

## SCHEDULE 2

Article 3

### REQUIREMENTS

#### Interpretation

1. In this Part of Schedule 2 the following expression has the following meaning—  
“AOD” means above ordnance datum.

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 14.8.2015, see [art. 1](#)

#### Time limits

2. The authorised development must commence no later than the expiration of 5 years from the date this Order comes into force.

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 14.8.2015, see [art. 1](#)

#### Numbered Works

3. Where these requirements refer to numbered work 2, such reference is to be taken to mean numbered works 2A – 2G (inclusive).

#### Commencement Information

- I3** Sch. 2 para. 3 in force at 14.8.2015, see [art. 1](#)

#### Detailed Design

- 4.—(1) The authorised development must be carried out in accordance with the approved plans in Table 1 below, 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 (as the same may be amended by approval of the relevant planning authority in accordance with requirement 18(1))—

**Table 1**

Works plans	Submission document reference number 2.3 Revision 3
Rights of way, streets and access plan	Submission document reference number 2.7 Revision 3

- (2) The authorised development must be carried out in accordance the parameters specified in Table 2 below (as the same may be amended by approval of the relevant planning authority pursuant to requirement 18(1))—

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Table 2

<b>Building Structure or</b>	<b>Maximum height (metres above 211m AOD)</b>	<b>Minimum height (metres above 211m AOD)</b>	<b>Maximum length (metres)</b>	<b>Minimum length (metres)</b>	<b>Maximum width (metres)</b>	<b>Minimum width (metres)</b>
Each gas turbine generator (where one or two gas turbine generators are constructed) (Part of numbered work 2A)	19.0	–	30.0	–	30.0	–
Each gas turbine generator (where three, four or five gas turbine generators are constructed) (part of numbered work 2A)	10.0	–	36.0	–	23.0	–
Each exhaust gas emission flue stack (part of numbered work 2A)	35.0	30.0	–	–	10.0	–
Control room/office/workshop (part of numbered work 2B)	6.0	–	29.0	–	23.0	–
Natural gas receiving station and gas treatment compound (part of numbered work 2B)	3.0	–	50.0	–	46.0	–
Black start diesel generator (part of numbered work 2B)	5.0	–	13.0	–	5.0	–
Switchyard / banking compound (numbered work 2C)	11.3	–	60	–	60	–
Switchgear Building (part of numbered work 2C)	11.3	–	21.0	–	15.0	–
Gatehouse (part of numbered work 2E)	4.5	–	9.0	–	8.0	–
Demineralised water tank (part of numbered work 2E)	16.0	–	23.0	–	23.0	–

<b>Building Structure</b>	<b>or</b>	<b>Maximum height (metres above 211m AOD)</b>	<b>Minimum height (metres above 211m AOD)</b>	<b>Maximum length (metres)</b>	<b>Minimum length (metres)</b>	<b>Maximum width (metres)</b>	<b>Minimum width (metres)</b>
Raw/fire water tank (part of numbered work 2E)		18.0	–	15.0	–	15.0	–
Bat mitigation structure (part of numbered work 2E)		6.0	–	10.0	–	5.0	–

(3) Numbered work 2 of the authorised development is not to commence until details of the layout, scale and external appearance of numbered work 2 have been submitted to and approved by the relevant planning authority in consultation with the Brecon Beacons National Park Authority.

(4) Paragraph (3) is not to apply to any new permanent or temporary means of access to a highway forming part of numbered work 2 which has been approved pursuant to requirement 4.

(5) To the extent that design principles for any numbered work are set out in the design principles statement, that numbered work must be designed substantially in accordance with the relevant design principle set out therein.

