

SCHEDULE 2

Article 2

Requirements

Time limits

1. The authorised development must commence no later than the expiration of five years beginning with the date this Order comes into force.

Offshore design parameters

2.—(1) The wind turbine generators to be constructed or operated as part of the authorised development must be located within the area delineated by the co-ordinates in Table 2 and shown on sheet 2 of the works plan and, subject to any lighting approved under requirement 3, there must be no material difference in the size and appearance of the wind turbine generators.

Table 2

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
IC	53° 25' 18.124" N	3° 44' 45.726" W
ID	53° 25' 57.263" N	3° 47' 53.732" W
IE	53° 26' 42.823" N	3° 51' 33.278" W
IF	53° 29' 16.893" N	3° 51' 37.376" W
IG	53° 29' 26.671" N	3° 36' 37.688" W
IH	53° 29' 7.091" N	3° 37' 36.682" W
II	53° 28' 41.909" N	3° 38' 47.993" W
IJ	53° 28' 31.364" N	3° 39' 17.852" W
IK	53° 28' 5.013" N	3° 40' 32.272" W
IL	53° 27' 1.865" N	3° 41' 31.636" W
IM	53° 26' 45.454" N	3° 41' 14.509" W

(2) The offshore works must be constructed in accordance with the parameters assessed in the environmental statement and set out in Table 3.

Table 3

<i>Parameter</i>	<i>Value</i>
Maximum number of wind turbine generators	50
Maximum total rotor swept area (m ²)	2,500,412
Maximum height of wind turbine generators when measured from MHWS to the tip of the vertical blade (m)	332
Maximum rotor diameter of each wind turbine generator (m)	306
Minimum distance from MHWS to the lowest point of the rotating blade for each wind turbine generator (m)	22

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<i>Parameter</i>	<i>Value</i>
Minimum distance between wind turbine generators (in all directions measured from the centre point of each wind turbine generator) (m)	830
Maximum pile diameter of single pile structures (m)	15
Maximum pile diameter of two or more pile structures (m)	8
Maximum total seabed footprint for wind turbine generators (excluding scour protection) (m ²)	98,175
Maximum total seabed footprint for wind turbine generators (including scour protection) (m ²)	570,209
Maximum width of any supporting structure (m) at mean sea level	15
Maximum number of offshore substations	2
Maximum dimensions of offshore substations:	77.3
Height when measured from MHWS (m)	80
Length (m)	4,000
Topside area (m ²)	
Maximum total seabed footprint area for offshore substation foundations (excluding scour protection) (m ²)	14,000
Maximum total seabed footprint area for offshore substation foundations (including scour protection) (m ²)	21,600
Maximum volume of natural material for disposal (m ³)	12,920,356
Maximum total volume of scour protection for wind turbine generators and offshore substations (m ³)	952,282
Maximum number of meteorological masts	1
Maximum total seabed footprint area for meteorological mast foundations (excluding scour protection) (m ²)	20
Maximum total seabed footprint area for meteorological mast foundations (including scour protection) (m ²)	855
Maximum width of any supporting structure for meteorological mast (m)	5
Maximum number of any LiDAR measurement buoys	3
Maximum number of any permanent vessel buoys	3
Maximum total length of cables (km)	203.4
Maximum volume of cable protection (m ³)	366,513
Maximum footprint of cable protection (m ²)	474,476
Maximum number of cable crossings	19

Aviation safety

3.—(1) The undertaker must exhibit such lights, with such shape, colour and character and at such times as are required by Air Navigation Order 2016 and/or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority. Lighting installed specifically to meet Ministry of Defence aviation safety requirements must remain operational for the life of the authorised development unless otherwise agreed with the Ministry of Defence.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the offshore works, of the following—

- (a) the date of the commencement of construction of the offshore works;
- (b) the date any wind turbine generators are brought into use;
- (c) the maximum height of any construction equipment to be used;
- (d) the maximum heights of any wind turbine generator, meteorological mast and offshore electrical platform to be constructed; and
- (e) the latitude and longitude of each wind turbine generator, meteorological mast and offshore electrical platform to be constructed; and

the Defence Infrastructure Organisation Safeguarding must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the offshore works.

(3) The lights installed in accordance with paragraph (1) will be operated at the lowest permissible lighting intensity level.

Offshore Noise

4. Except in an emergency, the noise generated during the construction of Work No. 1 when measured at as close as practicable to the receptor OS Grid Reference 279980; 381977 must not, in onshore wind weather conditions, exceed 50 dB(A) Leq 1 hour between the hours of 2300 and 0700 when measured in accordance with British Standard BS5228:2009+A1:2014, ‘Code of practice for noise and vibration control on construction and open sites’. Onshore wind weather conditions are when the receptor is downwind of the piling location by plus or minus 45 degrees.

