

Annex B to

National Assembly for Wales

letter dated 19 December 2002

Reference A-PP 115-07-014

## **TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77**

### **APPLICATION BY WINDJEN POWER LTD**

**FOR PROPOSED WINDFARM COMPRISING THE ERECTION OF 25 WIND TURBINES, SUBSTATION BUILDING, 2 WIND MONITORING MASTS, EXCAVATION OF BORROW PITS, CONSTRUCTION OF ASSOCIATED ACCESSES AND TEMPORARY SITE COMPOUND**

### **PLANNING CONDITIONS ATTACHED TO PLANNING PERMISSION OF 2002 IN RESPECT OF PLANNING APPLICATION REF. 25/1999/0710/PF DATED 2 AUGUST 2000**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Other than where specified in subsequent conditions, the development shall be carried out strictly in accordance with the details shown on site layout plan Figure 2B (Inquiry Doc.19).
3. The centre of each of the wind turbine towers shall be located at the grid references detailed in the table attached to Figure 2B, with a maximum deviation of 10 metres from these locations, unless otherwise agreed in writing by the Local Planning Authority.
4. This permission relates solely to the erection of 3 bladed wind turbines with a tower height of 49 metres from reinstated ground level at the base of each turbine, and a rotor blade diameter of 52 metres.
5. All the wind turbine towers shall be of tubular steel construction.
6. The turbine, tower, nacelle and blades shall have a semi matt finish at all times. The colour shall be as may be approved in writing by the Local Planning Authority before development

commences on the site, and the approved colour shall be retained thereafter.

7. The blades of all the turbines shall rotate in the same direction.

8. None of the turbines, anemometer masts, associated buildings and above ground equipment or fixed plant shall be permitted to have any names, logos, signs or advertisements on external surfaces at any time, other than with the prior written approval of the Local Planning Authority.

9. All electricity and control cables within and between the separate parcels of the application site shall be laid underground.

10. If any wind turbine hereby permitted fails to generate electricity to the grid for a continuous period of six months, the wind turbine, tower and ancillary equipment shall be dismantled and removed from the site, and the foundations shall be removed down to a minimum of 300mm below the surrounding ground level and the land shall be restored to its former profile and conditions within a period of 3 months from the end of the 6 month period. The condition of the existing site shall be recorded prior to the commencement of any development, in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority before any recording takes place, and a copy of the survey shall be deposited with the Authority within one month of its completion.

11. No development shall be permitted to take place on the substation building until the written approval of the Local Planning Authority has been obtained to the detailed design of the building, to the stone to be used on the external walls, the type of natural slate to be used on the roof, and the colour of any exposed transformers, housing, and rainwater goods.

The substation building shall be constructed in accordance with the approved details.

12. No development shall be permitted to commence until details of the temporary site compound have been submitted to and have been approved in writing by the Local Planning Authority. The details shall include the location of the compound fencing area for the parking and storage of plant, machinery and equipment, the parking and turning of contractor's vehicles, a scheme for the prevention of oils, fuels and chemicals from entering the soils or ground or surface water the means of disposal of foul sewage and the proposed reinstatement/restoration of the site compound following the completion of the site works. The temporary site compound shall be developed in accordance with the approved details prior to any plant, machinery, equipment, oils, fuels or chemicals being brought to site.

13. The temporary site compound shall be removed in its entirety and the land reinstated to its former profile and condition as recorded in the site condition survey required by Condition 10 no later than 3 months following the commissioning of the turbines.

14. No work shall be permitted to commence on the development until there has been submitted to and agreed in writing by the Local Planning Authority a detailed scheme showing the proposed details of the stripping of the site, the storage and proposed use of topsoil and subsoil and the after treatment of the disturbed land by construction or related works.

The above stripping of the site, storage and use of topsoil and subsoil and after treatment of disturbed land shall be carried out in accordance with the details of the approved scheme.

15. No excavation works shall be permitted to commence on any of the temporary borrow pits until full details of the precise location, extent and maximum depths of the borrow pits, the period over which excavations will take place, and after treatment of the borrow pits, including final land profiles, soil and seed mixes and planting proposals, following excavation and during the operation of the wind turbines, have been submitted to and have been approved in writing by the Local Planning Authority. The above

excavation works and after treatment for the temporary borrow pits shall be carried out in accordance with the approved details.

16. No development shall be permitted to commence until details of measures to prevent material from excavation or construction activities or other activity on the application site resulting in disturbance to surface water drainage, entering watercourses within or outside the application site; to include silt traps and means of measuring, monitoring and remedying turbidity in watercourses; have been submitted to and have been approved in writing by the Local Planning Authority. The above measures shall be carried out in accordance with the approved details.

17. No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of reinstatement of the application site to take place immediately following the commissioning of the windfarm, such scheme to include the reinstatement of the land around the turbines, access and site roads, cable trenches, drainage ditches, temporary site compound, borrow pits and control building. The reinstatement shall be completed in accordance with the approved details within a period of 3 months of commissioning, or such longer period as may be agreed by the Local Planning Authority.

18. Prior to the generation of electricity from any part of the development to the grid the developer shall on a written request from the local planning authority made no later than 30

days after the commencement of development secure the written approval of the local planning authority of a survey as described in condition 19.