(6) The authorised development must be carried out substantially in accordance with the mitigation measures identified in the mitigation commitments register in so far as they relate to the authorised development.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 14.8.2015, see [art. 1](#)

**Provision of landscaping**

5.—(1) Numbered work 2 of the authorised development is not to commence until a written landscaping plan for numbered work 2 has been submitted to and approved by the relevant planning authority. The landscaping plan must include details of all proposed hard and soft landscaping works and be substantially in accordance with the landscaping mitigation proposals set out in figure 11.5 of the environmental statement in so far as the relate to numbered work 2, and include details of—

- (a) location, number, species, size and planting density of any proposed planting including details of any proposed tree planting and the proposed times of such planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units and signs;
- (g) existing trees to be retained, with measures for their protection together with any landscaping and visual mitigation required during the construction period;
- (h) implementation timetables for all landscaping works;

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- (i) measures for the management of the ecological resources that will remain within the Order land on completion of the authorised development; and
  - (j) landscaping maintenance throughout the operational life of the authorised development.
- (2) All landscaping works must be carried out in accordance with the landscaping plan approved under this requirement 5 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.
- (3) The landscaping works must be carried out in accordance with implementation timetables approved in the landscaping plan under this requirement 5.
- (4) 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 otherwise approved by the relevant planning authority.

**Commencement Information**

**15** Sch. 2 para. 5 in force at 14.8.2015, see [art. 1](#)

**Highway accesses**

6.—(1) Numbered work 2 of the authorised development is not to commence until for numbered work 2, written details of the design, layout and (where not already identified in Schedule 3 and the rights of way, streets and access plan) siting of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has 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.

**Commencement Information**

**16** Sch. 2 para. 6 in force at 14.8.2015, see [art. 1](#)

**Fencing and other means of enclosure**

7.—(1) Numbered work 2 of the authorised development is not to commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for numbered work 2 have been submitted to and approved by the relevant planning authority.

- (2) Any construction sites must remain securely fenced at all times during construction of the authorised development.
- (3) Any temporary fencing must be removed within three months of the completion of the authorised development.
- (4) The details approved pursuant to this requirement must be implemented.
- (5) Any permanent gates comprised in numbered work 2 are to be set back a minimum of 10 metres from the nearside edge of the carriageway.

**Commencement Information**

**17** Sch. 2 para. 7 in force at 14.8.2015, see [art. 1](#)

## Surface and foul water drainage

8.—(1) Numbered work 2 of the authorised development is not to commence until, for numbered work 2, written details of a surface and foul water drainage plan (including means of pollution control) have, after consultation with the relevant sewerage and drainage authority, been submitted to and approved by the relevant planning authority, such strategy to be in substantial accordance with the principles set out in Section 5.2 of the flood risk assessment.

(2) The surface and foul water drainage plan must be implemented in accordance with the approved details.

### Commencement Information

**I8** Sch. 2 para. 8 in force at 14.8.2015, see [art. 1](#)

## Contaminated land and groundwater

9.—(1) Numbered work 2 of the authorised development is not to commence until a written scheme applicable to that numbered work, to deal with the contamination of any land, including groundwater, which is likely to cause significant harm to persons, the environment or significant pollution of controlled waters has, after consultation with Natural Resources Wales been submitted to and approved by the relevant planning authority.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) Remediation must be carried out in accordance with the approved scheme.

### Commencement Information

**I9** Sch. 2 para. 9 in force at 14.8.2015, see [art. 1](#)

## Ecological management plan

10.—(1) Each of numbered works 1 and 2 of the authorised development is not to commence until a written ecological management plan covering that numbered work reflecting a pre-construction ecological constraints survey and the ecological mitigation and enhancement measures identified in the ecological mitigation plan for that numbered work, figure 11.5 and section 8.7 of the environmental statement has been submitted to and approved by the relevant planning authority in consultation with Natural Resources Wales.

(2) The ecological management plan must include an implementation timetable and must be carried out as approved.

### Commencement Information

**I10** Sch. 2 para. 10 in force at 14.8.2015, see [art. 1](#)

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## Archaeology

**11.**—(1) Each of numbered works 1 and 2 of the authorised development is not to commence until a written scheme of investigation covering that numbered work has been submitted to and approved by the relevant planning authority.

(2) The written scheme of investigation is to be a technical document that outlines the aim and objectives and methods to be employed during a scheme of archaeological investigation work.

