

SCHEDULE 2

Article 3

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.

Commencement Information

II Sch. 2 para. 1 in force at 10.10.2019, see [art. 1](#)

Detailed Design

2.—(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 (as the same may be amended by approval of the relevant planning authority pursuant to requirement 29(1))—

Table 1

Works plans	Submission document reference number 2.3
Rights of way, streets and access plan	Submission document reference number 2.4

(2) The authorised development must be carried out within the parameters specified in Table 2 and Table 3 (as the same may be amended by approval of the relevant planning authority pursuant to requirement 29(1))—

Table 2

<i>Building or structure</i>	<i>Maximum height (metres above 90 metres above ordnance datum)</i>	<i>Minimum height (metres above 90 metres above ordnance datum)</i>	<i>Maximum length (metres)</i>	<i>Maximum width (metres)</i>
The gas turbine generator (including gas turbine, generator, air inlet filter house, air inlet duct, exhaust diffuser, and auxiliaries such as lube oil system, air dryers, fuel gas filter package, instrument air system, compressor washing) (Part of numbered work 1A)	27	—	50	40
The exhaust gas emission flue stack (part of numbered work 1A)	45	35	—	12

Changes to legislation: There are currently no known outstanding effects for the The Abergelli Power Gas Fired Generating Station Order 2019, SCHEDULE 2. (See end of Document for details)

<i>Building or structure</i>	<i>Maximum height (metres above 90 metres above ordnance datum)</i>	<i>Minimum height (metres above 90 metres above ordnance datum)</i>	<i>Maximum length (metres)</i>	<i>Maximum width (metres)</i>
Control room/office/ workshop (part of numbered work 1B)	7	–	45	25
Emergency generator (part of numbered work 1B)	6	–	13	5
Natural gas receiving station (including compression station, emergency generator, Joule–Thompson boilers and other auxiliary control cabinets) (part of numbered work 1C)	10	–	70	50
Gatehouse (part of numbered work 1E)	4.5	–	9	8
Demineralised water tank (part of numbered work 1B)	7	–	7	7
Fire water tank (part of numbered work 1B)	15	–	15	15
Pipeline inspection gauge facility (part of numbered work 1C)	3	–	35	35
Fin Fan Coolers (part of numbered work 1A)	10		28	14
Transformer compound (including generator step up transformer, unit and other transformers, connection to underground cable and associated equipment) (part of numbered work 1D)	15	–	65	60

Table 3

<i>Structure</i>	<i>Maximum width (metres)</i>	<i>Maximum length (metres)</i>	<i>Maximum height (metres above 85 metres above ordnance datum)</i>	<i>Minimum height (metres above 85 metres above ordnance datum)</i>	<i>Maximum height (metres above the top of the road structure)</i>
Road structure over water main,	12	60	5	1	–

<i>Structure</i>	<i>Maximum width (metres)</i>	<i>Maximum length (metres)</i>	<i>Maximum height (metres above 85 metres above ordnance datum)</i>	<i>Minimum height (metres above 85 metres above ordnance datum)</i>	<i>Maximum height (metres above the top of the road structure)</i>
decommissioned oil pipeline (part of numbered work 2)					
Safety barrier (related to the road structure identified above, and part of numbered work 2)	–	–	–	–	1.2

(3) No part of numbered work 5 may commence until details and sections of the proposed site levels for the relevant part of numbered work 5 have been submitted to and approved in writing by the relevant planning authority.

(4) No part of numbered work 1 may commence until, for the relevant part of numbered work 1, details of the layout, scale and external appearance of the numbered work have been submitted to and approved in writing by the relevant planning authority.

(5) Work numbered 1 must be designed substantially in accordance with the relevant design principles contained within the design principles statement.

(6) No part of numbered work 2 which is within 25 metres either side of the centre line of the 66 inch water main may commence until details of the structure for crossing the water main have been submitted to and approved in writing by the relevant planning authority in consultation with Dŵr Cymru Cyfyngedig.

