

SCHEDULE 2

Article 3

REQUIREMENTS

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(1);

“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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) 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 Above Existing (metres)</i>	<i>Minimum height Above Existing (metres)</i>
Double wood pole (each pole)	16.4	10.8

(2) [S.I. 2014/2441](#).

<i>Building or Structure</i>	<i>Maximum height Above Existing (metres)</i>	<i>Minimum height Above Existing (metres)</i>
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.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.