

SCHEDULE

Article 5

Conditions

PART 1

Conditions of building operations

Enclosure of rocky outcrop

1.—(1) The rocky outcrop must be enclosed by fencing around its perimeter.

(2) No development is permitted until the condition in sub-paragraph (1) is complied with, except for the provision of lighting, fencing or signage.

Construction hours

2.—(1) The construction works listed in sub-paragraph (2) are only permitted between the hours of—

- (a) 0700 and 1900 on weekdays, and
- (b) 0700 and 1300 on Saturdays.

(2) Any—

- (a) earth moving;
- (b) drilling, breaking or blasting;
- (c) installation of hard surfacing;
- (d) use of vehicles or plant with reversing alarms.

Noise limits and vibration limits

3.—(1) Noise levels during construction works must not exceed 65dB (LAeq, 1hr).

(2) Ground vibration must not exceed—

- (a) 10 millimetres per second peak particle velocity;
- (b) 1 millimetre per second peak particle velocity on 10 or more days in any period of 15 consecutive days.

(3) Noise and vibration limits must be measured at 1 metre from any elevation of a residential receptor.

Construction traffic management

4.—(1) This condition must be complied with during any development permitted by article 3(1) (b) or (c).

(2) Temporary signage must be erected to—

- (a) direct construction vehicles to approach and leave the land using the Parc Cybi spine road from the junction which links to the A55 trunk road, and
- (b) deter vehicles from using the road Lôn Trefnath from its junction with the land to its junction with Lon Towyn Capel.

(3) Parking must be provided within the developable area sufficient to prevent parking overspill on the Parc Cybi spine road.

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(4) Space for loading and unloading must be provided within the developable area sufficient to prevent this activity taking place on the Parc Cybi spine road.

(5) Wheel washing facilities must be available and operated to prevent mud and debris being deposited on the highway and where deposits do occur, the developer must ensure the highway is swept.

Construction lighting

5.—(1) This condition must be complied with during any development permitted by article 3(1) (b) or (c).

(2) Artificial lighting must only be used when it is necessary.

(3) Lighting units must be directed away from all residential receptors.

Protecting against invasive non-native species

6. Effective measures to protect against bringing invasive non-native species of plants and animals on to the land by vehicle or on foot must be in place.

Building height and hard surfacing

7. Building heights for the zones identified in column (1) of Table 1 must not exceed the height detailed in column (2).

Table 1

<i>(1) Zone</i>	<i>(2) Maximum building height</i>
Zone A	23 metres
Zone B	33 metres

8.—(1) The following elements must be made of permeable reinforced grass—

(a) emergency access road;

(b) sub-station layby.

(2) If constructed the following elements must be made of permeable material—

(a) footpaths;

(b) car parks.

(3) If constructed the following elements must be made of impermeable material and constructed to prevent pollutants entering the ground—

(a) all roads other than the emergency access road;

(b) deliveries apron;

(c) vehicle inspection area;

(d) vehicle quarantine area.

Visual impact

9.—(1) Building roofs must be finished in one of the following colours—

(a) S 3005-Y20R;

- (b) S 3005-R80B;
- (c) S 7010-Y90R;
- (d) S 3502-R;
- (e) S 3005-G50Y.

(2) Building facades, security fencing and acoustic barrier fencing must be finished in natural wood or in one of the following colours—

- (a) S 2040-G40Y;
- (b) S 2005-B20G;
- (c) S 3005-Y20R.

(3) Other external elements must be finished in one of the following colours—

- (a) S 2040-G40Y;
- (b) S 2005-B20G;
- (c) S 3005-Y20R;
- (d) S 1515-Y90R;
- (e) S 0575-G90Y.

(4) In this paragraph, “colours” refers to the colour that corresponds with the listed code on the Natural Colour System®.

(5) In sub-paragraph (3), “other external elements” includes—

- (a) window frames;
- (b) trims;
- (c) architectural features;
- (d) ancillary structures;
- (e) handrails;
- (f) lighting columns;
- (g) exterior furniture such as benches.

(6) In sub-paragraph (3), “other external elements” excludes solar photovoltaics or solar thermal equipment.

(7) If any of the colours specified in this paragraph are not available for use at the relevant time, the developer may apply to the local authority for a relevant approval to use a closely matching colour.

Lighting

10.—(1) Lighting units must be placed as low to the ground as is practicable and lighting columns must not exceed 15 metres in height from ordinance datum.