Commencement Information

I2 Sch. 2 para. 2 in force at 10.10.2019, see [art. 1](#)

Provision and maintenance of landscaping

3.—(1) Numbered works 1, 2 and 4 of the authorised development must not commence until, for that numbered work, a written landscaping plan (including an implementation timetable) has been submitted to and approved in writing by the relevant planning authority. The landscaping plan must be substantially in accordance with the landscaping mitigation proposals set out in the outline landscape and ecological mitigation strategy, and include details of all proposed hard and soft landscaping works.

(2) All landscaping works must be carried out in accordance with the landscaping plan approved under this requirement 3 and to a reasonable standard in accordance with any relevant recommendations of any appropriate British Standard(s) or other recognised codes of good practice set out in the outline landscape and ecological mitigation strategy.

(3) All landscaping works and restoration must be carried out in accordance with the implementation timetable approved in the landscaping plan.

(4) Any tree or shrub planted as part of the approved landscaping plan 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 in writing by the relevant planning authority.

(5) The landscaping plan must be reviewed by the undertaker and a landscaping plan with any updates required as a result of the review must be submitted to the local planning authority for written approval every five years for the operational life of the authorised development to ensure that the management and maintenance objectives set out in the outline landscape and ecological mitigation strategy are being met. The updated landscaping plan must be implemented in accordance with the approved details.

Commencement Information

I3 Sch. 2 para. 3 in force at 10.10.2019, see [art. 1](#)

Highway accesses

4.—(1) Numbered work 2 of the authorised development must not commence until, for that numbered work, 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 in writing 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

I4 Sch. 2 para. 4 in force at 10.10.2019, see [art. 1](#)

Fencing and other means of enclosure

5.—(1) Each of numbered works 1 to 5 of the authorised development may not commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for that numbered work (or for numbered work 5, the relevant part of numbered work 5) have been submitted to and approved in writing 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 by the end of three months beginning with the date of completion of construction of the authorised development.

(4) Any permanent fencing for numbered works 2, 3 and 4 must enable badgers, otters and water voles to be able to pass through or under the relevant fencing.

(5) The details approved pursuant to this requirement must be implemented.

Commencement Information

15 Sch. 2 para. 5 in force at 10.10.2019, see [art. 1](#)

Surface and foul water drainage

6.—(1) Numbered works 1, 2, 3 and 5 of the authorised development must not commence until, for that numbered work, a written surface and foul water drainage plan (including details of any watercourse crossings, means of pollution control and proposals for management and maintenance) has been submitted to and approved in writing 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.

Commencement Information

16 Sch. 2 para. 6 in force at 10.10.2019, see [art. 1](#)

Surface water management plan

7.—(1) Numbered works 1, 2, 3 and 5 of the authorised development must not commence until, for that numbered work, a written surface water management plan has been submitted and approved in writing by the relevant planning authority. The surface water management plan must be in substantial accordance with the principles set out in the outline surface water management plan.

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

Commencement Information

17 Sch. 2 para. 7 in force at 10.10.2019, see [art. 1](#)

Pre-construction ecological constraints survey

8.—(1) Numbered works 3, 4 and 5 of the authorised development must not commence until for that numbered work pre-construction ecological constraints surveys have been undertaken to confirm the presence or absence of badgers setts, otters or water voles in the relevant part of the site prior to the commencement of construction of that numbered work.

(2) The pre-construction ecological constraints survey reports must be submitted to and approved by the relevant planning authority, in consultation with Natural Resources Wales. Survey reports may be submitted and approved separately for each relevant species.

(3) In the event that the pre-construction ecological constraints survey reports record the presence of badger setts, otters or water voles on the relevant part of the site, the report must set out any mitigation measures required.

(4) All mitigation proposed in the pre-construction ecological constraints survey reports must be implemented in accordance with the approved details prior to construction of the relevant work.

(5) A numbered work may not commence if any of the approved surveys (badger setts, otters or water voles) for that numbered work are, taken from the date of the survey, more than 2 years old at the date of commencement of that numbered work.

(6) In the event that any survey for a numbered work that has not commenced is more than 2 years old, the relevant pre-construction surveys must be repeated and sub-paragraphs (2) to (5) above apply to such repeated surveys.