19. Any survey carried out pursuant to condition 18 shall measure and record in a written report (which shall be provided to the local planning authority) the acoustic performance of the type of wind turbine proposed to be erected on the site. The survey shall be made by a body independent of the manufacturer of the wind turbine generator and shall record sound power level and tonal performance and predicted sound pressure levels at dwellings for which such predictions are made in addendum 4 to the Environmental Statement submitted with the application. If a survey is made under condition 18 and this condition only wind turbine generators of the type surveyed shall be erected on the site.

20. Measurements of noise emissions made under condition 21 to determine compliance with condition 21 shall be made in free field conditions at least 1.5 metres from any wall hedge or reflective surface using a sound level meter of a least type 1 quality.

21. When measured in accordance with condition 20 noise emissions from the development shall not exceed 40 dB LA90 (10min) at wind speeds of up to 9 metres per second measured on site at the boundary of the curtilage of any dwelling existing at the date of this permission.

22. If any tonal noise emitted by the development exceeds the threshold of audibility by 8 dB the rating noise level specified in condition 21 shall be reduced by 5dB.

23. The survey method for the purposes of condition 19 and the definition of audibility for the purpose of condition 22 shall be described in "The Assessment and Rating of Noise from Wind Turbines" (ETSU – R – 97) published by the Energy Technology Support Unit for the Department of Trade and Industry in 1996.

24. No development shall be permitted to commence on any of the turbine bases until :

(a) the main site access off the B4501 has been completed in accordance with the details approved in accordance with Condition 31, and

a. the site track to that turbine has been constructed.

25. All site accesses shall be surfaced with stone from the approved borrow pits or excavations for the turbine bases.

26. No work shall be permitted to take place on the construction of any site access tracks until there has been submitted to and approved in writing by the Local Planning Authority details of the means of downgrading the tracks following the date of the first generation of electricity to the grid from the windfarm. The downgrading shall be completed no later than 6 months after

the date of the first generation of electricity to the grid from the windfarm and shall be carried out in accordance with the approved details.

27. No development shall be permitted to commence on the excavation of the borrow pit proposed on the Tir Mostyn (northernmost) section of the site until there has been agreed with the Local Planning Authority a scheme of archaeological investigation of that site, to be funded by the developer, and following the evaluation of the of the investigation it has been agreed by the Authority that excavation can proceed, and in what manner, including opportunity for recording finds.

28. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

29. All the turbines, buildings, anemometers, power lines and switch gear hereby or subsequently approved shall be removed in their entirety from the site no later than 25 years from the date of the first generation of electricity to the grid, and the application site shall be reinstated in accordance with such detailed scheme as is submitted to and approved in writing by the Local Planning Authority, indicating proposed site levels, soil profiles and planting, boundary treatment, drainage and timing of works; such scheme to be submitted no later than 24 years from the above date , or such date as is necessary to comply with Condition 10 of this permission.

30. No works shall be permitted to take place on the Foel Goch (southernmost) section of the site containing 10 turbines, between March 1<sup>st</sup> and 30<sup>th</sup> June in any year.

31. No work shall be permitted to commence on the construction of the site access of the B4501 near Garreg Llwyd, or on the construction compound until the written approval of the Local Planning Authority has been obtained to the detailing of the access arrangements to include for:

(a) the provision of visibility splays of 4.5m X 33m in both directions measured along the nearside edge of the carriageway over land in the control of the applicants or highway authority, within which there shall be no obstruction to visibility in excess of 1.05m in height;

(b) the surfacing of the access off the B4501 to the compound area with a suitable non-friable material;

(c) the provision of facilities for the loading, unloading, parking and turning of all vehicles likely to visit the site;

(d) the provision of a facility for the cleaning of wheels of all vehicles entering and leaving the

site prior to re-entering the public highway, to be retained and functional for the duration of the construction period.

The access and compound shall not be brought into use until the details approved in (a), (b), (c) and (d) have been completed in their entirety.

32. No development shall be permitted to commence until there have been submitted to and approved in writing by the Local Planning Authority a scheme for the recording of existing road conditions by the developer, the local widening and improvement at the developer's expense, of the county highway along the access routes to be used for construction traffic and such widening and improvement works as are approved shall be carried out prior to the transportation of the crane, turbine towers or nacelles to the site.

33. None of the turbines shall be permitted to operate until there has been carried out at the developer's expense, a survey of telecommunication reception in the locality, in accordance with a scheme to be agreed in writing by the Local Planning Authority, and a copy of the survey shall be submitted to the Local Planning Authority within one month of its completion.

34.. In the event of complaints being received by the Local Planning Authority over interference to communication networks following the commission of the windfarm, and on investigation and consultation with the appropriate operators is the Authority's opinion that such interference is attributable to the operation of the windfarm, the developers shall within 6 months of being notified of the problem, implement at their own expense, such mitigation measures and alternative arrangements to rectify the problem as are approved in writing by the Local Planning Authority.

35. Notwithstanding the submitted details within the application the anemometry masts shall not be guyed, and shall be of tubular steel construction details of which including the precise location shall be submitted to and approved by the Local Planning Authority before development commences on site.