

Axis
FAO Mr Jon Mason
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Chester
CH4 0DH

Gofynnwch am / Please ask for: **Katy Roberts**



01492575394



katy.roberts@conwy.gov.uk

Ein Cyf / Our Ref: **DC/0/44248**

Eich Cyf / Your Ref:

Dyddiad / Date: **04/04/2023**

Cais Rhif: 0/44248
Disgrifiad y Datblygiad: Codi 4 tyrbin gwynt i ddisodli'r rhai blaenorol yn fferm wynt Hafoty Ucha
Safle / Lleoliad: Hafoty Ucha Wind Farm
Bryn Ffynnon
Llangwm
Conwy

Application No: 0/44248
Development Description: Erection of 4 no. replacement wind turbines at Hafoty Ucha wind farm
Site / Location: Hafoty Ucha Wind Farm
Bryn Ffynnon
Llangwm
Conwy

Annwyl Mr Mason

Dear Mr Mason

Yn atodol mae Hysbysiad Penderfynu diwygiedig ar gyfer y datblygiad uchod.

Please find attached a revised Decision Notice for the above development.

RHYBYDD - GWYRO ODDI WRTH GYNLLUNIAU A GYMERADWYD

Tynnir sylw pob datblygwr at y ffaith na ddylid gwyro oddi wrth gynllun a gymeradwyd hyd nes y bydd y Cyngor wedi ystyried a phenderfynu ar unrhyw gynllun diwygiedig. Tynnir eich sylw at y ffaith y gallai unrhyw wro oddi wrth gynllun a gymeradwyd, heb gymeradwyaeth y Gyngor, arwain at ddechrau camau gorfodi gyda'r posibilid o gosbau am ddifyg cydymffurfio yn unol ag Adran 172 (1) Deddf Cynllunio Gwlad a Thref 1990.

DALIER SYLW

Mae'r amgæedig yn cyfeirio at y gymeradwyaeth i'ch cais cynllunio yn unig. Efallai y bydd angen caniatâd ar gyfer y gwaith o dan y Rheoliadau Adeiladu ac os nad ydych eto wedi cyflwyno Cais Rheoliadau Adeiladu, dylech wirio a oes angen gwneud hynny drwy cysylltu a'r Tîm Rheoli Adeiladu ar 01492 574172.

WARNING - DEVIATION FROM APPROVED PLANS

The attention of all developers is drawn to the fact that no deviation from an approved plan should take place until the Council has considered and decided upon any revised plan. Your attention is drawn to the fact if any deviation from an approved plan is carried out without the approval by the Council, this may lead to enforcement action being instituted with the possibility of penalties for non-compliance in accordance with Section 172(1) of the Town and Country Planning Act 1990.

ATTENTION

The enclosures refer to the approval of your planning application only. The work may require consent under Building Regulations and if you have not already submitted a Building Regulations Application, you should check whether one is required by contacting the Building Control Team on 01492 574172.

Yn ddiffuant / Yours sincerely

Paula Jones

Rheolwr Rheoli Datblygu ac Adeiladu / Development and Building Control Manager

TOWN AND COUNTRY PLANNING ACT 1990

CERTIFICATE OF PLANNING PERMISSION

REVISED FINAL DECISION NOTICE VERSION 6

Disgrifiad y Datblygiad:

Codi 4 tyrbin gwynt i ddisodli'r rhai blaenorol yn fferm wynt Hafoty Ucha

Safle / Lleoliad:

Hafotty Ucha Wind Farm
Bryn Ffynnon
Llangwm
Conwy

Development Description:

Erection of 4 no. replacement wind turbines at Hafoty Ucha wind farm

Site / Location:

Hafotty Ucha Wind Farm
Bryn Ffynnon
Llangwm
Conwy

Derbyniad / Decision:

In pursuance of their powers under the above mentioned Act, their statutory powers as Local Planning Authority, and in accordance with the submitted application particulars and plans, Conwy County Borough Council hereby:

PERMIT the above development, subject to the following conditions:

- 1 The development hereby permitted shall be begun by 28th July 2025.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 Subject to the requirements of the following conditions, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings:

- Plan/drawing no. 2041-01-03 bearing the date stamp "CONWY COUNTY BOROUGH COUNCIL DEVELOPMENT CONTROL RECEIVED: 01AUG2017 APPLICATION NO: 0/44248"; and
- Plan/drawing no. 2041-01-01 Rev A and 2041-01-02 Rev A bearing the date stamp "CONWY COUNTY BOROUGH COUNCIL DEVELOPMENT CONTROL AMENDMENT RECEIVED: 11SEP2017 APPLICATION NO: 0/44248".