(2) Lighting units must be—

- (a) hooded in order to hide the light source from view from outside the developable area, and
- (b) directed downwards in order to minimise light spill.

(3) Artificial light levels must not exceed 0.74 lux when measured at 1 metre outside the boundary of the developable area.

(4) The correlated colour temperature of each artificial light must not exceed 2700 kelvin.

(5) Blue spectrum lighting from any source must not be visible from the rocky outcrop.

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Manholes and rodding points

11.—(1) All covers for manholes and rodding points must be marked with the appropriate colour and the markings must be maintained to ensure they are clearly visible.

- (2) For the purposes of sub-paragraph (1), the “appropriate colour” is—
- (a) blue for surface water drainage, and
 - (b) red for foul drainage.

PART 2

Conditions before first use for border control purposes

Traffic management

12.—(1) The developer must submit a signage strategy to the local planning authority for a relevant approval and this approval must be obtained before any use permitted by article 3(1)(a) (i) begins.

- (2) The signage strategy must outline how the signage will—
- (a) direct vehicles to approach and leave the land using the Parc Cybi spine road from the junction which links to the A55 trunk road, and
 - (b) deter vehicles from using the road Lôn Trefnath from its junction with the land to its junction with Lon Towyn Capel.
- (3) All signage approved in the relevant approval must be erected.

Travel plan coordinator

13.—(1) The developer must appoint a travel plan coordinator to oversee the travel plan referred to in paragraph 27.

(2) The developer must notify the local planning authority in writing, within one month beginning with the day the appointment is made, of the name, address, telephone number and email address of the travel plan coordinator.

Landscaping

14.—(1) The existing landscaping must be enhanced.

(2) For the purposes of sub-paragraph (1), “enhanced” means addressing erosion and sparse and intermittent areas in the existing landscaping through measures including—

- (a) scarifying;
- (b) fertilisation of the soil;
- (c) pruning and shaping;
- (d) cutting out dead wood;
- (e) ripping and digging to remove compaction.

15.—(1) New landscaping consisting of native mixed tree and shrub species must be planted between the existing landscaping and the boundary of the developable area.

(2) The location of the new landscaping should align as closely as is practicable with the new landscaping area shown on the map.

(3) The existing landscaping and the new landscaping area when measured from the boundary of the land must be a minimum of 10 metres deep.

(4) Where the new landscaping area splits into two branches as shown on the map, one being parallel to the edge of the developable area and the other parallel to the existing landscaping at the edge of the boundary of the land, the 10 metre depth is to be measured as the combined depth of the two new landscaping area branches and the existing landscaping.

(5) For the purposes of sub-paragraph (1), “native mixed tree and shrub species” means any plants in the list contained in Part 4.

16.—(1) The developer must submit a “landscaping maintenance plan” to the local planning authority for a relevant approval and this approval must be obtained before any use permitted by article 3(1)(a)(i) begins.

(2) The landscaping maintenance plan must include—

(a) a programme for monitoring plant failures;

(b) a requirement that—

(i) any plant failures must be replaced on an annual basis and the replacements should be based on evidence of species that are successfully establishing;

(ii) the landscaping must be kept as free from weeds as is practicable;

(iii) livestock fencing will be erected to protect new planting.

Noise mitigation measures

17.—(1) Noise mitigation measures must be installed and be fully functioning.

(2) The developer must obtain a relevant approval confirming the noise mitigation measures are sufficient to ensure noise levels at each of the residential receptors will not exceed the levels at the corresponding times of day outlined in Table 3 in paragraph 29.

(3) In this paragraph, “noise mitigation measures” include noise attenuation fencing and developable area management controls.

Waste management and drainage

18.—(1) Waste disposal and drainage from the development either from buildings or hard surfacing must be via the appropriate drainage system.

(2) The appropriate drainage system is SuDS for runoff from the elements outlined in Table 2 at column (1), with column (2) providing the method of drainage.

Table 2

<i>(1) Element</i>	<i>(2) Method of drainage</i>
Access roads	Collection by filter strips and swales or filter drains to flow to the detention basin and then the watercourse.
Deliveries apron and HGV parking	Collection via linear drainage with oil separator to flow to detention basin and then the watercourse.
Car parks	Infiltration to ground through permeable paving and excess to flow to detention basin and then the watercourse.
Footpaths	Infiltration to ground through permeable paving and excess to flow to detention basin and then the watercourse.

