

SCHEDULE 2

Article 3(3)

REQUIREMENTS

Interpretation

1.—(1) In this Schedule—

“commencement” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), comprised in or carried out for the purposes of the authorised development; and “commence” and “commenced” must be construed accordingly;

“commissioning” means the process during which plant components and systems, having been constructed or modified, are made operational and are tested and verified to be in accordance with design assumptions and to have met the appropriate safety criteria;

“stage” means a stage of the construction of the authorised development, the extent of which is set out in the notice given to the relevant planning authority under Requirement 3 (stages of authorised development).

(2) Where a Requirement provides that the authorised development is to be carried out in accordance with details or a scheme, plan, code or other document approved or agreed by the relevant planning authority, the approved or agreed details, scheme, plan, code or other document must be taken to include any amendments or revisions subsequently approved or agreed by the relevant planning authority.

Time limits

2.—(1) The authorised development must be commenced on or before 7th December 2020.

(2) If the notice given to the relevant planning authority under Requirement 3 states that the authorised development is to be constructed in 2 stages, the second stage must be commenced within 10 years of the commencement of the first stage.

Stages of authorised development

3.—(1) The authorised development must not be commenced until the undertaker has given a written notice to the relevant planning authority stating whether the authorised development is to be constructed in 1 stage or 2 stages.

(2) If the notice states that the authorised development is to be constructed in 2 stages, the notice must state the extent of the authorised development that is to be constructed in each stage, which must not exceed the maximum parameters set out in Requirement 4 (detailed design).

(3) The authorised development must be constructed in accordance with the number of stages specified in the notice.

Detailed design

4.—(1) Subject to sub-paragraph (3), the elements of the authorised development set out in column 1 of Table A—

(a) must not exceed the maximum dimensions set out in relation to that element in columns 2 to 4; and

(b) must comply with the other parameters set out in relation to that element in column 5.

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

Table A

| (1) Element of authorised development | (2) Maximum height (metres) | (3) Maximum width (metres) | (4) Maximum length (metres) | (5) Other parameters |
|---|--|---|--|---|
| Stacks | 80 | | | Maximum of 2. Minimum height of 80 metres. |
| Cooling tower unit | 22 | 25 | 160 | Maximum area of 2,560 square metres. Maximum volume of 56,320 cubic metres. |
| Turbine hall | 25 | 85 | 55 | Maximum area of 3,575 square metres. Maximum volume of 89,375 cubic metres. |
| Boiler house | 35 (at apex) | 65 | 60 | Maximum area of 3,900 square metres. Maximum volume of 136,500 cubic metres. |
| Switchgear station | 20 | 55 | 35 | |
| Administration and control building | 12 | 28 | 50 | |
| Water treatment plant incorporating chemical dosing skids, condensate polisher, condensate pumps and condensate storage tank | 10 | 60 | 60 | |
| 66 kilovolt electrical connection (Work No. 2(a)) | | 4 | | |

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

| <i>(1) Element of authorised development</i> | <i>(2) Maximum height (metres)</i> | <i>(3) Maximum width (metres)</i> | <i>(4) Maximum length (metres)</i> | <i>(5) Other parameters</i> |
|--|---|--|---|---|
| Cable bridge for section of 66 kilovolt electrical connection (Work No. 2(a)) | 5.5 | 4 | 800 | The cable bridge may only be installed for the section of Work No. 2(a) between the Grange and Cefn Gwrgan substations. |
| Car parking area | | | | Maximum of 30 parking spaces. |
| Perimeter fencing | 3 | | | |

(2) Subject to sub-paragraph (3), if the authorised development is constructed in 2 stages,—

(a) the elements of the authorised development set out in column 1 of Table B constructed at the first stage—

(i) must not exceed the maximum dimensions set out in in relation to that element in columns 2 to 4; and

(ii) must comply with the other parameters set out in relation to that element in column 5; and

(b) the authorised development when completed at the second stage must not exceed the maximum dimensions and parameters set out in Table A.