REASON: For the avoidance of doubt as to which drawings have been approved.

- 3 No development, site clearance works or vegetation removal shall take place until a water features survey has been submitted to and approved in writing by the Local Planning Authority. The water features survey shall identify:
 - i. All surface water and ground water features within a 300m radius of the proposed development;
 - ii. Use made of any the identified water features, including construction details of wells and boreholes;
 - iii. The flow regime in the spring or surface water feature;

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- iv. The likely impacts from the development on the quantity and quality of the surface water or groundwater; and
- v. Proposals for monitoring water features and mitigation plans for any impact on water balance.

The development shall thereafter be carried out in accordance with the approved water features survey and the monitoring and mitigation plans shall be implemented as approved.

REASON: To safeguard the environment, to comply with Policies DP1, DP/4, DP/6 and NTE/1 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 4 No development, site clearance works or vegetation removal shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- i. Location of any contractors' buildings and compounds, including storage of plant and materials;
 - ii. Pollution control measures, including measures to control leakage from oils, fuels and chemical containers;
 - iii. Access routes from the highway;
 - iv. Parking areas for site operatives and visitors;
 - v. Loading and unloading areas;
 - vi. Wheel washing facilities;
 - vii. Measures to control the emission of dust and dirt during construction;
 - viii. Security hoarding and/or fencing.
 - ix. Details of the method of construction for the turbine foundations; and
 - x. Details of the proposals and programme for the re-instatement of crane pads.

The CEMP shall be adhered to as approved throughout the construction process. Notwithstanding the provisions of Classes A and B of Part 4 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any equivalent provisions in any amendment or replacement to that Order), no buildings, moveable structures, works, plant or machinery that may be required in connection with the operations hereby permitted shall be provided except in accordance with an approved CEMP.

REASON: In the interests of biodiversity, visual amenity and highway safety, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 5 No lighting shall be utilised during the construction and decommissioning of the development.

REASON: In the interests of biodiversity, to comply with Policies DP1, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

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- 6 No walls or hedges shall be removed to facilitate the development without the prior written approval of the Local Planning Authority.

REASON: In the interests of biodiversity, to comply with Policies DP1, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 7 No development, site clearance works, vegetation removal or decommissioning works shall take place between the 1st March in any year and the 31st August of the same year, without the prior written approval of the Local Planning Authority on the basis of an ornithological report that demonstrates no breeding birds are present on the application site and no birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are nesting in the coniferous copse 380 metres to the east of the application site.

REASON: In the interests of biodiversity, to comply with Policies DP1, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 8 No development, site clearance works or vegetation removal shall take place until a bat surveillance programme (including a timetable of monitoring and submission of reports to the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. The programme shall include a smart curtailment scheme that shall become operational if bat activity exceeds the thresholds identified in that scheme. The bat surveillance programme and curtailment scheme shall be implemented as approved.

REASON: In the interests of biodiversity, to comply with Policies DP1, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 9 Within the year prior to decommissioning of each of the turbines hereby approved, but no later than 6 months prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by condition 18 of this planning permission. A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning, and beyond.

REASON: In the interests of biodiversity, to comply with Policies DP1, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

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- 10 The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty and amplitude modulation (AM) penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from the Table 1 attached to these conditions and:
- A) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the Planning Authority. The protocol shall describe the procedure to assess the level and character of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise or AM if applicable. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the Planning Authority.
 - B) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the protocol within 2 months of the date of the approval of the protocol by the Local Authority unless otherwise agreed by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.
 - C) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5 of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's initial assessment unless otherwise agreed by the Planning Authority.
 - D) During the period following repowering of T1 and prior to the repowering of T2 and T3 the limits are the values in Table 2. In the period following the repowering of T1, T2 and T3 but prior to the repowering of T4 the limits are the values in Table 3.

Table 1 - Rating Level Limits at all times except as modified by Tables 2 and 3.

