway,
 - (i) details of the implementation and management of temporary passing places along the B4501 and the unnamed road into the Site,
 - (j) details for the making good of any incidental damage to highways by construction traffic associated with the authorised project including street furniture, structures, drainage features, highway verge and carriageway surfaces, and
 - (k) details of the maintenance of access to TMFG wind farm from the B4501 during the construction period of any works to the B4501 in connection with the authorised development together with details of the maintenance of access to clusters B and C of the TMFG wind farm along highways PR1 and PR2 shown on the access plan during the construction of the authorised development.
- (3) The construction traffic management plan must be implemented as approved.
- (4) Before any wind turbine is removed or replaced a revised construction traffic management plan, dealing with that removal or replacement, must be submitted to and approved by the relevant planning authority.

Construction method statement

9.—(1) No authorised development may commence until, following consultation with NRW, a construction method statement has been submitted to and approved by the relevant planning authority.

(2) The construction method statement in paragraph (1) must be based on the principles set out in the Outline Construction Method Statement, included as Annex 3.1 to the environmental statement, and include the following plans as appendices—

- (a) Construction Environmental Management Plan;
- (b) Waste Management Plan;
- (c) Emergency Response Plan;
- (d) Soil and Peat Management Plan;
- (e) Borrow Pit Design and Site Restoration Plan;
- (f) any relevant Species Protection Plans; and
- (g) Surface Water Management Plan.

(3) The construction method statement in paragraph (1) must include details of—

- (a) roles and responsibilities and accountabilities for the multi-discipline team of engineering construction and environment staff,
- (b) mitigation measures to avoid harm to relevant protected species and minimise damage to relevant habitats,
- (c) the timing of construction works, including the timing of vegetation removal to avoid the potential for effects on protected species including reptiles and nesting birds,
- (d) the vehicle washing facilities, including siting if required to be undertaken on site,
- (e) the timing of works and methods of working for cable trenches, foundation works and erection of the wind turbines,

- (f) the timing of works and construction of the substation/control buildings and anemometry mast,
 - (g) the cleaning of site accesses, site tracks and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway,
 - (h) the pollution control and prevention measures including—
 - (i) sediment control measures,
 - (ii) measures for the bunding of fuel, oil and chemical storage areas,
 - (iii) sewage disposal measures,
 - (iv) measures for the protection of water courses and ground water and soils,
 - (v) a programme for monitoring private water supplies, water courses and water bodies before and during the authorised project, including details of the action to be taken if monitoring indicates adverse effects on private water supplies, water courses or water bodies,
 - (i) the management of waste arisings,
 - (j) the management of construction noise (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise),
 - (k) a routing strategy to ensure that construction vehicles use agreed routes,
 - (l) the handling, storage and re-use on site of excavated top soil,
 - (m) the handling, storage and management of any peat excavated,
 - (n) the design and construction methods of Works No. 3, and 4A or 4B, including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from those Works and disturbed areas enters any watercourse,
 - (o) access track construction and widening including the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks,
 - (p) the management of groundwater and surface water (including mitigation to protect water bodies, water courses and private water supplies),
 - (q) the management of dust generation during excavations and soil handling,
 - (r) the proposed location of temporary site compounds for storage of materials, machinery and parking within the sites clear of the highway, including the siting of the temporary buildings and all means of enclosure, oil/fuel and chemical storage and any proposals for temporary lighting, and details of proposals for restoration of the sites of the temporary compounds and works within 12 months of the first export date,
 - (s) the design and construction of any culverts upgrades or replacements,
 - (t) the method of borrow pit working including means of extraction, handling, storage and re-use of soil, drainage control and restoration,
 - (u) the protocols and programme for any required environmental monitoring to be made publicly available on an annual basis,
 - (v) the restoration of the site which will be temporarily used for construction, and
 - (w) the proposed communications protocol and the mechanism for investigating complaints, including the action to be taken where complaint investigations indicate materially adverse effects have occurred as a result of the construction of the authorised project.
- (4) Before any wind turbine is removed or replaced a revised construction method statement, dealing with that removal or replacement, shall be submitted to and approved by the relevant planning authority.
- (5) The construction method statement shall be implemented as approved.

Highways

10. No wind turbine parts may be delivered to the site before detailed plans and drawings in respect of Work No. 4A or 4B (whichever is decided on by the undertaker) have been submitted to and approved by the relevant planning authority and such works have been constructed in accordance with the plans and drawings so approved.

11. The authorised development may not commence until, following consultation with the Department for Transport of the Welsh Government and any relevant highway authority, details of temporary or permanent improvements to the public highway have been submitted to and approved by the relevant planning authority. The improvement works are to be implemented in accordance with the approved details.

12. The authorised development may not commence until following consultation with the Department for Transport of the Welsh Government and any relevant highway authority details of the reinstatement of the public highway and its associated street furniture following completion of the construction of the authorised development have been submitted to and approved by the relevant planning authority. The reinstatement works are to be implemented in accordance with the approved details.

Construction hours

13.—(1) The hours of work during the construction phase of the authorised development and any traffic movements into and out of the site associated with the construction or maintenance of the authorised development shall be 0700 to 1900 hours on Mondays to Fridays and 0700 to 1300 hours on Saturdays other than as allowed for under paragraph (2). No work may take place outside these hours, or on public holidays, unless otherwise previously agreed by the relevant planning authority.