Table B

| <i>(1) Element of authorised development</i> | <i>(2) Maximum height (metres)</i> | <i>(3) Maximum width (metres)</i> | <i>(4) Maximum length (metres)</i> | <i>(5) Other parameters</i> |
|--|---|--|---|--|
| Stack | 80 | | | Maximum of 1. Minimum height of 80 metres. |
| Cooling tower unit | 22 | 25 | 80 | Maximum area of 1,280 square metres. Maximum volume of 28,160 cubic metres. |
| Turbine hall | 25 | 45 | 55 | Maximum area of 2,475 square metres. |

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

| (1) Element of authorised development | (2) Maximum height (metres) | (3) Maximum width (metres) | (4) Maximum length (metres) | (5) Other parameters |
|---|--|---|--|---|
| | | | | Maximum volume of 61,865 cubic metres. |
| Boiler house | 35 (at apex) | 45 | 60 | Maximum area of 2,700 square metres. Maximum volume of 94,500 cubic metres. |
| Switchgear station | 20 | 55 | 35 | |
| Administration and control building | 12 | 28 | 50 | |
| Water treatments plant incorporating chemical dosing skids, condensate polisher, condensate pumps and condensate storage tank | 10 | 60 | 60 | |
| 66 kilovolt electrical connection (Work No. 2(a)) | | 4 | | |
| Cable bridge for section of 66 kilovolt electrical connection (Work No. 2(a)) | 5.5 | 4 | 800 | The cable bridge may only be installed for the section of Work No. 2(a) between the Grange and Cefn Gwrgan substations. |
| Car parking area | | | | Maximum of 30 parking spaces. |
| Perimeter fencing | 3 | | | |

(3) The relevant planning authority may at the request of the undertaker approve amendments to the maximum parameters for the turbine hall and boiler house set out in columns 3 and 4 of the Tables A and B, but such approval must not be given except in relation to minor or immaterial amendments that—

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

- (a) will not result in the parameters set out in column 5 of either Table being exceeded for the relevant building; and
 - (b) have been demonstrated to the satisfaction of the relevant planning authority as being unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.
- (4) No stage of the authorised development may be commenced until written details of the following for that stage have been submitted to and approved by the relevant planning authority—
- (a) the layout, design, external appearance, dimensions and floor levels of all permanent buildings and structures;
 - (b) the colour, materials and surface finishes of all permanent buildings and structures; and
 - (c) the durability of all cladding materials.
- (5) The details to be submitted for approval under sub-paragraph (4) must—
- (a) be in accordance with the design and access statement and the design principles document; and
 - (b) include appropriately scaled plans and sectional drawings.
- (6) The authorised development must be carried out in accordance with the approved plans and any other approvals given by the relevant planning authority pursuant to this Requirement.

Decommissioning of existing generating station

5.—(1) The undertaker must give written notice (the “completion notice”) to the relevant planning authority within 7 days of the date on which the commissioning of the authorised development is completed.

(2) If the authorised development is constructed in 2 stages, the duty in sub-paragraph (1) applies to the completion of commissioning of the second stage of the authorised development.

(3) The undertaker must cease to operate the existing generating station for the purposes of generating electricity as soon as reasonably practicable following service of the completion notice, having regard to the operational requirements of the steelworks, and in any event within 2 years of the date of the completion notice.

(4) Sub-paragraph (3) does not require the undertaker to demolish any part of the existing generating station.

(5) In this Requirement, “existing generating station” means—

- (a) Margam A boiler 5;
- (b) Margam B Mitchell boiler;
- (c) service boiler 4;
- (d) service boiler 5;
- (e) turbo alternator TA1;
- (f) turbo alternator TA2; and
- (g) turbo alternator TA3.

Provision of landscaping

6.—(1) No stage of the authorised development may be commenced until a written landscaping scheme for that stage has been submitted to and approved by the relevant planning authority.

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

(2) The landscaping scheme must be in accordance with the design and access statement and chapter 7 of the environmental statement and must include details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed 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, signs and lighting;
- (g) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained, with measures for their protection during construction;
- (i) retained historic landscape features and proposals for restoration, where relevant; and
- (j) implementation timetables for all landscaping works.

(3) All landscaping works must be carried out in accordance with—

- (a) the approved landscaping scheme and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice; and
- (b) any implementation timetables approved under sub-paragraph (1).

(4) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of 5 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.