Limits HU Only	Standardised Wind Speed m/s						
	4	5	6	7	8	9	10
Bryn-ffynon (FI)	45	45	45	45	45	45	47
Bryn-yr-hyddod	36	37	39	42	45	49	51
Capel Gelioedd	36	36	36	35	36	40	43
Cwmeoroddwr	36	36	36	36	37	40	43
Gellioedd-uchaf	36	36	36	36	37	40	43
Hafotty Cerrig	36	36	36	35	36	40	43
Hendre-Ucha	35	35	35	37	41	44	47
Pant-glas	36	36	36	35	37	40	43
Pen Gob (FI)	45	45	45	44	44	44	44

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Table 2 - Rating Level Limits for Transition Stage A

Stage A - T1 Repowered	Standardised Wind Speed m/s						
	4	5	6	7	8	9	10
Bryn-ffynon (FI)	45	45	45	45	45	45	47
Bryn-yr-hyddod	36	37	39	42	45	49	51
Capel Gelioedd	36	36	36	35	36	40	43
Cwmeoroddwr	36	36	36	36	37	40	43
Gellioedd-uchaf	36	36	36	36	37	40	43
Hafotty Cerrig	36	36	36	36	38	40	43
Hendre-Ucha	35	35	38	39	41	44	47
Pant-glas	36	36	37	38	39	40	43
Pen Gob (FI)	45	45	45	44	44	44	44

Table 3 - Rating Level Limits for Transition Stage B

Stage A - T1 Repowered	Standardised Wind Speed m/s						
	4	5	6	7	8	9	10
Bryn-ffynon (FI)	45	45	45	45	45	45	47
Bryn-yr-hyddod	36	37	39	42	45	49	51
Capel Gelioedd	36	36	36	35	36	40	43
Cwmeoroddwr	36	36	36	36	37	40	43
Gellioedd-uchaf	36	36	36	36	37	40	43
Hafotty Cerrig	36	36	36	36	38	40	43
Hendre-Ucha	35	35	38	39	41	44	47
Pant-glas	36	36	37	38	39	40	43
Pen Gob (FI)	45	45	45	44	44	44	44

REASON: In the interests of residential amenity, to comply with Policies DP1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 11 No construction or decommissioning works involving the use of plant or machinery shall be carried out, and no deliveries taken at the site, at any time on Sundays or public holidays, or outside the following hours:
0800 - 1800 hours Mondays to Fridays.
0800 - 1300 Saturdays.

REASON: In the interests of residential amenity, to comply with Policies DP1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 12 No piling operations shall be carried out unless in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, to comply with Policies DP1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and

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advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 13 All electricity wires and cables shall be laid underground and the trenches shall be backfilled progressively as the cable laying operations proceed, and shall be reinstated to their pre-development condition prior to the operation of the turbine that they serve.

REASON: In the interests of visual amenity, to comply with Policies DP1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 14 No development, site clearance works or vegetation removal shall take place until details of the modifications to the existing access tracks (to include an ecological survey of road verges/banks and mitigation measures, as appropriate, based on the ecological survey findings) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and biodiversity, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/3, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 15 The turbine towers/columns, nacelle and blades shall be constructed with a matt mid-grey colour finish in accordance with a sample and/or specifications that have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of visual amenity, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 16 All turbines shall be three bladed horizontal axis turbines and the blades shall rotate in the same direction.

REASON: In the interests of visual amenity, to comply with Policies DP1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 17 No turbine shall be erected until the corresponding existing turbine as shown on plan/drawing no. 2041-01-02 Rev A has been dismantled in accordance with a decommissioning plan that has first been submitted to and approved in writing by the Local Planning Authority. The dismantled turbine components shall then be removed from the site in accordance with a timescale set out in the decommissioning plan.

REASON: In the interests of visual amenity, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for

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Renewable Energy (2005).

- 18 Each turbine and its ancillary equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with a decommissioning plan that has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the following timetable:
- Turbine T1 no later than 2046;
 - Turbine T2 no later than 2051;
 - Turbine T3 no later than 2051; and
 - Turbine T4 no later than 2055.

REASON: In the interests of biodiversity, visual amenity and highway safety, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 19 In the event that any wind turbine fails to produce electricity supplied to the local grid for a continuous period of 6 months, then it will be deemed to have ceased to be required, and the wind turbine and its ancillary equipment shall be dismantled and removed from the site within 12 months of the deemed cessation date and the site restored to its former condition, in accordance with a decommissioning plan that has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 20 Any decommissioning plan submitted pursuant conditions 17, 18 and 19 shall include details of:
- i. Location of any contractors' buildings and compounds, including storage of plant and materials;
 - ii. Pollution control measures, including measures to control leakage from oil, fuel and chemical containers;
 - iii. Access routes from the highway;
 - iv. Parking areas for site operatives and visitors;
 - v. Loading and unloading areas;
 - vi. Wheel washing facilities;
 - vii. Measures to control the emission of dust and dirt during construction;
 - viii. Security hoarding and/or fencing;
 - ix. A method statement and timetable for the removal of all the above ground elements plus one metre of the turbine bases below the ground level of the turbines and the restoration of the site.