(2) Delivery of turbine and delivery and assembly of crane components and other critical operations may take place outside the times specified in paragraph (1), if approved by the relevant planning authority.

14. With respect to paragraph (2) of Requirement 13, such approval may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority that the approval is unlikely to give rise to any materially new or materially different effects from construction or maintenance activities taking place on the days and hours set out in those clauses.

Habitat management plan

15.—(1) No authorised development may commence until, following consultation with NRW, a detailed habitat management plan has been submitted to and approved by the relevant planning authority.

(2) The detailed habitat management plan in paragraph (1) is to be based on the key objectives and principles set out in the outline habitat management plan included as Annex 9.10 to the environmental statement.

(3) The habitat management plan in paragraph (1) must include measures to—

- (a) establish and manage heathland habitat,
- (b) restore and manage peatland habitat,
- (c) establish and manage suitable habitat for dormice,
- (d) contribute to grey squirrel control,
- (e) establish and manage suitable habitat for black grouse and nightjar,
- (f) monitor the effect of the authorised development and the effectiveness of habitat management upon bats, dormice, black grouse and heathland/peatland habitats. If, following consideration of monitoring results the relevant planning authority believes it is

necessary to do so, management prescriptions included in the habitat management plan will be reviewed as necessary,

- (g) monitor the effect of the authorised development upon nightjars. If, following consideration of monitoring results the relevant planning authority believes it is necessary to do so, implement the mitigation measures set out in the environmental statement. The measures shall include undertaking a study of nightjar churring against weather conditions prior to construction commencing to inform detailed mitigation proposals, and
 - (h) establish the membership, terms of reference and provisions for the management of the proposed stakeholder group.
- (4) The habitat management plan is to be implemented as approved.

Access management plan

16.—(1) No authorised development shall commence until, following consultation with NRW, an access management plan has been submitted to and approved by the relevant planning authority.

(2) The access management plan must include—

- (a) details of the temporary re-routing of public rights of way during construction of the authorised development,
- (b) details of the permanent re-routing of FP19 prior to the operational phase,
- (c) details of the provision of signage and other information alerting the public to construction works,
- (d) details of any fencing or barriers to be provided during the construction period,
- (e) details as to how public rights of way, paths and roads will be inspected prior to and monitored during the construction period,
- (f) a commitment to return all public rights of way, paths and roads to the same condition as they were, or better, once the construction period has ceased,
- (g) details as to how any paths found to be impassable during surveying will be cleared,
- (h) details of temporary alternative routes for any public rights of way that need to be diverted,
- (i) details of funds for improved signage/orientation,
- (j) details as to the provision of a new way-marked route for the life of the development,
- (k) details of a communications campaign linked with the end of the construction period,
- (l) details of an active management plan for crossing points for public rights of way during the construction works, and
- (m) details of permissive routes to be provided within the public access management areas during the construction phase.

(3) The access management plan is to be implemented as approved by the relevant planning authority.

Felling

17.—(1) All felling must be undertaken in accordance with the relevant guidance specified in paragraph (2) and NRW best practice (as amended from time to time).

(2) The relevant guidance is—

- (a) The UK Forestry Standard;
- (b) UKFS Guidelines – Forests and Water (2011);
- (c) UKFS Guidelines – Forests and Soil (2011);
- (d) UKFS Guidelines – Forests and Biodiversity (2011); and

(e) UKFS Guidelines – Forests and Historic Environment (2011).

Appearance

18. The wind turbines may not be erected until details of their external appearance and colour and surface finish and the design and appearance of the associated external transformer/switchgear units (if any) have been submitted to and approved by the relevant planning authority. The authorised development must be completed in accordance with the approved details.

19. Notwithstanding any design or colour approved by the relevant planning authority pursuant to Requirement 18, all wind turbines must be of a 3 bladed configuration and of a semi-matt finish.

20.—(1) No wind turbine may display any name, sign, symbol or logo on any external surface, unless such name, sign, symbol or logo has been approved in writing by the relevant planning authority.

(2) Paragraph (1) of this Requirement does not apply to any name, sign, symbol or logo required by law or for health and safety reasons.

21. All wind turbines' blades are to rotate in the same direction. Without prejudice to Requirement 28 the wind turbines may not be illuminated, save for a sensor-operated access light.

22. Before construction of Work No. 5A or 5B, details of the external design, appearance and finish of the substation and any associated hard standing areas, and the electrical compound must be submitted to and approved by the relevant planning authority. The authorised development is to be completed in accordance with the approved details.

Shadow flicker

23. The authorised development may not commence until a scheme for the avoidance of any shadow flicker effect at any dwelling which lawfully existed or had planning permission at the date of this Order has been submitted to and approved by the relevant planning authority. The scheme must include a time limit for the investigation of complaints, and for the implementation of mitigation measures. The scheme is to be implemented as approved.

Archaeology

24.—(1) No authorised development may commence until a scheme of archaeological investigation has been submitted to and approved by the relevant planning authority.