Stages of authorised development

5.—(1) The onshore works may not be commenced until notification has been submitted to the relevant planning authority detailing whether the onshore works will be constructed—

- (a) in a single stage; or
- (b) in two or more stages.

(2) The onshore works may not be commenced until details of the stages of the onshore works have been submitted to and approved by the relevant planning authority.

(3) The construction of the onshore works must follow the details provided under sub-paragraph (2) of this requirement.

Substation works

6.—(1) Construction of Work No. 31A must not commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;

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- (d) hard surfacing materials;
- (e) the dimensions, colour and materials used for the buildings;
- (f) security fencing;
- (g) vehicular and pedestrian access, parking and circulation areas; and
- (h) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;

have been submitted to and approved by the relevant planning authority following consultation with Natural Resources Wales as appropriate.

(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with requirement 7 (detailed design parameters onshore) and substantially in accordance with the design principles document.

(3) Work No. 31A must be carried out in accordance with the approved details.

Detailed design parameters onshore

7.—(1) The onshore works must not exceed the parameters assessed in the environmental statement and set out in Table 4 and sub-paragraph (2).

Table 4

<i>Parameter</i>	<i>Value</i>
Maximum number of landfall transition joint bays	2
Maximum number of connection bays within Work No. 40	2

(2) In relation to Work No. 31A—

(a) if air insulated switchgear is installed—

- (i) the highest part of any reactive compensation building must not exceed 41.675m above Ordnance Datum and the highest part of any other building must not exceed 40.675m above Ordnance Datum;
- (ii) the highest part of any external electrical equipment or enclosure, excluding lightning rods, must not exceed 46.675m above Ordnance Datum;
- (iii) the total area of the fenced compound (excluding its accesses) must not exceed 50,000m²;
- (iv) the total number of lightning rods within the fenced compound area must not exceed 12 and the height of any lightning rod must not exceed 52.2m above Ordnance Datum;

(b) if gas insulated switchgear is installed—

- (i) the highest part of the main gas insulated switchgear substation building must not exceed 49.975m above Ordnance Datum;
- (ii) the highest part of any reactive compensation building must not exceed 42.475m above Ordnance Datum and subject to sub-paragraph (i) the highest part of any other building must not exceed 41.475m above Ordnance Datum;
- (iii) the highest part of any external electrical equipment or enclosure, excluding lightning rods, must not exceed 47.475m above Ordnance Datum;
- (iv) the total area of the fenced compound (excluding its accesses) must not exceed 30,000m²; and

(v) the total number of lightning rods within the fenced compound area must not exceed 12 and the height of any lightning rod must not exceed 53m above Ordnance Datum.

(3) Trenchless installation techniques must be used to install the cable ducts and electrical circuits where identified in the crossings schedule for the purpose of passing under a relevant obstruction unless otherwise agreed by the relevant planning authority, following consultation with the relevant drainage boards, Natural Resources Wales and the highways authority.

(4) In this requirement “reactive compensation building” means any building housing electrical compensation equipment for Work No 31A.

Provision of landscaping

8.—(1) Work No. 31A must not be commenced until a written landscaping scheme and associated work programme in accordance with the outline landscape and ecology management plan for Work No. 31A has been submitted to and approved by the relevant planning authority following consultation with Natural Resources Wales as appropriate.

(2) The written landscaping scheme must include details of all proposed hard and soft landscaping works including—

- (a) location, number, species, size and planting density of any proposed planting including any trees; and
- (b) implementation timetables for all landscaping works.

(3) The written landscaping scheme and associated work programme must be carried out in accordance with the approved details.

Implementation and maintenance of landscaping

9.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 8 (provision of landscaping).

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise agreed with the relevant planning authority.

Code of construction practice

10.—(1) No stage of the onshore works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant planning authority in consultation with the highway authority as appropriate following consultation with Natural Resources Wales as appropriate and in relation to sub-paragraph (2)(d) the Welsh Ministers.

(2) The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage—

- (a) construction method statement;
- (b) noise and vibration management plan;
- (c) air quality management plan;
- (d) soil management plan;
- (e) site waste management plan;
- (f) pollution prevention and emergency incident response plan;
- (g) construction traffic management plan;

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- (h) public access management plan;
- (i) travel plan;
- (j) artificial light emissions plan;
- (k) invasive non-native species management plan; and
- (l) construction communications plan.

(3) The code of construction practice approved in relation to the relevant stage of the onshore works must be followed in relation to that stage of the onshore works.

(4) Pre-commencement works must only take place in accordance with the relevant details set out in the outline code of construction practice as certified.