The decommissioning plan shall be adhered to as approved throughout the decommissioning process.

REASON: In the interests of biodiversity, visual amenity and highway safety, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition),

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Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 21 Notwithstanding the provisions of Part 17G of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent revisions or modifications of that Order, no development specified within the following paragraphs of that Part shall be undertaken on or adjacent to the site pursuant to the development hereby approved and related activity unless: (i) it is included within this application; or (ii) planning permission has been obtained from the Local Planning Authority:
- a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
 - b) the extension or alteration of buildings on operational land;
 - c) the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;
 - d) any other development carried out in, on, over or under the operational land of the undertaking.

REASON: In the interests of biodiversity and visual amenity, to comply with Policies DP/1, DP/3, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition), Technical Advice Note 5: Nature Conservation and Planning (2009) and Technical Advice Note 8: Planning for Renewable Energy (2005).

- 22 No delivery of any Abnormal Indivisible Load (AILs) (as defined by the Road Vehicles (Authorisation of Special Types General) Order 2003) shall be undertaken until:
- a. an assessment of the capacity of and impact on those structures (Bridges, Retaining Walls, Culverts, High Masts, Rock Cuttings, Structural Embankments, etc.) along the proposed Welsh trunk road network and County highway in accordance with proposed route plan (28a), which shall be utilised during the construction of the development, as agreed with the Welsh Government as Welsh trunk road highway authority; and
 - b. details of any improvement works required to such structures (Bridges, Retaining Walls, Culverts, High Masts, Rock Cuttings, Structural Embankments, etc.) as a result of construction of the development;

have been submitted to and approved by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any AIL deliveries to the development site.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 23 Condition surveys of the carriageway, signs, verges, vehicle restraint systems, lighting

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columns, boundary walls/features, road markings, camera columns/equipment, kerbs, drainage equipment/components and any other highway feature along the trunk road network and County highway, which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 14 days of the surveys.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 24 Prior to the delivery of any AIL, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 25 AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the delivery of AILs. The TMP shall include:

- a. a plan identifying the proposed route from the point of entry onto the Welsh Trunk Road Network to the site and approved by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority.
- b. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic;
- c. evidence of visual drive through of the proposed route as outlined within condition 22a;
- d. swept path analysis on topographical surveys modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the as outlined within condition 22a and highlighted by the drive through;
- e. evidence of trial runs that mimic the movement of the worst case AILs along the access route;

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- f. a written statement confirming that the haulage contractor will/has been issued with a copy of the plan set out in condition 22 and therefore will be/is aware of proposed route.
- g. number and size of AILs, including loaded dimensions and weights;
- h. number and composition of AIL convoys, including anticipated escort arrangements;
- i. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
- j. convoy contingency plans in the event of incidents or emergencies;
- k. estimated convoy journey durations and timings along the route, including release of forecast traffic queues;
- l. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;
- m. plans for the reinstatement of any temporary works after completion of the construction phase;
- n. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features;
- o. proposals to liaise with all relevant stakeholders (Community Councils, Local Councils, Police, Highway Authorities, Property Owners and members of the public) regarding construction traffic and AIL movements;
- p. consideration of the cumulative impact of other wind farm schemes proposing to use all or part of the same access route.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 26 Prior to the commencement of any removal, replacement or decommissioning works at the above development a second Traffic Management Plan for the opposite route (in accordance with condition 25 a - p) shall be submitted to and agreed by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 27 No delivery of any AILs shall be undertaken until full details of any highway works

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associated with the construction of layover areas, passing places and highway improvements as agreed with the relevant highway authority including:

- a. the detailed design of any works;
- b. geometric layout;
- c. construction methods;
- d. drainage; and
- e. street lighting;

have been submitted to and approved in writing by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 28 Prior to any AIL being delivered the developer must notify the highway authority of the proposed movement dates and times.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

- 29 For the avoidance of doubt, the requirements of conditions 22-28 (inclusive) must be satisfied prior to the replacement of each of the turbines comprised in the application site.