(2) The scheme of archaeological investigation must incorporate—

- (a) a walkover survey before commencement of the authorised development;
- (b) fencing to be provided around Twr yr Hill round barrow and Maen Cred standing stone during construction works;
- (c) where presence of archaeological remains is established a watching brief will be undertaken during construction to record the surviving archaeological remains;
- (d) a watching brief during construction of all other infrastructure to record any previously unknown archaeological remains that may be present; and
- (e) proposed peat core sampling.

(3) The scheme of archaeological investigation shall be implemented as approved.

Ecological clerk of works

25.—(1) No authorised development may commence until, following consultation with NRW and approval by the relevant local planning authority, an ecological clerk of works has been appointed.

(2) An ecological clerk of works is to be retained throughout the duration of civil construction works on site to advise on minimising ecological effects of the construction activities.

Surface water drainage

26.—(1) No authorised development may commence until, following consultation with NRW, details of the surface water drainage system (including means of pollution control) have been submitted to and approved by the relevant planning authority.

(2) The details of the surface water drainage system submitted under paragraph (1) must accord with the Outline Surface Water Management Plan at Annex 8.1 of the environmental statement to ensure that existing runoff regimes are maintained where possible and no increase in peak runoff is experienced within receiving watercourses as a consequence of the authorised development and shall include a mechanism to establish a baseline for the existing surface water drainage conditions.

(3) The surface water drainage system is to be constructed in accordance with the approved details.

Accumulation and deposits

27.—(1) No authorised development may commence until, following consultation with NRW, a written scheme for the management of any accumulations and deposits has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management of accumulations and deposits is to be implemented before and maintained during the construction, operation and decommissioning of the authorised development.

Infra-red aviation lighting

28. No wind turbine shall be erected until, following consultation with the Ministry of Defence, details of the installation of infra-red aviation warning lights have been submitted to and approved by the relevant planning authority. The lights must be installed in accordance with the approved details and maintained until the wind turbines are decommissioned in accordance with Requirements.

Defence Geographic Centre

29. No wind turbine may be erected before information on the accurate location of the wind turbines has been provided to the Defence Geographic Centre of the Ministry of Defence.

Noise

30.—(1) The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty), when calculated in accordance with the Noise Guidance, may not exceed the values set out in Table 1 below. Noise limits for dwellings which lawfully existed or had planning permission at the date of this Order and which are not listed in Table 1 are to be those of the physically closest location listed in Table 1 below, unless otherwise agreed with the relevant planning authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Table 1 are those listed in Table 2.

(2) The agreement of the relevant planning authority in paragraph (1) may only be given in relation to immaterial changes where the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Table 1

The L_{A90,10min} dB noise level

Location	Standardised wind speed at 10 metre height (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
Bron Bannog	39.1	39.1	39.1	39.1	39.1	39.1	39.1	39.1	39.1	41.7	44.3	46.6
Castell y Waen	30.8	30.8	30.8	30.8	30.8	30.8	30.8	30.8	31.9	33.5	35.1	36.7
Cefn Rofft	36.7	36.7	36.7	36.7	36.7	36.7	36.7	36.7	39.0	42.3	45.6	48.8
Cefnbannog	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	38.3	42.1	45.8	49.3
Crud-y-Gwynt	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.9	41.0	42.3	43.8	45.4
Cruglas	39.6	39.6	39.6	39.6	39.6	39.6	39.6	39.6	39.6	39.6	41.4	44.3
Diffws	37.2	37.2	37.2	37.2	37.3	39.0	40.7	42.2	43.3	44.0	44.4	44.6
Hafod Caradoc	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.8	35.4	38.1	40.8
Hafod Ty Ddu	32.0	32.0	32.0	32.0	32.0	32.0	32.0	35.1	39.2	42.6	45.7	48.8
Hafotty Newydd	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.9	41.7	44.5	47.2
Plas Nant Glyn	28.2	28.2	28.2	28.2	28.2	28.2	28.2	28.2	28.2	28.2	28.2	28.2
Tai'n-y-Waens	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	40.9	44.1	47.2	50.2
Tal-y-cefn Uchaf	39.2	39.2	39.2	39.2	39.2	39.2	39.2	40.2	43.4	46.6	49.8	52.8
Trawsnant	38.4	38.4	38.4	38.4	38.4	38.4	38.4	38.4	38.4	39.4	41.9	44.9
Boced	35.1	35.1	35.1	35.1	35.1	35.1	35.1	35.1	35.1	36.1	38.6	41.5
Bod Petryal	32.7	32.7	32.7	32.7	32.7	32.7	32.7	33.7	35.7	35.7	35.7	35.7
Bryn Bach	34.2	34.2	34.2	34.2	34.2	34.2	34.2	34.2	34.2	35.2	37.7	40.7
Bryn Gaseg	34.2	34.2	34.2	34.2	34.2	34.2	34.2	34.2	36.5	39.8	43.1	46.3
Bryn-celyn	33.8	33.8	33.8	33.8	33.8	33.8	33.8	34.8	36.8	36.8	36.8	36.8
Brynhyfyd	35.3	35.3	35.3	35.3	35.3	35.3	35.3	35.3	36.1	39.9	43.6	47.1
Bryn-y-gwrgi	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6	39.3	42.5	45.6	48.6
Bryn-yr-eryr	33.1	33.1	33.1	33.1	33.1	33.1	33.1	33.1	35.5	38.8	42.1	45.3
Capel Hiraethog	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	40.0	42.9
Derwydd	35.2	35.2	35.2	35.2	35.2	35.2	35.2	35.2	37.6	40.8	44.2	47.4
Drws-y-Buddel	31.7	31.7	31.7	31.7	31.7	31.7	31.7	31.7	31.7	32.7	35.2	38.2
Foel	36.1	36.1	36.1	36.1	36.1	36.1	36.1	36.1	38.5	41.7	45.1	48.3
Garreg-Iwyd	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	33.4	36.1	38.8
Glan-y-gors	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7	34.7	37.3	39.9	42.2
Hafod Olygfa	32.0	32.0	32.0	32.0	32.0	32.0	32.0	34.6	38.7	42.1	45.2	48.3
Hafotty Bach	36.3	36.3	36.3	36.3	36.3	36.3	36.3	36.3	36.3	37.3	39.9	42.8
Hafotty Hendre	39.6	39.6	39.6	39.6	39.6	39.6	39.6	39.6	41.2	44.4	47.5	50.5
Isgaer-wen	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.2	41.0	43.8	46.5
Lodge Isaf	35.5	35.5	35.5	35.5	35.5	35.5	35.5	35.5	36.3	40.1	43.9	47.3
Lodge Uchaf	35.7	35.7	35.7	35.7	35.7	35.7	35.7	35.7	36.5	40.3	44.0	47.5
Maes Cadarn	37.8	37.8	37.8	37.8	37.8	37.8	37.8	37.8	37.8	37.8	39.6	42.5
Nant Uchaf	38.1	38.1	38.1	38.1	38.1	38.1	38.1	38.1	38.1	39.1	41.6	44.6
Pantdedwydd	36.6	36.6	36.6	36.6	36.6	36.6	36.6	36.6	38.9	42.2	45.5	48.7
Pedair-a-dimai	31.9	31.9	31.9	31.9	31.9	31.9	31.9	31.9	34.3	37.6	40.9	44.1
Pen-Bedw	35.5	35.5	35.5	35.5	35.5	35.5	35.5	35.5	35.5	36.5	39.0	41.9
Pennant	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	40.1	43.0
Pennant Uchaf	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	34.6	37.3	40.0
Pen-y-bryn	35.2	35.2	35.2	35.2	35.2	35.2	35.2	36.2	38.2	38.2	38.2	38.2