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<i>(1) Element</i>	<i>(2) Method of drainage</i>
Vehicle quarantine area	Collection via linear drainage with oil separator to flow to detention basin and then the watercourse.
Roof water	Collection via downpipes to flow to detention basin and then the watercourse.
Emergency access road	Direct drainage to the ground.
Substation layby	Direct drainage to the ground.
Landscaped areas	Direct drainage to the ground.

- (3) The appropriate drainage system is the foul water sewer for—
- (a) domestic foul water from—
 - (i) offices and welfare areas of inspection buildings,
 - (ii) driver welfare buildings, and
 - (iii) staff welfare buildings;
 - (b) trade effluent from—
 - (i) inspection areas for plants, produce and small animals, and
 - (ii) external bin stores.
- (4) The appropriate drainage system is the foul water sewer or to holding tanks for removal by tanker for trade effluent from—
- (a) inspection areas for large animals including horses, and
 - (b) external animal waste stores.
- (5) In this condition, “SuDS” means a sustainable drainage system for managing rainwater, including snow and other precipitation, with the aim of—
- (a) reducing damage from flooding,
 - (b) improving water quality,
 - (c) protecting and improving the environment,
 - (d) protecting health and safety, and
 - (e) ensuring the stability and durability of drainage systems.

PART 3

Other conditions

Pollution control

Spill kits

19. Spill kits must be available in the developable area at all times and must have a combined minimum capacity sufficient to absorb 1500 litres of chemicals and oils.

Fuel, hazardous waste, animal waste and manure

20.—(1) Hazardous waste must be stored in a secure, impermeable and covered area.

(2) Liquid hazardous waste must be stored within a bunded area sufficient to contain 110% of the total volume of liquid.

21. Animal and plant waste, including dead animals and where appropriate seized goods, must be stored in fully sealable and impermeable containers when in the developable area and during removal from the developable area.

22.—(1) Manure must be kept in a leak-proof and vermin-proof store with an impermeable surface and sealed drainage to prevent runoff.

(2) The store described in sub-paragraph (1) must have sufficient ventilation to avoid the build-up of gases.

23. Fuel tanks must be located above ground.

Signage

24. Any text on a sign permitted or required by or under this Order must be in Welsh and English and the Welsh text must be positioned first.

Rocky outcrop

25.—(1) If the fencing enclosing the rocky outcrop required by paragraph 1(1) is retained or replaced after any use permitted by article 3(1)(a)(i) begins, the condition in sub-paragraph (2) applies.

(2) The fencing must be—

- (a) galvanized wire stock-proof fencing with unpainted posts made from wood and less than 1.5 metres high, or
- (b) finished in the colour palette identified in paragraph 9(2).

(3) No equipment, machinery, materials or other items are permitted on the rocky outcrop other than as necessary to erect or maintain the fencing.

Vehicular access

26. Vehicles accessing the land must do so via the site entrance unless in an emergency where the emergency access marked on the map by two blue arrows in the north eastern corner of the developable area and land may be used.

Travel plan

27.—(1) The travel plan must be reviewed and updated to include clear objectives and modal split targets (“the revised travel plan”).

(2) The revised travel plan must also include—

- (a) a timeline for programme implementation, and
- (b) details of how the objectives and targets will be monitored, reviewed and updated.

(3) The revised travel plan must be submitted to the local planning authority for a relevant approval within the period of 6 months beginning with the first use permitted by article 3(1)(a)(i), and the revised travel plan must be operated in accordance with this approval.

(4) The up-to-date travel plan must be made available for inspection at the developer’s main office and on its website.

(5) For the purposes of this paragraph, the “travel plan” means the North Wales Border Control Post Transport Statement—

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- (a) produced by Mott Macdonald,
- (b) dated December 2022, and
- (c) with the document number BCP22-005-00-01.

(6) The local planning authority must be notified of any changes to the travel plan coordinator’s details within 1 month of the change occurring.

(7) For the purposes of sub-paragraph (6), the “travel plan coordinator’s details” means the information required by paragraph 13(2).

Landscaping

28. Both the existing landscaping which has been enhanced in accordance with paragraph 14(1) and the new landscaping provided in accordance with paragraph 15 must be maintained and managed in accordance with the landscaping maintenance plan, for the lifetime of any use permitted by article 3(1)(a)(i) of the development, to ensure its continued health.

Noise mitigation

Control of noise levels

29.—(1) Noise levels at each of the residential receptors must not exceed the decibel levels at the corresponding time of day outlined in Table 3.