Fencing and other means of enclosure

7.—(1) No stage of the authorised development may be commenced until details of the proposed means of enclosure for that stage (which must be in accordance with the details described in the environmental statement) have been submitted to and agreed in writing by the relevant planning authority.

(2) The means of enclosure agreed under sub-paragraph (1) must be erected before the commissioning of the relevant stage of the authorised development.

Archaeology

8.—(1) The authorised development must not be commenced until a written scheme for the investigation of areas of archaeological interest as identified in chapter 11 (cultural heritage and archaeology) of the environmental statement has been submitted to and approved by the relevant planning authority.

(2) The scheme approved under sub-paragraph (1) must identify—

- (a) 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; and
- (b) areas where palaeo-environmental sampling must be carried out before the commencement of any of the authorised development to establish the presence and extent

of any surviving peat deposits and the measures to be taken to taken where any such deposits are found.

(3) Any archaeological works or watching brief carried out under the approved scheme must be carried out by an organisation registered with the Chartered Institute for Archaeologists or by a member of that Institute.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme and in consultation with the archaeological planning section of Glamorgan-Gwent Archaeological Trust Limited.

Habitat management plan

9.—(1) No stage of the authorised development may be commenced until a written habitat management plan for that stage, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has been submitted to and approved by the relevant planning authority.

(2) The habitat management plan must include an implementation timetable and must be carried out as approved by the relevant planning authority.

Code of construction practice

10.—(1) No stage of the authorised development may be commenced until a code of construction practice for that stage has been submitted to and approved by the relevant planning authority.

(2) The code of construction practice, which must specify measures to mitigate the impacts of construction works, must be substantially in accordance with the outline code of construction practice set out in appendix 15.1 of volume 3 of the environmental statement and must incorporate the following plans—

- (a) a water management plan;
- (b) a pollution prevention plan; and
- (c) a dust management plan.

(3) The dust management plan required under sub-paragraph (2)(c) must include details of the mechanisms by which failures of dust controls will be investigated and appropriate mitigation or remedial works will be implemented.

(4) All construction works for the authorised development must be carried out in accordance with the approved code of construction practice for that stage, including any plans approved as part of it.

Approval and implementation of noise management plan, etc.

11.—(1) No stage of the authorised development may be commenced until the following plans to minimise the impacts of construction works for that stage have been submitted to and approved by the relevant planning authority—

- (a) a noise management plan, which must be substantially in accordance with section 8.7 of the environmental statement and the outline plan at appendix 15.1.5 of that document;
- (b) a construction traffic management plan, which must be substantially in accordance with section 10.6 of the environmental statement and the outline plan at appendix 15.1.6 of that document;
- (c) a waste management plan, which must be substantially in accordance with section 15.10 of the environmental statement and the outline plan at appendix 15.1.4 of that document; and

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

- (d) an emergency response and flood management plan, which must be substantially in accordance with section 8.7 of the environmental statement and the outline plan at appendix 15.1.7 of that document.
- (2) The noise management plan required under sub-paragraph (1)(a) must include—
 - (a) a piling method statement;
 - (b) a construction vibration risk assessment; and
 - (c) details of the mechanisms by which failures of noise controls will be investigated and appropriate mitigation or remedial works will be implemented.
- (3) The relevant planning authority must consult Royal Mail Group Limited before approving the construction traffic management plan and must have regard to any response provided by Royal Mail Group Limited.
- (4) Construction works for the authorised development must be carried out in accordance with the approved plans for that stage referred to in sub-paragraph (1).

External lighting

- 12.**—(1) Not less than 3 months before commissioning any stage of the authorised development, the undertaker must submit to the relevant planning authority written details of all external lighting to be installed at that stage of the authorised development.
- (2) The details must be in accordance with the environmental statement and the design and access statement and must include details of the direction and levels of lighting.
- (3) The relevant stage of the authorised development must not be brought into operation until the details submitted under sub-paragraph (1) have been approved by the relevant planning authority and the approved external lighting scheme has been installed.
- (4) The approved lighting scheme must be retained for the duration of the operation of the relevant stage of the authorised development.