<i>Location</i>	<i>Standardised wind speed at 10 metre height (m/s)</i>											
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>
Pen-y-Lan	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	37.4	38.4	40.9	43.8
Seler	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	39.3	41.8	44.8
Tai Ucha	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	38.2	39.2	41.7	44.7
Tai'n-y-graig	37.7	37.7	37.7	37.7	37.7	37.7	37.7	38.7	41.8	45.0	48.2	51.3
Tal y Cefn Isaf	38.8	38.8	38.8	38.8	38.8	38.8	38.8	38.8	40.5	43.7	46.8	49.8
Tan-y-bwlch	34.8	34.8	34.8	34.8	34.8	34.8	34.8	35.8	37.8	37.8	37.8	37.8
Ty Newydd	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	32.0	33.8	36.5	39.2
Ty-nant	37.7	37.7	37.7	37.7	37.7	37.7	37.7	37.7	40.1	43.4	46.7	49.9
Ty'n-y-ffordd	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	32.9	36.2	39.5	42.7
Ty-Uchaf	37.8	37.8	37.8	37.8	37.8	37.8	37.8	37.8	38.0	40.8	43.6	46.4
Waen Ganol	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	40.1	42.7	45.0
Waen Ganol2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	39.8	42.4	44.7
Waen Uchaf	38.5	38.5	38.5	38.5	38.5	38.5	38.5	38.5	38.5	41.1	43.7	46.0
Wern Uchaf	27.3	27.3	27.3	27.3	27.3	27.3	27.5	29.5	31.8	34.3	37.0	39.7

Table 2

Coordinate locations of the properties listed in Table 1

<i>Property</i>	<i>Easting</i>	<i>Northing</i>
Bron Bannog	303230	352830
Castell y Waen	299803	362240
Cefn Rofft	300882	349754
Cefnbannog	302337	351034
Crud-y-Gwynt	302463	354928
Cruglas	302917	353853
Diffws	302388	357614
Hafod Caradoc	298722	359204
Hafod Ty Ddu	301570	359341
Hafotty Newydd	300176	354208
Plas Nant Glyn	300377	361202
Tai'n-y-Waens	299856	351666
Tal-y-cefn Uchaf	299732	352723
Trawsant	302393	356134
Boced	302976	358286
Bod Petryal	303760	351073
Bryn Bach	302098	358784
Bryn Gaseg	300677	349373
Bryn-celyn	302053	349903
Brynhyfryd	303561	351370
Bryn-y-gwrgi	299592	350697
Bryn-yr-eryr	300984	349178
Capel Hiraethog	303741	354707
Derwydd	300348	349609
Drws-y-Buddel	302225	359813
Foel	299701	350042
Garreg-lwyd	300264	359607
Glan-y-gors	304906	351677
Hafod Olygfa	301400	359413
Hafotty Bach	303271	357991