Commencement Information

18 Sch. 2 para. 8 in force at 10.10.2019, see [art. 1](#)

Ecological management plan

9.—(1) No numbered work of the authorised development may commence until a written ecological management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority. The ecological management plan must be in substantial accordance with the ecological mitigation proposals set out in the outline landscape and ecological mitigation strategy save to the extent that modifications are necessary to reflect the findings of any pre-construction ecological constraints surveys.

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

(3) The ecological management plan must be reviewed by the undertaker and an ecological management plan with any updates required as a result of the review must be submitted to the local planning authority for approval every five years for the operational life of the authorised development to ensure that the management and maintenance objectives set out in the landscape and ecological mitigation strategy are being met. The updated ecological management plan must be implemented in accordance with the approved details.

Commencement Information

19 Sch. 2 para. 9 in force at 10.10.2019, see [art. 1](#)

Invasive species survey and remediation

10.—(1) [^{F1}Numbered works 3, 4 and 5] must not commence until an invasive species survey covering the relevant part of the site for that numbered work affected by the relevant work has been undertaken and (where any invasive non-native species are found to be present) a protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the relevant planning authority. The protocol must detail the containment, control and removal of any species on the relevant part of the site and must be substantially in accordance with the recommendations set out in Appendix F of the outline landscape and ecological mitigation strategy.

(2) The survey report and any other relevant protocols must include the relevant qualifications and experience of the person carrying it out and the person who will supervise the relevant works.

(3) Numbered works 3, 4 and 5 must not commence unless, for that numbered work, all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Textual Amendments

F1 Words in [Sch. 2 para. 10\(1\)](#) substituted (10.1.2020) by [The Abergelli Gas Fired Generating Station \(Correction\) Order 2020 \(S.I. 2020/22\)](#), art. 1(2), [Sch.](#)

Commencement Information

I10 Sch. 2 para. 10 in force at 10.10.2019, see [art. 1](#)

Bat Method Statement

11.—(1) Numbered works 3, 4 and 5 of the authorised development must not commence until pre-construction checks substantially in accordance with those outlined in Appendix C of the outline landscape and ecological mitigation strategy have been undertaken on trees and hedgerows with potential suitability for supporting roosting bats.

(2) Where any trees and hedgerows proposed for removal are found to support roosting bats works for the removal of such trees or hedgerows must not be undertaken until a bat method statement outlining additional mitigation measures to avoid impacts on roosting bats has been submitted to and approved in writing by the relevant planning authority in consultation with Natural Resources Wales.

(3) The authorised development must be carried out in accordance with the approved Bat Method Statement.

(4) If construction of the relevant work has not commenced within 2 years of the completion of the pre-construction checks, the pre-construction checks must be repeated and sub-paragraphs (2) and (3) above apply in relation to any repeat pre-construction checks.

Commencement Information

I11 Sch. 2 para. 11 in force at 10.10.2019, see [art. 1](#)

Reptile Method Statement

12.—(1) Each of numbered works 3, 4 and 5 of the authorised development must not commence until for that numbered work a reptile method statement detailing the location and specification of fencing, timing and methodology for the management of reptiles (which must be substantially in accordance with the measures set out in Appendix A of the outline landscape and ecological mitigation strategy) has been submitted to and approved in writing by the relevant planning authority in consultation with Natural Resources Wales.

(2) Numbered works 3, 4 and 5 must not commence until for that relevant numbered work all measures specified in the approved reptile method statement have been completed.

(3) The reptile method statement must include the relevant qualifications and experience of the person who drafted the statement, as well as the relevant qualifications and experience of the people who are to carry out and supervise the relevant works for the management of reptiles.

Commencement Information

I12 Sch. 2 para. 12 in force at 10.10.2019, see [art. 1](#)

Archaeology

13.—(1) Numbered works 3 and 5 of the authorised development must not commence until a written scheme for the investigation of areas of archaeological interest covering that numbered work in accordance with the Standard and Guidance of the Chartered Institute for Archaeologists has been submitted to and approved in writing by the relevant planning authority.

