

Transport and Works Act 1992

**Transport and Works (Applications and Objections Procedure)
(England and Wales) Rules 2006**

THE MORLAIS DEMONSTRATION ZONE ORDER

Proposed Conditions for Deemed Planning Permission

Conditions proposed to be attached to the direction for deemed planning permission

General

- 1) The development hereby permitted shall begin before the expiration of 5 years from the date that the Order comes into force.

Reason: *To ensure that the development is commenced within a reasonable period of time.*

- 2) Amendments to details previously submitted to and approved in writing by the Planning Authority, may be approved only where it can be demonstrated to the Planning Authority that the approval sought does not give rise to any materially new or materially different significant environmental effects from those assessed in the Environmental Statement.

Reason: *For the avoidance of doubt and in the interests of proper planning*

Approval and Implementation of Construction Mitigation Plans

- 3) Prior to the commencement of any phase of the development, a CoCP for that phase, substantially in accordance with the outline CoCP submitted alongside the TWAO application, will be submitted to and approved in writing by the Planning Authority. Any CoCP will include as a minimum:
 - a. The area and works relevant to the CoCP
 - b. Construction Method Statements relating to the phase of the development.If relevant to the phase of the development the following will be included within the CoCP for that phase;
 - c. Surface water drainage Plan
 - d. Construction Noise Management Plan
 - e. Construction Air Quality Management Plan
 - f. Site and Excavated Waste Management Plan
 - g. Habitat Reinstatement Plan

- h. Onshore Invasive Species Management Plan
- i. Ecological Action Plan
- j. Street works details, including:
 - a. the timing(s) of and anticipated date for completion of the works,
 - b. traffic management and signage proposals, and
 - c. details of reinstatement of the street including matters such as the width and extent of resurfacing and street-markings

The Planning Authority will consult Natural Resources Wales prior to approving any CoCP that contains procedures and information that is pertinent to their statutory obligations. Once approved, the construction of each phase of the development will be carried out in accordance with the relevant CoCP.

Reason: *In order to comply with Policy ADN 3 of the Local Plan.*

- 4) Prior to the commencement of development, a Pollution Prevention and Management Plan (PPMP) substantially in accordance with the outline PPMP submitted alongside the TWAO application, will be submitted to and approved in writing by the Planning Authority, following consultation with Natural Resources Wales. The construction of the development will be carried out in accordance with the approved PPMP.
- 5) No works which comprise the installation or laying of cables externally up the cliff face at the proposed landfall shall be undertaken until:
 - a. A written report has been submitted and approved by the Planning Authority explaining why it is not feasible for such cables to be installed by horizontal directional drilling or other trenchless technique. The report shall include details of testing and previous attempts at such installation and the reasons (if any) why those attempts have been unsuccessful. The report shall also include or be accompanied by a certification from a suitably qualified independent engineer, who has been agreed in writing with the Planning Authority prior to appointment, that the approach taken to testing and attempting to use horizontal directional drilling or other trenchless techniques meets normal industry standards;
 - b. A CoCP related to the proposed external installation works in accordance with the requirements of condition 3 has been submitted to and approved by the Planning Authority; and
 - c. An updated landscape management plan related to the proposed external installation works in accordance with the requirements of condition 7 has been submitted to and approved by the Planning Authority.

The works shall be undertaken in accordance with the approved details

Reason: *In order to secure the satisfactory development of the application site.*

Detailed Design

- 6) To the extent that design principles for any work are set out in the Design and Access Statement, that work must be designed in accordance with the relevant design principle set out therein. Development of each structure shall not commence until, for that structure, details of the layout, scale and external appearance of the structure have been submitted to and approved in writing by the Planning Authority.

Prior to the construction of the landfall substation, switchgear building and the grid connection substation, their external appearance and building heights above ground level will be submitted and approved in writing by the Planning Authority. These elements must be within the parameters specified in Table 1 and buildings 1, 2 and 3 at the landfall substation shall be collectively no greater than 1,739m² in area. (as the same may be amended by approval of the Planning Authority pursuant to Condition 2):

Table 1 – Consented Onshore Building maximum dimensions

Building or Structure	Maximum Height (m)	Maximum Length (m)	Maximum width (m)
-----------------------	--------------------	--------------------	-------------------

Landfall substation building 1	7	62	22.5
Landfall substation building 2	7	28	10
Landfall substation building 3	7	8	8
Switchgear Building	4	9.4	5
Grid Connection Substation	9	104	62

Construction of the buildings and structures will be undertaken in accordance with the approved design.

