



Nant Mithil Energy Park, Powys.
PEDW DNS Application Ref: DNS CAS-01907-D7Q6Z1.

CPRW-RE-think Chapter 17 on

PAC, Deficiencies in the EIA, Planning Conditions & Section 106

Nant Mithil Energy Park, Powys.
PEDW DNS Application Ref: DNS CAS-01907-D7Q6Z1.

Evidence by CPRW-RE-think on:
PAC, Deficiencies in the EIA, Planning Conditions & Section 106

This chapter considers the degree of protection offered in practice by planning conditions, especially following the experience of nearby Hendy Wind Farm. It considers the relation of the conditions to information provided in the ES and the merits of the applicant's suggested conditions by comparing them with DNS Guidance model conditions in a comprehensive table highlighting the various shortcomings.

Prepared by: Dr Christine Hugh-Jones, CPRW and Jenny Chryss, Campaign Lead RE-think

Table of Contents

1. Introduction	3
2. Wind Farm Conditions	3
3. LPA Role	4
4. Nant Mithil Draft Conditions.....	5
5. The Example of Hendy Wind Farm	5
6. Risks for Nant Mithil	6
7. Turley Conditions with DNS Guidance Model Conditions.....	7
8. Section 106 Discussion	31
9. Conclusions.....	32

1. INTRODUCTION

- 1.1. The purpose of planning conditions is to ensure that development adheres to approved plans and there are effective measures in place to protect the public and the environment from adverse impacts during preparations for construction, construction, operation and at decommissioning.
- 1.2. The final decision-maker is the Welsh Minister who, in practice, has no responsibility for Conditions. The conditions are set by the PEDW Inspector under the assumption that the LPA will monitor development, discharge conditions, investigate public complaints and enforce against breaches of conditions. An HRA and Appropriate Assessment will also be attached to any Conditional Consent. The avoidance of harm should be guaranteed by adherence to the approved ES and proper management of the planning conditions attached to consent.
- 1.3. This sections sets out our main concerns:
 - Information about the development and its impacts which should have been addressed in examination of the ES have been relegated to draft planning conditions;
 - the Applicant's suite of draft planning conditions deliberately waters down the control of development intended in the DNS Guidance Model planning conditions;
 - the applicant's conditions refer back to the generic mitigation outlined in the ES while the ES refers forward to "detailed" Plans which will be set out post-consent and made subject to conditions. This circular process neatly avoids describing the appropriate site-specific details and their environmental impacts.

2. WIND FARM CONDITIONS

- 2.1. Planning Conditions must pass the 6 relevant tests of being:
 - Necessary;
 - Relevant to planning;
 - Relevant to the development being permitted;
 - Enforceable;
 - Precise;
 - Reasonable in all other respects.

Even if they pass these tests they will only provide the proper protection if they reflect information clearly set out in the ES in sufficient detail. Otherwise, they are a means of the Developer introducing new environmental information, potentially causing more harm, which should have been weighed in the planning balance. It is for the ES to establish whether mitigation or compensation can be achieved. No amount of plans devised by the Developer post-consent and approved by the LPA will achieve the impossible.

- 2.2. We have argued elsewhere that the ES does not set out enough information, relies on generalised mitigation procedures and defers too many issues to be addressed in post-consent management plans. There are too many unknowns, including transport to the site, site access, site layout, construction impacts on rights of way, biodiversity and amenity and content of the numerous future plans. The “High Level” or “Outline” plans in the ES are low-level in assuring the public that risks can be adequately controlled.