Construction hours

- 13.** Construction works for the authorised development must not take place—
- (a) outside the hours of—
 - (i) 7 a.m. to 7 p.m. on Monday to Friday; and
 - (ii) 7 a.m. to 1 p.m. on Saturdays; or
 - (b) at any time on Sundays and public holidays,
- except with the prior written approval of the relevant planning authority.

Control of noise during operational phase

- 14.**—(1) The undertaker must not commence commissioning of any stage of the authorised development until a written scheme for the management of noise generated by the operation of that stage of the authorised development has been submitted to and approved by the relevant planning authority.
- (2) The scheme to be submitted and approved under sub-paragraph (1) must be substantially in accordance with section 8.7 of the environmental statement and must include details of—
- (a) the noise attenuation measures to be taken to minimise operational noise, including any noise limits;
 - (b) noise monitoring requirements including the location of monitoring equipment; and

(c) the measures to be taken, including timescales, to address any noise issues identified.

(3) The noise management scheme must be implemented as approved and maintained for the duration of the operation of the relevant stage of the authorised development.

Surface and foul water drainage

15.—(1) No stage of the authorised development may be commenced until written details of the surface and foul water drainage system for that stage have been submitted to and approved by the relevant planning authority.

(2) The surface and foul water drainage system for the relevant stage of the authorised development must be constructed in accordance with the approved details.

Aviation safety

16. The undertaker must install on any chimney stack forming part of the authorised development aviation warning lighting with such shape, colour and character as specified in guidance issued by the Civil Aviation Authority.

Air quality monitoring

17.—(1) Not less than 12 months before the commissioning of any stage of the authorised development, a scheme for the monitoring of ambient concentrations of nitrogen dioxide in the area must be submitted to and approved by the relevant planning authority.

(2) The scheme to be submitted under sub-paragraph (1) must contain details of—

- (a) the locations at which monitoring will take place;
- (b) the monitoring equipment and methods to be used;
- (c) the frequency and duration of monitoring; and
- (d) the procedure for reporting the result of the monitoring.

(3) The air quality monitoring scheme must be implemented as approved for the relevant stage of the authorised development.

Contaminated land and groundwater

18.—(1) No stage of the authorised development may be commenced until a written scheme for that stage to deal with the contamination of any land, including groundwater, which is likely to cause harm to persons, the environment or pollution of controlled waters has been submitted to and approved by the relevant planning authority in consultation with the Natural Resources Body for Wales.

(2) The scheme must include an investigation and risk assessment report, prepared by a competent person in accordance with the guidance document, which must contain—

- (a) an investigation of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to human health, the environment and controlled waters;
- (c) a piling method risk assessment; and
- (d) a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, the environment and controlled waters, which must contain—
 - (i) details of remediation works to be undertaken;

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

- (ii) proposed remediation objectives and remediation criteria; and
- (iii) site management procedures.

(3) The undertaker must carry out the remediation works in accordance with the approved scheme.

(4) Construction of the authorised development must not commence until a verification report, which demonstrates the effectiveness of the approved remediation works (if required) carried out in accordance with sub-paragraph (3), has been submitted to and agreed in writing with the relevant planning authority.

(5) If contaminated land not previously identified is found during the construction of the authorised development, no further works for the authorised development may be carried out until an investigation and remediation scheme has been submitted to and approved by the relevant planning authority; and the scheme must include details of—

- (a) how the contaminated land is to be identified and assessed;
- (b) where remediation is required by the scheme, the remediation measures;
- (c) timescales for carrying out the remediation measures; and
- (d) any ongoing monitoring or mitigation requirements.

(6) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph (5) must be carried out in accordance with the approved scheme.

(7) In this Requirement—

“controlled waters” has the meaning given in Part 3 of the Water Resources Act 1991(1);

“guidance document” means Land Contamination: A Guide for Developers (Welsh Local Government Association and the Environment Agency Wales, 2006(2)).

Construction compound

19.—(1) No stage of the authorised development may be commenced until details for that stage of the size, layout and location of temporary buildings and structures forming Work No. 1B have been submitted to and approved by the relevant planning authority.

(2) The temporary buildings and structures forming Work No. 1B must be installed in accordance with the approved details.

(1) See section 104(1).

(2) The guide is available at this link: <http://www.merthyr.gov.uk/media/1446/land-contamination-a-guide-for-developers.pdf>.