Reason: *In order to secure the satisfactory development of the application site.*

- 7) Prior to the commencement of construction of the development, and substantially in accordance with the outline Landscape Master Plan submitted alongside the TWA0 application, details of both hard and soft landscape works will be submitted to and approved by the Planning Authority. This shall include:
 - a. Hard landscape details shall include boundary details, means of enclosure and hard surfacing areas including materials;
 - b. Soft landscape details shall include planting plans, written specifications including soil depths, and cultivation associated with plant and grass establishment and schedules of plants noting species, planting sizes and proposed numbers and densities
 - c. Details of biodiversity enhancement measures on land above the cliff face of Abraham's Bosom; and
 - d. A final Landscape Management Plan.

The Planning Authority will consult Natural Resources Wales prior to approving this condition and the construction of the development will be carried out in accordance with the approved landscape details.

Reason: *To comply with Policy AMG 3 of the AONB Plan and Policy PCYFF 4 of the Local Plan and in the interests of proper planning*

Water resources, flood risk and contamination

- 8) Prior to the commencement of construction a method statement to minimise the impacts of temporary watercourse crossings shall be submitted to and approved by the Planning Authority. The construction of the development will be carried out in accordance with the approved method statement.

Reason: *In order to protect the natural environment and comply with Strategic Policies PS 19 and ADN 3 of the Local Plan.*

- 9) Prior to the commencement of construction a hydrogeological risk assessment will be submitted to and approved by the Planning Authority. This hydrogeological risk assessment will include a detailed risk assessment of the effects of horizontal directional drilling. The construction of the development will be carried out in accordance with the approved risk assessment.

Reason: *In order to protect the natural environment and comply with Strategic Policies PS 5 and ADN 3 of the Local Plan.*

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Planning Authority. The remediation strategy shall be carried out as approved.

Reason: *To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.*

Ecology

- 11) Prior to the commencement of construction, the scope for the following ecological surveys will be submitted to and approved in writing by the Planning Authority. The surveys will be designed to confirm that the ecological baseline has not materially changed since the surveys supporting the ES were undertaken and the approved scope will then be carried out in full. The results of the surveys will be provided to the Planning Authority prior to construction commencing.
- a. Otter;
 - b. Water vole;
 - c. Badger;
 - d. Bats;
 - e. Reptiles;
 - f. Great crested newt;
 - g. Breeding birds (including barn owl); and
 - h. Notable plant species, including:
 - i. Spatulate Fleawort *Tephrosia integrifolia subsp. maritima*;
 - ii. Golden-hair lichen *Teloschistes flavicans*;
 - iii. Spotted rock-rose *Tuberaria guttata*; and
 - iv. Wild Leek *Allium ampeloprasum*.

Reason: In order to comply with Strategic Policy PS 19.

- 12) (1) No stage of the works must commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by any part of the onshore works or in any of the trees to be lopped or felled as part of the onshore works.
- (2) Where a European protected species is shown to be present, the stage of the works likely to affect the species must not commence until, after consultation with the relevant statutory nature conservation body and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority.
- (3) The works must be carried out in accordance with the approved scheme.
- (4) In this Requirement, "European protected species" has the meaning given in regulation 42 of the Conservation of Habitats and Species Regulations 2017

Reason: In order to comply with EIA and Habitat Regulations.

- 13) No trenching of cables will be undertaken landward of mean low water springs without a detailed installation methodology being submitted to and approved in writing by the Planning Authority. All trenching works landward of mean low water springs will be undertaken in accordance with this approved installation methodology.

Reason: In order to comply with the high level marine objectives within the Marine Policy Statement and to minimise the impacts upon Annex I habitats stated in the Habitats Directive.

Archaeology

- 14) Prior to the commencement of development (including site clearance, topsoil strip, , ground investigations or other groundworks), a Written Scheme of Investigation (WSI) for archaeological work informed by the geophysical investigation undertaken in March and April 2020 and the Trial Trenching undertaken in June 2020, shall be submitted to and approved in writing by the Planning Authority. The WSI will include:
- a. The proposed field investigation and recording methodology;
 - b. the proposed post-investigation programme including:
 - i. assessment,
 - ii. analysis,
 - iii. reporting,
 - iv. publication,

- v. dissemination and,
- vi. archiving.
- c. c. a dated timescale for the archaeological work proposed.

The development shall be carried out in accordance with the approved WSI.