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

(3) Any archaeological works or watching brief carried out under the scheme must be by a registered organisation or an accredited MCIFA level Member accredited by the Chartered Institute for Archaeologists.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme unless otherwise agreed in writing with the relevant planning authority.

(5) A copy of the watching brief report must be submitted to the relevant planning authority within two months of the archaeological fieldwork being completed. In the event that archaeological assets are discovered during the watching brief, a programme for preparation and submission of an interpretative report must be agreed with the relevant planning authority and an interpretative report submitted to the relevant planning authority in accordance with the agreed programme.

Commencement Information

I13 Sch. 2 para. 13 in force at 10.10.2019, see [art. 1](#)

Site investigation

14.—(1) Numbered works 3 and 5 of the authorised development must not commence until a site investigation report informed by intrusive ground conditions survey covering an assessment of the geotechnical and geo-environmental properties of the substrata for the relevant land has been submitted to and approved in writing by the relevant planning authority.

(2) Where identified as necessary by the site investigation report, the relevant part of numbered works 3 and 5 of the authorised development must not commence until a mining risk assessment or foundation risk assessment has been submitted to and approved in writing by the relevant planning authority.

(3) The reports must include the relevant qualifications and experience of the person carrying them out and be sufficient to establish if any ground precautions are necessary in relation to the design and construction of numbered works 3 and 5 in order to minimise any risk of damage which might arise as a result of ground conditions.

(4) A remediation method statement must be submitted, if required, and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales.

(5) Numbered works 3 and 5 must be carried out in accordance with the measures set out in the approved remediation method statements.

Commencement Information

I14 Sch. 2 para. 14 in force at 10.10.2019, see [art. 1](#)

Mineral Resources Survey

15.—(1) Where the site investigation report identifies the presence of minerals, numbered work 5 of the authorised development must not commence until a minerals resources survey report covering that numbered work has been submitted to and approved in writing by the relevant planning authority.

(2) The undertaker must have regard to the approved mineral resources survey report when preparing the decommissioning strategy required under requirement 28 (Decommissioning Strategy).

Commencement Information

I15 Sch. 2 para. 15 in force at 10.10.2019, see [art. 1](#)

Peat Management Plan

16.—(1) Where the site investigation report carried out in accordance with requirement 14 confirms the presence of peat affecting relevant parts of numbered work 5, affected parts of numbered work 5 must not commence until a peat management plan covering the affected parts has been submitted to and approved in writing by the relevant planning authority in consultation with Natural Resources Wales.

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

Commencement Information

I16 Sch. 2 para. 16 in force at 10.10.2019, see [art. 1](#)

Construction environment management plan

17.—(1) No part of numbered works 1, 2, 3 or 4 of the authorised development may commence until a construction environment management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales. The construction environment management plan must be substantially in accordance with the outline construction environmental management plan and must include the following—

- (a) community liaison;
- (b) complaints procedures;
- (c) nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise, vibration and lighting);
- (d) dust management measures;
- (e) site waste and materials management measures;
- (f) pollution control measures;
- (g) security measures and use of artificial lighting;
- (h) a protocol in the event that unexpected contaminated land is identified during ground investigation or construction;
- (i) any protocols agreed under Requirement 10 in relation to management of invasive non-native species;
- (j) details of plant and machinery that may be operated outside the working hours set out in requirement 23; and

(k) details of out of hours working procedures.

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

Commencement Information

I17 Sch. 2 para. 17 in force at 10.10.2019, see [art. 1](#)

Dust management plan

18.—(1) Numbered work 5 of the authorised development must not commence until a dust management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales. The dust management plan must be substantially in accordance with the contents outlined in the outline construction environmental management plan and must include details of a complaints procedure.

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

Commencement Information

I18 Sch. 2 para. 18 in force at 10.10.2019, see [art. 1](#)

Pollution prevention management plan

19.—(1) Numbered work 5 of the authorised development must not commence until a pollution prevention management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales. The pollution prevention management plan must be substantially in accordance with the contents outlined in the outline construction environmental management plan and must include details of a complaints procedure and details of any artificial lighting proposed during construction of numbered work 5.