<i>Property</i>	<i>Easting</i>	<i>Northing</i>
Hafotty Hendre	300246	351304
Isgaer-wen	299620	354471
Lodge Isaf	303100	351300
Lodge Uchaf	302715	351159
Maes Cadarn	303961	355254
Nant Uchaf	302894	355876
Pantdedwydd	301360	349728
Pedair-a-dimai	300207	349245
Pen-Bedw	303639	357401
Pennant	303922	354677
Pennant Uchaf	299059	359533
Pen-y-bryn	301707	349724
Pen-y-Lan	303807	356760
Seler	302815	355559
Tai Ucha	302775	356368
Tai'n-y-graig	298676	352289
Tal y Cefn Isaf	299388	352000
Tan-y-bwlch	301894	349893
Ty Newydd	299434	359360
Ty-nant	300215	350152
Ty'n-y-ffordd	299922	349210
Ty-Uchaf	299007	353971
Waen Ganol	304136	353152
Waen Ganol2	304169	352986
Waen Uchaf	303718	353376
Wern Uchaf	298304	360149

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

31. Within 21 days from the receipt of a written request from the relevant planning authority and following a complaint to the relevant planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date this Order came into force, the undertaker must, at its own expense, employ an independent consultant approved by the relevant planning authority to assess the level of noise immissions from the authorised development at the complainant's property following the procedures described in the Noise Guidance in Part 4.

32. The undertaker must, if directed by the relevant planning authority, switch off any of the wind turbines in order to assess compliance with the noise limits.

33. The undertaker must provide to the relevant planning authority the independent consultant's assessment and conclusions regarding the noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information must be provided within 3 months of the date of the written request of the relevant planning authority unless otherwise extended in writing by the relevant planning authority.

34. The undertaker must continuously log wind speed wind direction and power generation at each of the turbines on the site relating to authorised development. The undertaker must continuously log wind speed and wind direction at all anemometer masts on the site. The undertaker must provide all logged data to the relevant planning authority at its written request and in accordance with the Noise Guidance within 28 days of such request. All data is to be retained until the commencement of a decommissioning and site restoration scheme under Requirement 5.

35.—(1) No authorised development may commence until an assessment demonstrating that noise from the electrical substation on the site would not exceed a level of 30 dB L_{Aeq} at the

nearest residential property has been submitted to and approved in writing by the relevant planning authority.

(2) The substation is to be constructed in accordance with the approved assessment.

PART 4

Noise Guidance for Requirements 30 to 35

1.—(1) Values of the $L_{A90,10min}$ noise statistic shall be measured at the complainant's property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a fast time A-weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This shall be calibrated in accordance with the procedure specified in BS 4142:1997 (or its replacement). These measurements shall be made in such a way that the requirements of paragraph 3 shall also be satisfied.

(2) The microphone should be mounted at 1.2 to 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the relevant planning authority), and placed outside the complainant's dwelling. Measurements should be made in "free-field" conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location that shall be agreed with the relevant planning authority.

(3) The $L_{A90,10min}$ measurements shall be synchronised with measurements of the 10-minute arithmetic mean average wind speed and with operational data, including power generation information for each wind turbine, from the turbine control systems of the authorised development.

(4) The undertaker shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods from the hub height of anemometers located on the site permanent mast unless otherwise requested by the relevant planning authority to enable compliance with the requirements to be evaluated. The mean wind speed data shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97(a) at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10m height wind speed data which is correlated with the noise measurements of paragraph 2(1) in the manner described in paragraph 2(3).

2.—(1) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in sub-paragraph (2). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the relevant planning authority. In specifying such conditions the relevant planning authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise. At its request the undertaker shall provide within 28 days of the completion of the measurements all of the data collected under Requirement 31 to the relevant planning authority.

(2) Valid data points are those measured in the climatic conditions specified by the relevant planning authority but excluding periods of rain. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in paragraph 1(3) and is situated in the vicinity of the sound level meter.

(3) A least squares, "best fit" curve of a maximum 4th order polynomial or otherwise as may be agreed with the relevant planning authority shall be fitted between the standardised mean wind speed (as defined in paragraph 1(4)) plotted against the measured $L_{A90,10min}$ noise level. The noise level at each integer speed shall be derived from this best-fit curve.

(a) "The Assessment and Rating of Noise from Wind Farm" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

STATUTORY INSTRUMENTS

2016 No. 818

INFRASTRUCTURE PLANNING

The North Wales Wind Farms Connection Order 2016

Made - - - - - 28th July 2016

Coming into force - - - - - 19th August 2016

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An application under section 37 of the Planning Act 2008(a) has been made to the Secretary of State for an order granting development consent.

The application has been examined by a Panel, which has made a report to the Secretary of State under section 74(2) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Panel, has taken into account the environmental information in accordance with regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(b) and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

The Secretary of State, having decided the application, has determined to make an order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in section 114 and 120 of the 2008 Act, makes the following Order:

(a) 2008 c. 29.

(b) S.I. 2009/2263, amended by S.I. 2012/635 and 2012/787.