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

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

(5) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

### Commencement Information

**I11** Sch. 2 para. 11 in force at 14.8.2015, see [art. 1](#)

## Construction environment management plan

**12.**—(1) No numbered work of the authorised development is to commence until a construction environment management plan covering that numbered work has been submitted to and approved by the relevant planning authority. The construction environment management plan in so far as it relates to the relevant numbered work must be in accordance with the outline construction environmental management plan and must include the following during demolition and construction—

- (a) complaints procedures;
- (b) nuisance management including measures to avoid or minimise the impacts of construction works (covering noise and vibration);
- (c) a dust management plan;
- (d) a site waste management plan;
- (e) surface and ground water protection measures;
- (f) security measures; and
- (g) demolition method statement (in relation to numbered work 1 only).

(2) All construction works must be undertaken in accordance with the approved construction environment management plan.

### Commencement Information

**I12** Sch. 2 para. 12 in force at 14.8.2015, see [art. 1](#)

## Construction traffic

**13.**—(1) No numbered work of the authorised development other than tree felling is to commence until a construction traffic management plan covering that numbered work has been submitted to and approved by the relevant planning authority in consultation with Welsh Government Transport. The construction traffic management plan is to detail the proposals for the movement of construction traffic and abnormal indivisible loads associated with the authorised development and is to include—

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- (a) construction vehicle routing plans at 1:2,500 scale for all traffic including abnormal indivisible loads showing—
    - (i) swept path analysis from the point of entry onto the highway network to the Order land;
    - (ii) highway mitigation in respect of any identified constraints on vehicle movements such as embargo periods, route traffic sensitivity, temporary road works and other highway restrictions to be developed following consultation with the South Wales Trunk Road Agent, and, where relevant, referring to supporting HD19/03 safety audit documentation (as contained within the Design Manual for Roads and Bridges Volume 5 Section 2 Part 2 and as amended or replaced); and
    - (iii) land ownership boundaries for any required holding areas, passing areas and layover areas;
  - (b) evidence of appropriate trial runs that demonstrate the suitability of the route from point of entry onto the trunk road network to the Order land for the proposed types of abnormal indivisible loads;
  - (c) site access plans at 1:2,500 scale that include supporting HD19/03 safety audit documentation (as contained within the Design Manual for Roads and Bridges Volume 5 Section 2 Part 2 and as amended or replaced);
  - (d) proposals for the management of junctions to and crossings of the public highway during delivery of abnormal indivisible loads;
  - (e) proposals for the scheduling and timing of movements of delivery vehicles, to be developed following consultation with the Welsh Government and potentially affected undertakers, and, in relation to any abnormal indivisible loads, details of vehicle parameters, number of vehicles in convoy size, dimensions (width, length, height) and weight (total vehicle with load and axel loading);
  - (f) details of escorts for abnormal indivisible loads highlighting where and when along the route private vehicles, banksman and Police vehicles escorts will be used (including emergency contingencies);
  - (g) proposals for temporary warning signs and banksman for abnormal indivisible loads, including provision of plan drawings and associated traffic signs schedule highlighting locations along the route where temporary traffic management (including cones and temporary signs) needs to be deployed;
  - (h) a methodology for undertaking a conditions survey of Main Avenue, Fourth Avenue and any other land identified during the trial runs that may have a constraining impact on the abnormal indivisible load movements including the timescales for undertaking the surveys and the method(s) of reporting the findings to the relevant planning authority, comprehensive photographs and potential compensation arrangements;
  - (i) details of any temporary or permanent improvements to highways;
  - (j) proposals for the making good of any incidental damage to highways by construction traffic associated with the authorised development including street furniture, structures, drainage features, highway verge and carriageway surfaces;
  - (k) proposals for traffic management controls (such as temporary signals), diversion routes and signage required during any of the activities, operations or works set out in Schedule 4; and
  - (l) proposals for the notification of occupiers of land adjacent to the construction traffic route of the scheduling and timing of abnormal indivisible load movements from the point of exit from the trunk road network to the Order land.
- (2) The construction traffic management plan must be implemented as approved.