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

Commencement Information

I19 Sch. 2 para. 19 in force at 10.10.2019, see [art. 1](#)

Waste and material management plan

20.—(1) Numbered work 5 of the authorised development must not commence until a waste and material management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales. The waste and material management plan must be substantially in accordance with the contents outlined in the outline construction environmental management plan and must include details of a complaints procedure.

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

Commencement Information

I20 Sch. 2 para. 20 in force at 10.10.2019, see [art. 1](#)

Construction traffic management plan

21.—(1) No numbered work of the authorised development other than tree felling may commence until a construction traffic management plan covering that numbered work has been submitted to and approved in writing by the relevant planning authority in consultation with Welsh Government Transport and the Highways Authority. The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan and is to include—

- (a) construction vehicle routing plans at an appropriate 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) site access plans at an appropriate 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);
- (c) proposals for the management of junctions to and crossings of the public highway during delivery of abnormal indivisible loads;
- (d) proposals for the scheduling and timing of movements of delivery vehicles, to be developed following consultation with the Welsh Government Transport 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);
- (e) 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);
- (f) 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;
- (g) a methodology for undertaking a conditions survey of roads from point of entry onto the trunk road network to the Order land that may have a constraining impact on the abnormal indivisible load movements including the timescales for undertaking the surveys and the methods of reporting the findings to the relevant planning authority, comprehensive photographs and potential compensation arrangements;
- (h) details of any temporary or permanent improvements to highways;

- (i) proposals for management of any affected public rights of way during construction of the authorised development;
 - (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 Schedules 3, 4, 5 or 6; 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 for the entire duration of the construction period for that numbered work.
- (3) During the operation or decommissioning of numbered work 1 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

I21 Sch. 2 para. 21 in force at 10.10.2019, see [art. 1](#)

Construction staff travel plan

22.—(1) The authorised development must not commence until a travel plan for construction workers has been submitted to and approved by the relevant planning authority. The travel plan must be substantially in accordance with the outline construction staff travel plan.

(2) The travel plan must be carried out as approved during construction of the authorised development.

Commencement Information

I22 Sch. 2 para. 22 in force at 10.10.2019, see [art. 1](#)

Construction hours

23.—(1) No construction work, or the delivery or removal of materials for construction work, must take place outside the hours of—

- (a) 0800 and 1800 hours on weekdays (excluding public holidays); and
- (b) 0800 and 1300 hours on Saturdays or on public holidays.

(2) Sub-paragraph (1) does not prevent construction works, or the delivery or removal of materials, being carried out outside the hours set out in sub-paragraph (1) with the prior written approval of the relevant planning authority and does not apply to commissioning works required in advance of the date of final commissioning.

(3) Nothing in sub-paragraph (1) precludes a start-up period from 0730 to 0800 and a shut down period from 1800 to 1830 on weekdays (excluding public holidays) and a start-up period from 0730 to 0800 and a shut down period from 1300 to 1330 on a Saturday.

(4) In this paragraph, “public holiday” means Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(1).

Commencement Information

I23 Sch. 2 para. 23 in force at 10.10.2019, see [art. 1](#)

Dates of final commissioning, completion of construction and cessation

24.—(1) The undertaker must notify the relevant planning authority in writing 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 in writing of the date of completion of construction as soon as reasonably practicable and in any event within three months after the occurrence of that date.

(3) The undertaker must notify the relevant planning authority in writing 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.

Commencement Information

I24 Sch. 2 para. 24 in force at 10.10.2019, see [art. 1](#)

Control of noise during operational phase

25.—(1) Following the date of final commissioning, site-attributable noise arising from the operation of numbered work 1 must be limited at all times of day to the noise levels set out in column A of Table 3 measured at the coordinates set out in column B of Table 3—

Table 4

<i>A</i>			<i>B</i>	<i>B</i>
Daytime Noise Limit BS 4142:2014 rating level (dB LAR)	Night Time Noise Limit BS 4142:2014 rating level (dB LAR)	Location	Coordinates X	Coordinates Y
45	39	Cefn-betingau	266046	201482
41	40	Maes-Eglwys	265438	200654
48	43	Lletty'r Morfil Farm	264747	201105
45	41	Abergelli Farm	265125	201643

(2) Noise measurements at or in close proximity to each of the identified locations must be undertaken in accordance with British Standard 7445 and submitted by the undertaker to the relevant planning authority within a three month period beginning with the date of final commissioning,

(1) [1971 c.80](#). This Act has been amended on several occasions but none of the amendments are relevant.

including details of any remedial works and a programme for implementation should noise levels exceed the level specified in Table 3 above.