SCHEDULE 2 REQUIREMENTS

Article 3

Interpretation

1. In this Schedule—

“Broadleys compound” means the construction compound located on plot 53B and shown on sheet 7 of the land plans;

“core working hours” means Monday to Friday between 0700 and 1900 hours during the months of March to October and 0730 to 1730 or during daylight hours, whichever is the shorter, during the months of January to February and November to December and 0700 and 1300 hours on Saturday with no works to take place on Sundays and bank or public holidays;

“daylight hours” means the hours during which construction activities can be undertaken without the use of artificial lighting;

“decommissioning and site restoration scheme” means a plan that sets out details of the decommissioning and removal of numbered works 1A and 1B, the restoration of the land and the timeframe for completion of those works;

“ecological management plan” means the ecological management plan to be submitted to the relevant planning authority pursuant to Requirement 13;

“felling” means any felling or lopping undertaken pursuant to article 31 (felling or lopping of trees and removal of hedgerows) of this Order;

“HGVs” means goods vehicles weighing greater than 3.5 tonnes (gross);

“landscape planting” means new trees, shrubs and other soft landscaping to be located on the land shown coloured dark green and the land shown cross-hatched green on the land plans;

“new tree” means a tree that is not a replacement tree for a tree that has been removed as a result of the construction of the authorised development on the land shown coloured yellow and land shown coloured blue on the land plans (but excluding any such land shown cross-hatched green on the land plans);

“outline construction environmental management plan” means the document with reference 6.18 v.4 and certified by the Secretary of State and includes—

- (a) the outline ecological management plan (document reference 6.18D v3);
- (b) the outline hedgerow management plan (document reference 6.18C v4);
- (c) the outline traffic management plan (document reference 6.18E v2);

“outline landscape management plan” means the plan annexed at appendix 7.6 of the environmental statement (document reference 6.20.6 v2);

“planning consent” means any of the following—

- (a) planning permission granted under Part 3 of the 1990 Act;
- (b) development consent granted under the 2008 Act;
- (c) consent granted under the Electricity Act 1989; or
- (d) planning permission granted under the Town and Country Planning (Development Management Procedure) Order 1995(a);

“reinstatement planting” means the reinstatement of the vegetation that has been removed to enable the construction of the authorised development on the land shown coloured yellow and

(a) S.I. 1995/418, amended so far as relevant by S.I. 2014/592 (W. 69) and 2016/29 (W. 11).

the land shown coloured blue on the land plans (but excluding any such land shown cross-hatched green on the land plans);

“relevant design principles” means the design principles in section 2.2 of the design and construction report (document reference 7.1);

“stage” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to Requirement 4 (stages of authorised development); and

“wind farms” means the wind farms known as—

- (a) Nant Bach approved under planning permission DC/0/35170 or such other planning consent replacing it or amending it;
- (b) Derwydd Bach approved under planning permission 04/2007/0964/WF or such other planning consent replacing it or amending it;
- (c) Clocaenog Forest approved under The Clocaenog Forest Wind Farm Order 2014(a) or such other planning consent replacing it or amending it; and
- (d) Brenig approved under planning permission 25/2007/0565/WF or such other planning consent replacing it or amending it.

Time limits

2. The authorised development must be commenced within 5 years of the date that this Order is made.

Detailed Design

3.—(1) The authorised development must be carried out in accordance with the approved plans, inclusive of any limits of deviation, bearing the references listed below and any other plans, drawings, documents, details, schemes, statements or strategies which are approved by the relevant planning authority pursuant to any Requirement—

Works plans	Submission document reference number 2.3.0-2.3.13 Option B (revision 0)
Access and rights of way plans	Submission document reference number 2.4.0-2.4.13 Option B (revision 0)
Section drawings	Submission document reference number 2.7.0-2.7.29 Option B (revision P7)
Compound layout drawing	Submission document reference number 2.7.30 (revision 1)

(2) Subject to article 4 (limits of deviation), the authorised development must be carried out in accordance with the parameters specified below—

<i>Building or Structure</i>	<i>Maximum height Existing (metres)</i>	<i>Above Ground Level</i>	<i>Minimum height Existing (metres)</i>	<i>Above Ground Level</i>
Double wood pole (each pole)	16.4		10.8	
Terminal structure (cable connection)	15.8		11.8	
Terminal structure (gantry)	14.7		12.7	

(3) Any part of the authorised development must be designed substantially in accordance with the relevant design principles.

(a) S.I. 2014/2441.

Stages of authorised development

4.—(1) No authorised development is to commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved by the relevant planning authority, such scheme to include the following details—

- (a) confirmation whether the authorised development is to be carried out in a single stage or multiple stages;
- (b) if multiple stages, the chronological order of such stages; and
- (c) the date of commencement of each stage.

(2) The authorised development must be carried out in accordance with the approved scheme.

Landscaping

5.—(1) No stage of the authorised development is to commence until a written landscaping scheme for that stage, in respect of landscape planting, which is substantially in accordance with the outline landscape management plan and the planting principles contained in the ecological management plan, has been submitted to and approved by the relevant planning authority. The landscaping scheme must include details of the landscape planting, including—

- (a) location, number, species, size and planting density of any landscape planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) vehicular and pedestrian access, parking and circulation areas;
- (d) implementation timetable for the landscape planting; and
- (e) details of a maintenance regime for the landscape planting.