Highway accesses

11.—(1) No new permanent means of access to a highway to be used by vehicular traffic, or any permanent alteration to an existing means of access to a highway used by vehicular traffic may be formed until written details of the design, layout and siting of that new or altered access have been submitted to and approved by the relevant planning authority in consultation with the highway authority.

(2) The highway accesses must be constructed in accordance with the approved details.

Onshore archaeology

12.—(1) No stage of the onshore works may commence until for that stage an archaeological written scheme of investigation in accordance with the onshore WSI as appropriate for the relevant stage has been submitted to and approved by the relevant planning authority.

(2) The onshore works must be carried out in accordance with the approved details.

(3) Pre-commencement surveys and investigations, including those necessary to allow production of any scheme required under sub-paragraph (1) must only take place in accordance with the applicable details set out in the onshore WSI.

Landscape and Ecology management plan

13.—(1) No stage of the onshore works may commence until for that stage a written landscape and ecology management plan in accordance with the outline landscape and ecology management plan as appropriate for the relevant stage, has, following consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authority.

(2) The landscape and ecology management plan(s) submitted under sub-paragraph (1) must include an implementation timetable and must be implemented as approved.

(3) Pre-commencement works must only take place in accordance with the relevant details set out in the outline landscape and ecology management plan as certified.

European protected species onshore

14.—(1) No stage of the onshore works other than surveying and investigation necessary to comply with this requirement may be undertaken until, for that stage, pre-construction survey work has been carried out to establish whether a European protected species or nationally protected species under the Wildlife and Countryside Act 1981 is present on any of the land affected, or likely to be affected, by any part of that stage of the onshore works.

(2) Where a European protected species or nationally protected species under the Wildlife and Countryside Act 1981 is shown to be present, the stage of the onshore works likely to affect the

species must not commence until, after consultation with Natural Resources Wales, a scheme of protection and mitigation measures for that stage has been submitted to and approved by the relevant planning authority.

(3) Each stage of the onshore works which requires a scheme of protection and mitigation measures in accordance with sub-paragraph (2) of this requirement must be carried out in accordance with the approved scheme.

(4) In this paragraph, “European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017.

(5) In this paragraph, “nationally protected species” means any species protected under the Wildlife and Countryside Act 1981.

Construction hours

15.—(1) Except as otherwise agreed in the code of construction practice and subject to sub-paragraphs (2) to (4), construction of the onshore works and construction-related traffic movements to or from the site of the relevant work may take place only between the hours of 0700 and 1900 from Monday to Friday and 0700 and 1300 on Saturdays, with no activity on Sundays or bank holidays.

(2) If agreed in advance with the relevant planning authority, construction of the onshore works and construction-related traffic movements to or from the site of the relevant work may take place outside the hours specified in sub-paragraph (1) for certain identified works including—

- (a) where continuous periods of construction are required, for works such as concrete pouring and finishing, electrical circuit pulling and jointing and testing;
- (b) for the delivery and unloading of abnormal loads;
- (c) for the landfall works; and
- (d) for any other time-critical element of the onshore works.

(3) Except as provided in sub-paragraph (4), all construction works which are to be undertaken outside the hours specified in sub-paragraph (1) must be agreed in advance with the relevant planning authority.

(4) In respect of trenchless installation techniques where continuous 24-hour working has been assessed in the environmental statement, the undertaker must notify the relevant planning authority in advance of such works.

Surface and foul water drainage

16.—(1) Work Nos. 31 and 31A must not commence until, for that numbered work, a written surface and foul water drainage plan (including details of any watercourse crossings and proposals for management and maintenance) has, following consultation with Natural Resources Wales, been submitted to and approved by the relevant planning authority. The surface and foul water drainage plan must be substantially in accordance with the principles set out in the outline drainage strategy.

(2) The surface and foul water drainage plan must be implemented in accordance with the approved details, prior to final commissioning of Work No. 31A.

Restoration of land used temporarily for construction

17. Any land landward of MLWS which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping must be reinstated within six months of completion of the relevant stage of the onshore works in accordance with details submitted to and approved by the relevant planning authority under requirement 10 (code of construction practice).

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Control of noise during operational stage

18.—(1) The noise rating level for the operation of Work No. 31A must not exceed the following levels at a position representative of the façade, in free-field conditions, of, any building authorised or lawfully occupied for residential or accommodation purposes at the date of the granting of this Order, at each of the representative locations set out in (a) to (d) below:

- (a) 36 dB LAr,Tr at Gwelfryn (OS: 300654, 373889) or other nearby residential properties on Glascoed Road to the south west of Work No. 31A;
- (b) 36 dB LAr,Tr at Caer Delyn (OS 301339, 373960) or other nearby residential properties on Glascoed Road to the south east of Work No. 31A;
- (c) 39 dB LAr,Tr at Bodelwyddan Castle Hotel (OS 299967, 374819) or other nearby residential properties to the west of Work No. 31A; and
- (d) 41 dB LAr,Tr at Faenol Bropor (OS 301298, 374784) or other nearby residential properties to the north of Work No. 31A.