REASON: To ensure the safety and free flow of trunk road traffic and in the interests of highway safety, to comply with Policies DP/1, DP/4, DP/6, NTE/1, NTE/6 and NTE/7 of the adopted Conwy Local Development Plan 2013, and advice in Planning Policy Wales (10th Edition).

Informatives:

Please view the website for more information on the representations that have been submitted in relation to this application at: <http://www.conwy.gov.uk/planningexplorer>.

This planning permission should be read in conjunction with the legal agreement which is applicable to this site.

The submission of the following details required by condition nos. 3, 4, 7, 8 and 14 has been approved by Conwy County Borough Council pursuant to planning application ref. 0/48101 and is subject to compliance/completion with the details hereby approved:

- Condition 3 - water features survey
- Condition 4 - Construction Environmental Management Plan
- Condition 7 - ornithological report

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- Condition 8 - bat surveillance programme
- Condition 14 - details of the modifications to the existing access tracks

The submission of details (colour finish and decommissioning plan) required by condition nos. 15 and 17 has been approved by Conwy County Borough Council pursuant to planning application ref. 0/48583 and is subject to compliance/completion with the details hereby approved.

The non-material amendment application 0/49435 for an amendment to the list of approved drawings in Condition 2 has been approved by Conwy County Borough Council on 11th March 2022, and is subject to compliance / completion with the details hereby approved.

The non-material amendment application 0/49462 to amend the working and delivery hours permitted under Condition 11 has been approved by Conwy County Borough Council on 17th March 2022 and is subject to compliance / completion with the details hereby approved.

The non-material amendment application 0/49752 to amend the timing of the road condition surveys required by conditions 23 and 29 has been approved by Conwy County Borough Council on 7th July 2022, and is subject to compliance / completion with the details hereby approved.

The submission of details of the ornithological report and road condition road survey (in part) required by conditions 7 and 23 has been approved by Conwy County Borough Council under ref: 0/49454 and is subject to compliance/completion with the details hereby approved.

The submission of the following details required by condition nos. 22-28 been approved by Conwy County Borough Council pursuant to planning application ref. 0/49791 and is subject to compliance/completion with the details hereby approved:

- Condition 22 - an assessment of the capacity of, and impact on, structures along the A5 Welsh trunk road network and County highway that will be utilised during construction of the development, along with details of an improvement works required.
- Condition 23 - pre-construction phase condition survey of structures along the trunk road network and County highway that will be utilised during construction of the development.
- Condition 24 - a scheme of remediation of any incidental damage directly attributable to the development to the parts of the highway network that will be utilised during the construction of the development.
- Condition 25 - a Traffic Management Plan in respect of Abnormal Indivisible Loads.
- Condition 26 - a Traffic Management Plan in respect of Abnormal Indivisible Loads for the opposite route specified in condition 25.
- Condition 27 - details of any highway works associated with the construction of layover areas, passing places and highway improvements
- Condition 28 - notification of the delivery of any Abnormal Indivisible Loads.

The submission of the following details required by condition no. 23 has been approved by Conwy County Borough Council pursuant to planning application ref. 0/50139 and is

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subject to compliance/completion with the details hereby approved:

- Post-construction phase condition survey of structures along the trunk road network and County highway that will be utilised during construction of the development.

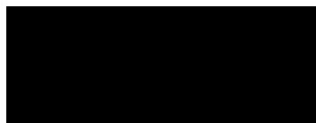
Ymgeisydd / Applicant:

Tegni Ltd
FAO Mr Huw Smallwood
Bron Graig
Llangwm
Conwy
LL21 0RL

Dyddiad Penderfyniad Gwreiddiol / Original Decision Date: 01/07/2019

Dyddiad Diwygio / Revision Date: 04/04/2023

Arwyddo / Signed:



pp Rheolwr Rheoli Datblygu ac Adeiladu / Development and Building Control Manager

Guidance Notes for Noise Condition

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into bins as described below. The rating level in each bin is the arithmetic sum of the wind farm noise level, any tonal penalty applied in accordance with Note 3 and any AM penalty applied in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI). IOAGPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" or any update of that report current at the time of measurement. The IOA Metric is "A Method for Rating Amplitude Modulation in Wind Turbine Noise" dated 9th August 2016 or any update of that current at the time of measurement.