Reason: *To secure an appropriate archaeological mitigation programme in accordance with Policy AT 4 of the Local Plan, Planning Policy Wales 10 (December 2018) and TAN24: The Historic Environment.*

Traffic and Transport

- 15) Prior to the commencement of construction of the development a Construction Traffic Management Plan (CTMP) will be submitted to and approved by the Planning Authority. This will include measures to safely manage construction vehicle movements to and from the construction areas and measures to maintain access to businesses and residents affected by temporary highway closure. The CTMP shall include as a minimum:
- a. Proposed construction traffic management measures;
 - b. Details of how construction will be staged;
 - c. Details of proposed diversion routes and advanced signage;
 - d. Details of the measures to manage access arrangements for local residents and tourists;
 - e. Details of construction workers parking arrangements;
 - f. Details of measures to encourage sustainable travel; and
 - g. Details of measures to escort pedestrians and cyclists during the works.

The construction of the development will be carried out in accordance with the approved CTMP.

Reason: *In the interest of highway safety and residential amenity*

Welsh Language

- 16) The following Welsh Language Mitigation, Optimisation and Monitoring Strategies (WLMOMS) informed by an updated WLIA will be submitted to and approved by the Planning Authority:
- a. At least three months prior to construction, a WLMOMS for the construction phase of the development will be submitted to and approved by the Planning Authority; and
 - b. At least six months prior to the operation of the development, a WLMOMS for the operational phase of the development will be submitted to and approved by the Planning Authority.

The development must be carried out and operated in accordance with the approved strategies.

Reason: *To accord with Objectives SO1 of the Local Plan.*

Tourism and Recreation

- 17) At least six months prior to the commencement of construction of the development a Tourism and Recreation Monitoring Strategy, substantially in accordance with Chapter 10 of the Supplementary Tourism and Recreation Assessment, will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved strategy.

Reason: *To accord with Policy ADN 3 of the Local Plan*

- 18) Prior to the commencement of construction of the development, proposals for a Promotion and Interpretation Strategy, substantially in accordance with the Outline Promotion and

Interpretation Strategy, will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved strategy.

Reason: *To accord with Objective SO14 of the Local Plan*

Socio-Economics

- 19) At least six months prior to the commencement of construction of the development a Skills and Training Action Plan, substantially in accordance with the proposals within Chapter 3 of the Supplementary Socio-Economic Assessment, will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved plan.

Reason: *To accord with Objective SO11 of the Local Plan.*

- 20) At least six months prior to the commencement of construction of the development, proposals for the Task And Finish Group, substantially in accordance with the proposal within Chapter 3 of the Supplementary Socio-Economic Assessment, will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved proposals.

Reason: *To accord with Objective SO11 of the Local Plan.*

- 21) At least six months prior to the commencement of construction of the development a Supply Chain Action Plan, substantially in accordance with the proposal within Chapter 4 of the Supplementary Socio-Economic Assessment, will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved plan.

Reason: *To accord with Objective SO12 of the Local Plan.*

- 22) At least three months prior to the commencement of construction of the development a Strategy for the Housing of Non-Resident Workers will be submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved strategy.

Reason: *To accord with Objective SO12 of the Local Plan.*

- 23) No works shall be carried out under this planning permission until a party with a registrable legal interest in part of the land shown edged red on the site location plan reference 70061106-001, and who is capable of binding that land, has entered into an agreement with the Isle of Anglesey County Council as Planning Authority pursuant to section 106 of the Town and Country Planning Act 1990 in substantially the same form as the draft agreement annexed to this notice.

Reason: *Without the provision of compensation to help offset the seascape and landscape impacts of the development the Council would have objected to the grant of the application for deemed planning permission as contrary to JLDP policies PS19, AMG 1, AMG 3 and AMG 4. The section 106 agreement addresses this, however at the time of this permission being issued the applicant is not able to bind an interest in the land.*

Operations

- 24) Prior to the operation of the development, an Operational Management Plan will be submitted to and approved by the Planning Authority. This will detail the measures to safely manage above surface project infrastructure and maintenance operations on publicly accessible land. It shall include:
- a. Details of measures to prevent unsafe public access to above ground infrastructure
 - b. Details of the maintenance measures that are likely to be required and their approximate duration and timings
 - c. Details of measures to reduce as far as practical interference with public access and details of how public safety during the maintenance operations will be maintained

- d. Details of how advance notice of the maintenance operations will be communicated to the Planning Authority
- e. Details of how emergency maintenance measures will be managed.

Reason: *In the interests of public safety*

Decommissioning

- 25) Within three months of the cessation of the commercial operations of the Morlais offshore tidal project, and at least six months prior to any onshore decommissioning works commencing, a written scheme of decommissioning must be submitted to and approved in writing by the Planning Authority. The written scheme of decommissioning is to include a Code of Construction Practice (CoCP) and the approved scheme must be implemented as approved in the carrying out of any decommissioning works or relevant part of it.

Reason: *in the interests of proper planning*