

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY RES UK AND IRELAND LIMITED - HIGHWAY UPGRADES AND
ASSOCIATED WORKS ON 3RD PARTY LAND BETWEEN NEWTOWN AND THE
PROPOSED GARREG LWYD HILL WIND FARM TO FACILITATE DELIVERIES
OF ABNORMAL INDIVISIBLE LOADS AND THE CONSTRUCTION OF A NEW
TRACK AND UPGRADED TRACK FROM CWM Y BERLLWYD ACROSS THE
PROPOSED LLANBADARN FYNYYD WIND FARM TO ACCESS THE
PROPOSED GARREG LLWYD HILL WIND FARM AT LAND BETWEEN
NEWTOWN AND GARREG LWYD HILL, LLANDRINDOD WELLS, POWYS –
APPEAL NO: 2209595**

Time Limits

1. The development shall begin no later than five years from the date of this permission.
2. Subject to the conditions attached to this permission, the development shall be carried out in accordance with the following approved plans and documents:
2013 Access Route ES, Appendix 2: Garreg Lwyd Hill Wind Farm Traffic Management Plan
 - Appendix E: Drawing 01589D2431-04 Sheets 1-4 (of 4)
 - Appendix G: Drawing 01589D2423-05: Figure 1.3 Access Route Works on Llanbadarn Fynydd Wind Farm Site2014 Access Route SEI
 - Appendix 3.11 Drawing number 01589D2533-04 Sheets 1 to 8 (of 8) 2014 Planning Red Line Boundary – Access A483 Route

Highways

3. No development shall take place until detailed plans of the new junction with the A483 trunk road have been submitted to and approved in writing by the local planning authority. The details submitted shall reflect plan reference 01589D2430-04 and include:
 - (a) details of visibility splays that shall be kept free at all times of any obstruction including trees and shrubs exceeding 1.05 metres in height above the adjoining carriageway;
 - (b) drainage details; and
 - (c) road markings and signage proposals

The works shall be implemented in accordance with the approved details and within five days of the new access first being brought into use, the existing access to Hafod Fach shall be permanently closed and the highway reinstated in accordance with the agreed details.

4. No deliveries by abnormal indivisible load shall take place until detailed plans of improvements to the A483 trunk road between Newtown and the A483 trunk road site access have been submitted and approved in writing by the local planning authority. The details submitted shall reflect the improvements indicated within sTMP6 Revision T dated March 2014. The works shall be implemented in accordance with the approved details.
5. No development shall take place until detailed plans of the new junctions and other highway works on the C1057 county highway have been submitted to and approved in writing by the local planning authority. The details submitted shall reflect plan reference 01589D2430-04 and include:
 - (a) details of visibility splays that shall be kept free at all times of any obstruction including trees and shrubs exceeding 1.05 metres in height above the adjoining carriageway;
 - (b) drainage details;
 - (c) road markings and signage proposals; and
 - (d) a programme for the implementation of the works.The works shall be implemented in accordance with the approved details.
6. No deliveries by abnormal indivisible load shall take place until an assessment of the capacity and impact on the highway and all structures forming part of the highway along the delivery route including layover areas, passing places, bridges, culverts, retaining walls, embankments, drainage systems, street lighting, street signs, safety barriers is carried out and submitted to and approved by the local planning authority and full engineering details and drawings of any works required to such structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the local planning authority and the approved works shall be completed prior to any abnormal indivisible load deliveries to the site
7. Abnormal Indivisible Loads (AILs) shall be delivered along the routes specified in Sections 1, 2, 4, 5 (part within Newtown) and 6 of the Strategic Traffic Management Plan for Mid-Wales Wind Farms (the sTMP) dated August 2012 (section 6 Revision T is dated March 2014) unless the Newtown Bypass is constructed. No abnormal indivisible loads shall be delivered to the Site until a traffic management plan (TMP) for abnormal indivisible load deliveries as an addendum to the sTMP has been submitted to and approved by the local planning authority. Thereafter abnormal indivisible loads shall be carried out in accordance with the sTMP and approved TMP. The TMP shall include:
 - (a) Rights of access to any junction improvements, passing places layover areas and welfare facilities that are not proposed to form a part of the highway network;
 - (b) Management of junctions and crossings of highways and other public rights of way while abnormal indivisible load deliveries take place;