Note 1 – Data Collection

- a. Values of the LA90,10-minute noise index should be measured in accordance with the IOAGPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and to allow an AM penalty to be calculated for selected periods where a tonal or AM assessment is required.
- b. To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in degrees from north in each successive 10-minutes period in a manner to be agreed in writing with the Planning Authority. The wind speed at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which are correlated with the noise measurements determined as valid. The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle, arithmetic mean rotor RPM and whether each wind turbine is running normally during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Universal Time (UT).

Note 2 – Data Analysis

- a. The independent consultant shall identify a sub-set of data having had regard to:-
 - the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
 - the nature/description recorded in the complaints if available;
 - information contained in the written request from the local planning authority;
 - likely propagation effects (downwind conditions or otherwise);
 - the results of the tonality/AM analysis where relevant.

In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen additional sub-sets may be considered provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.

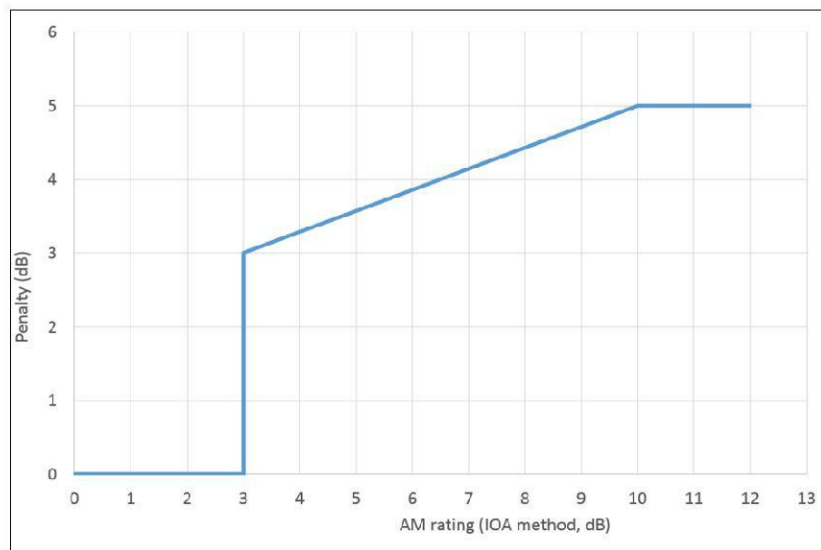
- b. Within each of the sub-set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

Note 3 – Tonal Penalty

- a. Where, in accordance with the protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.
- b. For each 10-minute period for which a tonal assessment is required this shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").
- c. For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.
- d. The tone level above audibility for each ten-minute period shall be placed in the appropriate data sub-set and wind speed bin.

Note 4 – AM Penalty

- a. Where, in accordance with the protocol, the noise contains or is likely to contain AM, an AM penalty shall be calculated for each ten-minute period using the following procedure.
- b. For each 10-minute interval for which an AM assessment is required this shall be performed in accordance with The IOA Metric. The value of AM for each ten-minute period shall be converted to a penalty in decibels in accordance with the graph below and the penalty shall be placed in the appropriate data sub-set and wind speed bin. Where a penalty is zero it should be placed in the bin in the same way.



Note 5 – Calculation of Rating Level

- a. The LA90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10-minute sound pressure levels within that data sub-set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97. The AM penalty for each bin is the arithmetic mean of the AM penalties in the bin. The assessment level in each bin is normally the arithmetic sum of the bin LA90, the bin tonal penalty and the bin AM penalty except where the AM penalty and the tonal penalty relate to the same characteristic (e.g. amplitude modulated tones) when the sum of both penalties may overly penalise the characteristics of the noise. Such cases should be identified and only the larger of the AM or tonal penalty should be applied.
- b. If the assessment level in every bin lies at or below the values set out in the Table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions in any bin, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.
- c. The wind farm operator shall ensure that all the wind turbines in the development are turned off for such periods as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:-
 - i. Repeating the steps in Note 1, with the wind farm switched off, and determining the background noise (L_3) in each bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction,

background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.

- ii. The wind farm noise (L_1) in each bin shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal nor AM penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be calculated by adding the tonal and AM penalties to the derived wind farm noise L_1 in that bin.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal and AM penalties in every bin lies at or below the values set out in the Tables attached to the condition at all wind speeds, then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table(s) attached to the condition, then the development fails to comply with the planning condition in the circumstances represented by that bin.