(3) Any remedial works must be carried out in accordance with the approved programme for implementation and the noise measurements must be repeated and submitted to the relevant planning authority for approval following completion of remedial works to demonstrate that the noise levels are within the limits set out in Table 3 above.

Commencement Information

I25 Sch. 2 para. 25 in force at 10.10.2019, see [art. 1](#)

Control of artificial light emissions during operation

26.—(1) Numbered work 1 of the authorised development must not enter commercial operation until a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural Resources Wales. The scheme must be substantially in accordance with the outline lighting strategy.

(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.

Commencement Information

I26 Sch. 2 para. 26 in force at 10.10.2019, see [art. 1](#)

Operation of the authorised development

27.—(1) In any calendar year the gas turbine generators comprised in numbered work 1A shall not operate in excess of 2,250 hours in total.

(2) In any rolling five year period the gas turbine generators comprised in numbered work 1A shall not operate in excess of an average of 1,500 hours per calendar year.

(3) Within three months of the end of a calendar year, the undertaker must submit a written report to the relevant planning authority detailing the total number of hours of operation of the gas turbine generator comprised in numbered work 1A.

(4) For the purposes of this requirement, “operation of the gas turbine generator” 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.

Commencement Information

I27 Sch. 2 para. 27 in force at 10.10.2019, see [art. 1](#)

Decommissioning strategy

28.—(1) A scheme for the demolition and removal of all parts of numbered work 1 situated above ground along with a proposed implementation timetable for decommissioning works must be submitted to the relevant planning authority by no later than—

- (a) twenty four months of the Order land ceasing to be used for the purposes of electricity generation (either actively generating electricity or being available to generate electricity on a standby basis); or

- (b) if sooner, upon the undertaker having removed apparatus forming part of Work No. 1D from the site, such that further use of the land for energy generation is unlikely.
- (2) The decommissioning strategy must include the following—
- (a) community liaison;
 - (b) complaints procedures;
 - (c) nuisance management (including measures to avoid or minimise the impacts of decommissioning works (covering dust, noise, vibration and lighting));
 - (d) dust management measures;
 - (e) site waste and materials management measures;
 - (f) pollution control measures;
 - (g) security measures and use of artificial lighting; and
 - (h) a list of additional consents required for decommissioning activities and a programme for the intended submission of relevant consent applications.
- (3) Subject to obtaining the necessary consents, the demolition and removal of numbered work 1 must be implemented in accordance with the approved scheme and the approved implementation timetable.
- (4) The undertaker must apply for any additional consents required for decommissioning activities in accordance with the programme approved by the relevant planning authority.

Commencement Information

I28 Sch. 2 para. 28 in force at 10.10.2019, see [art. 1](#)

Amendments to approved details

29.—(1) With respect to the approved plans specified in requirement **2(1)**, the parameters specified in requirement 2 (Detailed Design) and any other plans, details, schemes or matters which require approval by the relevant planning authority pursuant to any other requirement (the “Approved Plans, Parameters, Details or Schemes”), the undertaker may submit to the relevant planning authority for approval any amendments to the Approved Plans, Parameters, Details or Schemes and following any such approval by the relevant planning authority the Approved Plans, Parameters, Details or Schemes are to be taken to include the amendments approved pursuant to this sub-paragraph **(1)**.

(2) Approval under 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 will 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).

Commencement Information

I29 Sch. 2 para. 29 in force at 10.10.2019, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Abergelli Power Gas Fired Generating Station Order 2019, SCHEDULE 2.