- (c) Management and maintenance of layover areas, passing places and welfare facilities while abnormal indivisible load deliveries take place;
 - (d) Details of temporary warning signs;
 - (e) Restrictions on abnormal indivisible load movements during the Royal Welsh Show;
 - (f) Details of any alterations to any works that are carried out to enable abnormal indivisible load movements proposed to be implemented after such movements are completed;
 - (g) A review mechanism in light of the construction of the Newtown Bypass
8. No abnormal indivisible load deliveries shall be made to the site until an abnormal indivisible load management strategy has been submitted to and approved in writing by the local planning authority. All AIL deliveries shall be carried out in accordance with the approved abnormal indivisible load management strategy which will include details of the following:
- (a) Management and maintenance of abnormal indivisible load delivery strategies and management of AIL deliveries;
 - (b) Means of control of timing of delivery AIL movements;
 - (c) Temporary traffic diversions and traffic hold points;
 - (d) Details of banksmen and escorts for abnormal loads;
 - (e) Coordination with all other AIL deliveries (including without limitation to other wind farms in Mid Wales);
 - (f) Description of procedures for the allocation of delivery slots including delivery slot triggers and trading;
 - (g) The appointment and role of a Transport Coordinator to administer the abnormal indivisible load delivery strategy;
 - (h) Liaison with relevant highway and planning authorities and the Police;
 - (i) Liaison with members of the public and local communities;
 - (j) Liaison with the hauliers, developers and landowners prior to the submission of notifications for AIL deliveries and applications for Special Orders for AIL deliveries.
9. No construction works shall take place on site until a Construction Traffic Management Plan (CTMP) for non-abnormal indivisible load vehicles has been submitted to and approved in writing by the local planning authority. The approved traffic management plan shall thereafter be complied with and will include details of the following:

- (a) construction vehicle routeing;
 - (b) means of monitoring vehicle movements to and from the site including the use of liveried construction vehicles displaying the name of the developer, the vehicle number, a telephone number for complaints and procedures for dealing with complaints;
 - (c) timing of vehicle deliveries to the site;
 - (d) the management of junctions and crossings of highways and other public rights of way;
 - (e) contractual arrangements for the control of construction traffic offsite and to ensure that complaints and breaches of the TMP requirements are able to be remedied;
 - (f) a travel plan aimed at maximising the use of sustainable travel by the construction workforce associated with the development;
 - (g) vehicle movements during the Royal Welsh show;
 - (h) communications with members of the public and local communities;
 - (i) a review mechanism in light of the construction of the Newtown Bypass
10. No construction works shall take place on site until a scheme to provide for the remediation of any damage or deterioration of the highway (to include both the trunk road and the local road network) attributable to the development has been provided to the local planning authority and approved in writing. Such a scheme shall include:-
- (a) The undertaking of a condition survey of the proposed highway to be used as AIL and construction traffic delivery routes prior to commencement of development;
 - (b) The undertaking of further condition survey work after first export (this being the date when the Garreg Lwyd Hill wind turbine development first exports electricity to the National Grid on a commercial basis); and
 - (c) Provision of details and timescale for works to remediate damage or deterioration to all parts of the highway including street furniture, structures, highway verge and carriageway and footway surfaces.
- The scheme shall thereafter be implemented in accordance with the approved details.
11. No movement of traffic associated with any decommissioning of the development shall take place until a traffic management plan dealing with such decommissioning has been submitted to and approved in writing by the local planning authority and thereafter the approved TMP shall be implemented
12. No abnormal indivisible load movements associated with any repairs or replacement components shall take place during the life of the development until a traffic management plan dealing with such repair and/or replacement has

been submitted to and approved by the local planning authority and thereafter the approved TMP shall be implemented