(2) The noise levels set out in sub-paragraph (1) are to be measured:

- (a) in accordance with British Standard BS4142:2014+A1:2019, Methods for rating and assessing industrial and commercial sound; and
- (b) with a microphone placed at least 1.5 m above the ground in free-field conditions (being at least 3.5 m from the nearest vertical reflecting surface).

(3) In the event of a complaint to the relevant planning authority relating to noise emissions from the operation of Work No. 31A which may reasonably be expected to result in levels above those allowed by paragraph (1)—

- (a) the undertaker must submit a proposed measurement and assessment procedure, based on the guidance and assessment methodology outlined in BS4142:2014, including a proposed measurement methodology and monitoring locations and the timings for the assessment and reporting to the relevant planning authority for approval; and
- (b) measurements must be undertaken in accordance with the approved procedure by an independent consultant appointed by the undertaker in order to determine compliance or otherwise with paragraph (1).

Control of operational artificial light emissions

19.—(1) Work No. 31A and Work No. 33(c) must not be brought into operation until a written scheme for the management and mitigation of internal and external artificial light emissions from Work No. 31A and Work No.33(c) has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the lifetime of Work No. 31A and Work No. 33(c).

Skills and Employment Strategy

20.—(1) No stage of the authorised development may commence until a skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been submitted to and approved by the relevant planning authority.

(2) The skills and employment strategy must be implemented in accordance with the approved details.

Offshore decommissioning

21. No offshore works may commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval.

Onshore decommissioning

22.—(1) A written scheme of decommissioning for the onshore works must be submitted to and approved by the relevant planning authority at least six months prior to any decommissioning works commencing.

(2) The written scheme of decommissioning for the onshore works must include a code of construction practice and the approved scheme must be implemented as approved in the carrying out of any decommissioning works or relevant part of it.

Great Dun Fell and St Annes Primary Radar Mitigation Scheme

23.—(1) No part of any wind turbine generator (excluding foundations) shall be erected as part of the authorised development until a primary radar mitigation scheme agreed in advance with the operator has been submitted to and approved in writing by the Secretary of State in order to mitigate the impact of the authorised development on the primary radar of the operator located at Great Dun Fell and St Annes and associated air traffic management operations.

(2) No part of any wind turbine generator (excluding foundations) shall be erected until the approved primary radar mitigation scheme has been implemented and the authorised development shall thereafter be operated fully in accordance with the approved scheme.

(3) In this requirement—

“operator” means NATS (En Route) plc, incorporated under the Companies Act (Company Number 4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hampshire PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of the Transport Act); and

“primary radar mitigation scheme” or “scheme” means a detailed scheme agreed with the operator which sets out the measures to be taken to mitigate the impact of the development on the primary radar located at Great Dun Fell and St Annes and air traffic management operations of the operator.

Landscape enhancement scheme

24.—(1) Work No. 1 must not be commenced until a scheme for the provision of landscape enhancement in accordance with the landscape enhancement scheme principles document has been submitted to and approved by the relevant planning authority following consultation with Natural Resources Wales, the Isle of Anglesey County Council, Eryri National Park Authority and Conwy County Borough Council.

(2) The landscape enhancement scheme shall set out appropriate measures to compensate for the impact of the authorised development on the protected landscapes of Eryri National Park, the Isle of Anglesey Area of Outstanding Natural Beauty (including Anglesey Heritage Coast) and Great Orme Heritage Coast.

(3) The landscape enhancement scheme shall be implemented as approved.

(4) In this requirement “landscape enhancement scheme principles document” means the document certified as such by the Secretary of State under article 40.

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Wake effects

25.—(1) No part of any wind turbine generator shall be erected as part of the authorised development until an assessment of any wake effects and subsequent design provisions to mitigate any such identified effects as far as possible has been submitted to and approved in writing by the Secretary of State, in order to mitigate the impact of the authorised development on the energy generation of Rhyl Flats Wind Farm. The assessment must be based on the scope of this Order as granted.

(2) The authorised development shall be carried out in accordance with the approved details.

Requirement for written approval

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

Amendments to approved details

27.—(1) With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority or another organisation or body, the approved details must be carried out as approved unless an amendment or variation is previously agreed by the relevant planning authority or that other organisation or body in accordance with sub-paragraph (2).

(2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other organisation or body that the subject matter of the agreement sought is unlikely to give rise to any materially greater environmental effects from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved by the relevant planning authority or that other person.