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(3) During the operation or decommissioning of numbered work 2 no abnormal indivisible loads must be transported into or out of the Order land without the prior written approval of the relevant planning authority in consultation with Welsh Government Transport.

**Commencement Information**  
**I13** Sch. 2 para. 13 in force at 14.8.2015, see [art. 1](#)

**Construction hours**

14.—(1) No construction work, or the delivery or removal of materials, is to take place outside the hours of—

- (a) 0700 and 1830 hours on weekdays (excluding public holidays); and
- (b) 0700 and 1300 hours on Saturdays and public holidays.

(2) Sub-paragraph (1) does not prevent outside such hours construction works, or the delivery or removal of materials, being carried out with the prior written approval of the relevant planning authority.

**Commencement Information**  
**I14** Sch. 2 para. 14 in force at 14.8.2015, see [art. 1](#)

**Control of noise during operational phase**

15.—(1) Following the date of final commissioning of numbered work 2, site-attributable noise attributable to numbered work 2 during the operational phase must be limited at all times of day to the noise levels set out below in Table 3 measured at the coordinates set out below in Table 3—

**Table 3**

<i>Noise Limit Sound Pressure Level, <math>L_{Aeq, 5mins}</math> dB</i>	<i>Coordinates</i>	
	<i>X</i>	<i>Y</i>
52	293820.1	206257.2
52	293738.8	206173.6
53	293622.9	206319
54	293741.2	206353.3

(2) Noise measurements at each of the identified locations must be undertaken in accordance with BS 7445. Measurements should be undertaken with the power plant running at base load. A single LAeq 5min measurement will be required at each identified location during the day, evening and night time periods identified as follows — daytime (0700hrs to 1900hrs), evening (1900hrs to 2300hrs) and night time (2300hrs to 0700hrs).

(3) Records of the noise measurements referred to in paragraph (2) at each location referred to in paragraph (1) must be retained by the undertaker for twelve months and provided to the relevant planning authority or any other person within three working days of a request (although the undertaker is not be required to respond to more than one request per person per month).

(4) Any complaint made to the undertaker in relation to a breach of paragraph (1) must be—



- (a) acknowledged by the undertaker within three working days of the date of the complaint;
- (b) investigated within seven working days of the date of the acknowledgement referred to in sub-paragraph (a); and
- (c) a response provided within seven working days of the date of completion of period for the investigation referred to in sub-paragraph (b).

(5) Any subsequent complaint by person from whom the undertaker has previously investigated a complaint under paragraph (4) must be referred by the undertaker to the relevant planning authority (although only one complaint per person per month must be referred).

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**Commencement Information**

**I15** Sch. 2 para. 15 in force at 14.8.2015, see [art. 1](#)

### **Control of artificial light emissions**

**16.**—(1) Numbered work 2 of the authorised development is not to commence until, after consultation with the relevant planning authority, a written scheme for the management and mitigation of artificial light emissions for numbered work 2 which is in accordance with the outline lighting strategy in so far as it relates to the authorised development has been submitted to and approved by the relevant planning authority in consultation with the Brecon Beacons National Park Authority.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of the relevant numbered work.

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**Commencement Information**

**I16** Sch. 2 para. 16 in force at 14.8.2015, see [art. 1](#)

### **Decommissioning strategy**

**17.**—(1) Subject to obtaining the necessary consents, unless otherwise agreed with the relevant planning authority, within twenty four months of the site ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis), a scheme for the demolition and removal of numbered work 2 must be submitted to the relevant planning authority.

(2) The demolition and removal of numbered work 2 must be implemented in accordance with the approved scheme.

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**Commencement Information**

**I17** Sch. 2 para. 17 in force at 14.8.2015, see [art. 1](#)

### **Amendments to approved details**

**18.**—(1) With respect to any plans, details, schemes or matters which require approval by the relevant planning authority pursuant to any other requirement (the “Plans, Details or Schemes”), the undertaker may submit to the relevant planning authority for approval any amendments to the Plans, Details or Schemes and following any such approval by the relevant planning authority the

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Plans, Details or Schemes are to be taken to include the amendments approved pursuant to this sub-paragraph (1).