Table 3

<i>Receptor</i>	<i>Daytime noise limit (dB LAeq, 1hr)</i>	<i>Night-time noise limit (dB LAeq, 1hr)</i>
Kingsland Road	54	39
Penrhyn Geiriol	43	42
Tyddyn-Uchaf	41	41

- (2) In Table 3—
 - (a) “daytime” means 7:00 to 22:59, and
 - (b) “night-time” means 23:00 to 6:59.

Idling

30. A vehicle must not have its engine idling where it is stationary for more than 5 minutes.

Relevant approval for new activity

31.—(1) Where a new activity is proposed on the land the developer must submit a noise study to the local planning authority and obtain a relevant approval before the new activity may commence.

(2) The noise study must outline if the new activity will negatively change the acoustic character of the noise output from the land.

- (3) In this paragraph, a “new activity” means—
 - (a) the erection of a new building,
 - (b) the addition of new hard surfacing,
 - (c) the addition of new plant or machinery, or

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(d) where an existing building or hard surfacing is to be used for a different purpose, where these occurred after the relevant approval required by paragraph 17(2) was obtained.

(4) In sub-paragraph (2), a change in acoustic character includes increases in—

- (a) low frequency noise;
- (b) tonal noise;
- (c) noise intermittency.

Waste management and drainage

32.—(1) Before any new building, repurposed building, or area of hard surfacing is first occupied or first used for any purpose permitted by article 3(1)(a)(i) it must be connected to the appropriate drainage system.

(2) In sub-paragraph (1), the “appropriate drainage system” means the system in paragraph 18 that applies to the new element.

PART 4

Native mixed tree and shrub species

<i>Landscape type</i>	<i>Plant name</i>
Woodland screen	Salix alba
	Populus tremula
	Pinus sylvestris
	Betula pendula
	Alnus glutinosa
	Acer pseudoplatanus
	Prunus avium
	Acer campestre
	Ilex aquifolium
	Cornus sanguinea
	Ligustrum vulgare
	Sambucus nigra
	Wet woodland screen
Populus tremula	
Alnus glutinosa	

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<i>Landscape type</i>	<i>Plant name</i>
	Salix caprea
	Sambucus nigra
Woodland screen edge	Betula pendula
	Salix caprea
	Corylus avellana
	Cornus sanguinea
	Crataegus monogyna
	Prunus spinosa
	Rosa canina
Specimen tree – wetland	Salix alba
	Populus tremula
Specimen tree – rocky outcrop	Betula pendula
	Sorbus aucuparia
Specimen tree – emergency exit	Acer pseudoplatanus
	Prunus avium
	Quercus robur
Rocky outcrop	Ulex europaeus
	Cytisus scoparius
Ornamental internal	Aucuba japonica
	Sarcococca hookeriana Var. ‘Humilis’
	Skimmia japonica
	Olearia x haastii
	Geranium ‘Orion’
	Vinca minor
	Common bluebell
	Snowdrop
	Primrose
	Bistort

<i>Landscape type</i>	<i>Plant name</i>
Wildflower seeding	Lungwort
	Masterwort
	Cowslip
	Primrose
	Bistort
	Lungwort
	Masterwort
	Cowslip
	Red campion
	Red clover
	Night-flowering catchfly
	Tufted hair-grass
	Common fleabane
	Nettle-leaved bellflower
	Selfheal
	Hemp agrimony
	Angelica
	Sweet cicely
	Ragged robin
	Clustered bellflower
Nettle-leaved bellflower	
Birdsfoot trefoil	
Comfrey	
Purple loosestrife	
Common knapweed	
Field scabious	

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<i>Landscape type</i>	<i>Plant name</i>
	Oxeye daisy
	Salad burnet
	Selfheal
	Meadow buttercup
	Red campion
	Common bent
	Crested dogstail
	Red fescue
	Smaller cat's tail
	Smooth stalked meadow grass
	Yarrow
	Meadowsweet
	Lady's bedstraw
	Water avens
	Yellow iris
	Greater birdsfoot trefoil
	Ribwort plantain
	Common fleabane
	Yellow rattle
	Common sorrel
	Great burnet
	Pepper saxifrage
	Dandelion
	Common meadow rue
	Tufted vetch
	Meadow foxtail

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<i>Landscape type</i>	<i>Plant name</i>
	Sweet vernal grass
	Quaking grass
	Tufted hair grass
	Meadow barley