(2) The written landscaping scheme must not be submitted to the relevant planning authority pursuant to sub-paragraph (1) until consultation on the written landscaping scheme has been carried out with the owners of the land on which the landscape planting is proposed to be located and the undertaker must have regard to the consultation responses received.

(3) With respect to the landscaping scheme(s) approved under sub-paragraph (1), the undertaker may submit to the relevant planning authority for approval any amendments to such approved scheme(s) provided always that the approved landscaping scheme(s) (as may be amended under this sub-paragraph) remains substantially in accordance with the outline landscape management plan and the planting principles contained in the ecological management plan and includes the details listed in sub-paragraph (1).

(4) The landscape planting must be planted and maintained in accordance with the landscaping scheme(s) as approved under this Requirement.

Dying, diseased, damaged planting

6. Notwithstanding the maintenance regime to be approved pursuant to Requirement 5 and Requirement 7, where any tree or shrub planted as part of the landscaping scheme under Requirement 5 or the reinstatement planting plan under Requirement 7 (including new trees), is removed, dies or becomes seriously damaged or diseased, within a period of 5 years from the date of completion of the stage of landscape planting or reinstatement planting within which it is planted, it must be replaced by the undertaker in the first available planting season with a specimen of the same species and size as that originally planted.

Reinstatement planting

7.—(1) The reinstatement planting must not include any new trees except by agreement with the owner of the land on which the reinstatement planting is to be carried out.

(2) No reinstatement planting which is to contain a new tree pursuant to the terms of Requirement 7(1) is to be carried out until a reinstatement planting plan has been submitted to and

approved by the relevant planning authority. The reinstatement planting plan must include details of the new trees being introduced including—

- (a) location, number, species, size and planting density of the new trees;
- (b) cultivation, importing of materials and other operations to ensure tree establishment;
- (c) details of the maintenance regime; and
- (d) implementation timetable for reinstatement planting.

(3) With respect to the reinstatement planting plan approved under sub-paragraph (2), the undertaker may submit to the relevant planning authority for approval any amendments to such approved plan provided always that the approved plan (as may be amended under this sub-paragraph) includes the details listed in sub-paragraph (2).

(4) The new trees planted pursuant to this Requirement must be planted and maintained in accordance with the reinstatement planting plan as approved under this Requirement.

Felling

8.—(1) All felling must be undertaken in accordance with the relevant guidance specified in paragraph (2) and NRW best practice (as amended from time to time).

(2) The relevant guidance is—

- (a) The UK Forestry Standard (“UKFS”);
- (b) UKFS Guidelines – Forests and Water (2011);
- (c) UKFS Guidelines – Forests and Soil (2011);
- (d) UKFS Guidelines – Forests and Biodiversity (2011); and
- (e) UKFS Guidelines – Forests and Historic Environment (2011).

Highway works

9.—(1) No work to construct or alter any permanent or temporary means of access to a highway to be used by vehicular traffic must commence until, following consultation with the relevant highway authority, written details of the design and layout of that means of access has been submitted to and approved by the relevant highway authority.

(2) The highway accesses must be constructed in accordance with the details approved under sub-paragraph (1).

Construction Hours

10.—(1) Subject to sub-paragraphs (2) and (3), construction work must not take place other than during the core working hours.

(2) The following operations must only take place between 0900 and 1700 hours Monday to Friday and excluding bank or public holidays—

- (a) piling;
- (b) excavator and hydraulic jack hammer operations; and
- (c) HGV deliveries to and from Broadleys compound.

(3) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) the installation and removal of protective netting across highways or watercourses;
- (b) only at Broadleys compound, the completion of operations commenced during the core working hours which cannot safely be stopped; and
- (c) only at Broadleys compound, start up and close down activities up to one hour either side of core working hours.

(4) No artificial lighting is to be used in carrying out the construction of the authorised development other than at Broadleys compound.

Contaminated land and groundwater

11.—(1) In the event that contamination is found at any time when carrying out the authorised development, it must be reported in writing immediately to the relevant planning authority and the carrying out of that part of the authorised development affected by such contamination must cease immediately. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination within the Order limits and whether or not it originates within the Order limits, such scheme to be submitted to and approved by the relevant planning authority, after consulting with NRW. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to and approved by the relevant planning authority, after consulting with NRW.

(2) Where remediation is required pursuant to the approved investigation and risk assessment, a detailed remediation scheme to bring the relevant land to a condition suitable for the intended use must be prepared, and submitted for the written approval of the relevant planning authority.

(3) The approved remediation scheme must be carried out in accordance with its terms.

(4) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the relevant planning authority.

(5) Where the carrying out of any part of the authorised development has ceased pursuant to sub-paragraph (1) the undertaker may only recommence the carrying out of that part of the authorised development following—

- (a) where remediation is required pursuant to the approved investigation and risk assessment for contamination affecting that part, the completion of measures pursuant to sub-paragraph (4); or
- (b) in all other cases the approval of the investigation and risk assessment pursuant to sub-paragraph (2).