(2) Approval under requirement sub-paragraph (1) must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject-matter of the approval sought does not give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved (as identified in the environmental statement).

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**Commencement Information**

**I18** Sch. 2 para. 18 in force at 14.8.2015, see [art. 1](#)

**Date of final commissioning and cessation**

**19.**—(1) The undertaker must notify the relevant planning authority of the date of final commissioning as soon as reasonably practicable and in any event within three months after the occurrence of that date.

(2) The undertaker must notify the relevant planning authority of the date the authorised development permanently ceases to generate power on a commercial basis as soon as reasonably practicable and in any event within three months after the occurrence of that date.

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**Commencement Information**

**I19** Sch. 2 para. 19 in force at 14.8.2015, see [art. 1](#)

**Provision of details to the Ministry of Defence**

**20.** Numbered work 2 of the authorised development is not to commence until the following details for that numbered work have been provided to the Ministry of Defence Geographic Centre—

- (a) location of the authorised development;
- (b) proposed date of commencement;
- (c) anticipated date of final commissioning;
- (d) the height above ground of the tallest structure forming part of the authorised development; and
- (e) the maximum extension height of the tallest structure anticipated to be within the Order land during construction of the authorised development.

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**Commencement Information**

**I20** Sch. 2 para. 20 in force at 14.8.2015, see [art. 1](#)

**Operational Limits**

**21.**—(1) In any calendar year the operation of the gas turbine generators comprised in numbered work 2A must not exceed 1500 hours in total.

(2) Within three months of the end of a calendar year, the undertaker must submit a written report to the relevant planning authority detailing the actual total number of hours of operation of the gas turbine generators comprised in numbered work 2A.

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(3) For the purposes of this requirement, “operation of the gas turbine generators” means the duration in which any energy is exported at the settlement metering point, being the point at which a supply to the transmission system from the authorised development is measured.

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**Commencement Information**

**I21** Sch. 2 para. 21 in force at 14.8.2015, see [art. 1](#)

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**Changes and effects yet to be applied to :**

- Sch. 2 requirement 4(7) inserted by [S.I. 2017/1009 art. 2\(4\)](#)
- Sch. 2 para. 4 Table 1 replaced by [S.I. 2016/1087 art. 6\(2\)](#)Sch. 1
- Sch. 2 para. 4 Table 2 replaced by [S.I. 2016/1087 art. 6\(3\)](#)Sch. 2
- Sch. 2 requirement 4(3) substituted by [S.I. 2017/1009 art. 2\(2\)](#)
- Sch. 2 requirement 4(6) substituted by [S.I. 2017/1009 art. 2\(3\)](#)
- Sch. 2 requirement 5(1) substituted by [S.I. 2017/1009 art. 2\(5\)](#)
- Sch. 2 requirement 6(1) substituted by [S.I. 2017/1009 art. 2\(6\)](#)
- Sch. 2 requirement 7(1) substituted by [S.I. 2017/1009 art. 2\(7\)](#)
- Sch. 2 requirement 8(1) substituted by [S.I. 2017/1009 art. 2\(8\)](#)
- Sch. 2 requirement 9(1) substituted by [S.I. 2017/1009 art. 2\(9\)](#)
- Sch. 2 requirement 10(1) substituted by [S.I. 2017/1009 art. 2\(10\)](#)
- Sch. 2 requirement 11(1) substituted by [S.I. 2017/1009 art. 2\(11\)](#)
- Sch. 2 requirement 12(1) substituted by [S.I. 2017/1009 art. 2\(12\)](#)
- Sch. 2 requirement 13(1) substituted by [S.I. 2017/1009 art. 2\(13\)](#)
- Sch. 2 requirement 16(1) substituted by [S.I. 2017/1009 art. 2\(14\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 36(1A) inserted by [S.I. 2016/1087 art. 4\(3\)](#)