Ecology

13. No development, vegetation clearance or tree felling associated with the Highways Improvements shall commence until a protected species protection plan has been submitted to and approved by the Local Planning Authority. The Plan shall be implemented as agreed and include but not be limited to details of:
 - (a) Avoidance / mitigation (where necessary) required to prevent incidental capture/killing of otters during the construction phase;
 - (b) Avoidance, mitigation (where necessary) and compensatory measures for bats as set out in the Access Route SEI 2014 sections 4.7.16-19;
 - (c) Appropriate avoidance / mitigation (where necessary) measures for dormouse;
 - (d) The provision of on-site and off-site compensation for dormouse;
 - (e) Submission of long term management prescriptions for on-site compensation for dormouse;
 - (f) Submission of long term monitoring prescriptions for dormouse and bats;
 - (g) Water vole update surveys and any appropriate mitigation measures for the section of the access road between Cwm y Berllwyd across the proposed Llanbadarn Fynydd wind farm to the wind farm entrance.

14. Prior to commencement of development, including site clearance, any vegetation clearance and tree felling associated with the highway improvements an ecological compliance audit scheme shall be submitted to and approved by the local authority detailing:
 - (a) Aims and objectives of the compliance audit scheme;
 - (b) Appropriate success criteria including key performance indicators;
 - (c) Methods of data gathering;
 - (d) The timing and frequency of audits;
 - (e) Responsible persons and lines of communication to include the employment of an Ecological Clerk of Works during the construction phase and one month prior to works commencing.

The ecological compliance audit scheme shall be implemented in accordance with the approved details.

15. No development including site clearance, scrub and vegetation removal and tree felling works associated with the highways improvements shall commence until a detailed, site specific Construction Environment Management Plan (CEMP) is submitted to and approved in writing by the local planning authority. The CEMP, shall cover the periods of site clearance, construction and the restoration of all work areas and shall include detailed method statements, contractor arrangements, reporting and liaison mechanisms between the

contractor, ECoW, the local planning authority and NRW, monitoring and contingency proposals for implementation, including:

- (a) A construction plan including measures to address silt-laden run-off from any workings, soil storage and other engineering operations;
- (b) Working statement (including design and construction) to cover all channel and bank works including all channel crossings;
- (c) A detailed timetable for tree felling, vegetation and site clearance, construction and habitat management. The timetable should include potential contingencies for birds and protected species.
- (d) Measures to be taken during vegetation and site clearance, tree felling and the construction and restoration periods to protect wildlife and habitats including legally protected species, and the River Wye SAC.
- (e) The hours of working for all construction activities;
- (f) An Environmental Management and Pollution Prevention Plan (to include a water quality monitoring plan) which comprises arrangements to protect groundwater, surface water and the River Wye SAC during site clearance, construction and the restoration phases of development including wet weather contingency measures and an Incident Response Plan in the event of a pollution incident and measures for the storage of materials including soil and its disposal;
- (g) Arrangements for fuel storage and fuelling, the storage and handling of oils and lubricants, and the handling of cement materials to prevent any entry to watercourses and contingency plans in the event of spillage;
- (h) Access, signing and re-routing arrangements for recreational users during construction activities;
- (i) Construction method statements for the construction works, including works compounds and any reinstatement;
- (j) Details and method statements for hedgerow removal, translocation and replanting including all long term aftercare of hedgerows. The condition of hedgerows/vegetation to be translocated/removed should be detailed in addition to the proposed replanting mixes and all short and long term management;
- (k) Reinstatement of any disturbed ground post construction, including re-vegetation of access track and highway edges and hardstanding areas (where practicable and required by the Local Planning Authority), in order to reduce their visual and ecological impact, together with measures to monitor its success;
- (l) Emergency site procedures in the event of disturbance or fatality of any otters or badgers;
- (m) Nothing other than uncontaminated excavated natural materials shall be tipped on the site;
- (n) Temporary site illumination including proposed lighting levels together with the specification of any lighting;

- (o) A biosecurity risk assessment to include
 - (i) the containment, control and removal of invasive non-native species on site
 - (ii) measures to prevent the colonisation or introduction of invasive non-native species or diseases on site
- (p) Measures to mitigate damage to road verge nature reserves.

The development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing with the Local Planning Authority.

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