Archaeology

12.—(1) No stage of the authorised development is to commence until, following consultation with the Clwyd-Powys Archaeological Trust and the relevant planning authority, for that stage, a written scheme setting out the methodology for a watching brief over areas of archaeological interest has been submitted to and approved by the relevant planning authority.

(2) The scheme must identify areas where a watching brief is required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any watching brief carried out under the scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any watching brief must be carried out in accordance with the approved scheme.

Construction Environmental Management Plan

13.—(1) No stage of the authorised development is to commence until, following consultation with NRW, the highways authority and the relevant planning authority, a construction environmental management plan for that stage, which is substantially in accordance with the outline construction environmental management plan, has been submitted to and approved by the relevant planning authority, after consulting with NRW. The construction environmental management plan must include measures to minimise impacts of construction works and must include but not be limited to the following plans—

- (a) an ecological management plan including but not limited to method statements for sensitive habitats and species;

- (b) hedgerow management plan including but not limited to principles to be followed for hedgerow removal and reinstatement;
- (c) a traffic management plan including but not limited to the following—
 - (i) details of haulage routes for HGVs to use to deliver materials to the authorised development;
 - (ii) communication of the routes to drivers of HGVs;
 - (iii) details of timing for deliveries;
 - (iv) proposals for assessing the existing condition of affected highways; and
 - (v) details for making good any incidental damage to highways by construction traffic associated with the authorised development.

(2) The authorised development must be carried out in accordance with the construction environmental management plan as approved under this Requirement.

Piling

14.—(1) No stage of the authorised development which requires piling activities must commence until a piling method statement for that stage of the authorised development has been submitted to and approved by the relevant planning authority.

(2) Piling must be carried out in accordance with the approved piling method statement.

Restoration of land used temporarily for construction

15.—(1) No land within the Order limits that is to be used temporarily for construction is to be used until a photographic condition survey has been carried out and submitted to and approved by the relevant planning authority.

(2) Any land within the Order limits which is used temporarily for construction must be reinstated to its former condition as identified on the photographic condition survey, or such condition as the relevant planning authority may approve, within six months of the date of final commissioning of the authorised development (or such other period as may be agreed with the owner of the land) and the relevant planning authority shall be notified in writing upon reinstatement.

Requirement for written approval

16. Where under any of the above Requirements, the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Decommissioning

17.—(1) Not less than 12 months before the date set out in Requirement 19 (expiry of development consent), a decommissioning and site restoration scheme must be submitted to the relevant planning authority for its approval.

(2) The decommissioning and site restoration scheme must include provision for—

- (a) a timetable for the implementation and completion of the decommissioning and site restoration scheme;
- (b) removal of works 1A and 1B;
- (c) the restoration of the Order land;
- (d) a methodology for the ecological management of sensitive habitats during the decommissioning and restoration works;
- (e) a methodology for the management of traffic during the decommissioning and restoration works; and

- (f) a decommissioning environmental management plan, which is, where relevant to the proposed works, substantially in accordance with the construction environmental management plan approved in accordance with Requirement 13.

(3) Decommissioning and restoration must be completed in accordance with the approved decommissioning and site restoration scheme within the period set out in the approved scheme.

Decommissioning Environmental Management Plan

18.—(1) No stage of the authorised development is to be decommissioned until, following consultation with NRW, the highways authority and the relevant planning authority, a decommissioning environmental management plan for that stage has been submitted to and approved by the relevant planning authority, after consulting with NRW. The decommissioning environmental management plan must include measures to minimise impacts of decommissioning works and must include but not be limited to the following plans—

- (a) an ecological management plan including but not limited to method statements for sensitive habitats and species;
- (b) hedgerow management plan including but not limited to principles to be followed for hedgerow reinstatement;
- (c) a traffic management plan including but not limited to the following—
 - (i) details of haulage routes for HGVs to use to deliver materials to or remove materials from the authorised development;
 - (ii) communication of the routes to drivers of HGVs;
 - (iii) details of timing for deliveries or removals;
 - (iv) proposals for assessing the existing condition of affected highways; and
 - (v) details for making good any incidental damage to highways by construction traffic associated with decommissioning the authorised development.

(2) The decommissioning of the authorised development must be carried out in accordance with the decommissioning environmental management plan as approved under this Requirement.

Expiry of development consent

19. The development consent granted by this Order expires 30 years after the date of this Order.

Requirements for written approval, etc.

20.—(1) Where under any of the above Requirements the approval or agreement of the relevant planning authority or any other party is required, that approval or agreement must be provided in writing.

(2) Where under any of the above Requirements a written scheme is required it shall be accompanied by such illustrations as are necessary and appropriate in the circumstances.

Approved plans and amendments to approved plans.

21.—(1) Where a Requirement requires the authorised development to be carried out in accordance with a plan, scheme, statement, strategy or details (the “plan”) approved by the relevant planning authority, the approved plan must be taken to include any amendments that may be approved subsequently by the relevant planning authority (after consulting every person required to be consulted before approval of the original plan).

(2) The relevant planning authority must not approve the plan or an amendment to the plan unless it is satisfied that the plan or the amendment is unlikely to give rise to any new or materially different environmental effects from those assessed in the environmental statement.