3. LPA ROLE

- 3.1. Even with a high standard ES, Conditions will only achieve their purpose if the LPA exercises its powers in the best possible way:
- insisting on clear protection and risk management in the draft discharge reports
 - ensuring no unauthorised development takes place before discharge of pre-commencement Conditions
 - monitoring development and responding to public alerts;
 - enforcement against breaches
- 3.2. Developers often evade the Inspectors intentions embodied in Conditions by proposing Non-Material Amendments or other new material changes to conditions. This can become a war of attrition with the LPA eventually approving after many versions are submitted. If the project is approved, the LPA may feel increased pressure (commensurate with the size of the project and related Bute/GGC development) not to “waste” a national renewable energy opportunity by putting obstacles in the way of development.
- 3.3. The public has little say in the discharge of conditions. These do not come before public planning meetings. Written public objections are not published by Powys and it is difficult to know if they are taken into account. Planning Enforcement Complaint forms frequently go unacknowledged and unanswered. Enforcement Officers refer back to Case Officers who are usually too busy to take any timely action. “Expediency”, which is not explained further, is a common ground for failure to enforce. All these factors work against public participation in the planning process and the public interest.
- 3.4. There is no higher authority for appeal when the LPA fails to act. The Welsh Government has a [list](#) of applications referred for decision on whether to call-in for WG decision but the entries becomes fossilised as the Hendy enforcement example (case 1851 listed on 4/3/24) shows. CPRW has been unable to establish what the label “*Under Consideration by Senior Officer*”, which has been displayed for many months, actually means in practice.

4. NANT MITHIL DRAFT CONDITIONS

- 4.1. PEDW's December 2022 Circular on Planning Conditions says, *"You should not impose conditions where the parties, including third parties, would reasonably expect but did not have any opportunity to comment"* and *'If you re-draft a condition, consider whether doing so will make it more onerous or otherwise change its meaning or effect, such that the parties would expect to have an opportunity to comment.*
- 4.2. This implies that interested third parties should be able to participate the part of the examination devoted to draft conditions and we request that this opportunity is made available.

5. THE EXAMPLE OF HENDY WIND FARM

- 5.1. Powys LPA has an unfortunate history over planning conditions for the adjacent Hendy Wind Farm. The shortest distance between a Hendy and a Nant Mithil turbine is 2.5km. No electricity has been generated over seven years since the first turbine was commissioned and over five years after completion of the remaining six turbines.
- 5.2. It is now quite possible that the seven inoperative second-hand turbines will not approach the name-plate capacity and will need replacing soon after operation begins.
- 5.3. The Hendy Wind Farm Appropriate Assessment states at para 12: *"In agreeing with the suggested list of conditions the Council confirmed at the inquiry that it had relevant experience in relation to several other wind farms schemes in its area of discharging similar conditions and undertaking monitoring to ensure compliance. It also confirmed that in agreeing the additional details sought by the conditions it would call on the specialist advice of NRW when necessary. I consider that the suite of measures proposed to mitigate any harmful effect on the SAC can be relied upon to be effective. It is reasonable to assume that the conditions' requirements will be complied with and monitored effectively, particularly given the potentially serious consequences of not doing so in the case of the conditions in question."* (Addendum Report, 19/10/2018, Appeal by Hendy Wind Farm Ltd).
- 5.4. In November 2018, without pre-commencement planning conditions approved, the developer started work on the wind farm. On 6/12/18 a planning officer wrote to concerned residents stating the development was in breach of conditions and that any further work was *"at the developer's own risk"*
- 5.5. Many of the 51 Conditions attached to Hendy wind farm consent go to the heart of the permission and many required discharge before construction began. Two major pre-commencement conditions were:
 - the requirement for the Applicant to obtain any grid connection permission prior to construction work starting on the wind farm;

- the requirement that any turbine not generating electricity for six months should be removed.
- 5.6. The wind farm construction began without discharge of the pre-commencement conditions requiring grid connection permission. A single turbine was commissioned in January 2019 days before closure of the Renewable Obligations subsidy window and construction of the remaining elements followed often under Covid restrictions. The substation was approved on 8.7.24, over two years after wind farm completion. The Hendy grid connection has not yet been completed.
- 5.7. On 30/1/20 the developer applied for a Non-Material Amendment to the Condition requiring removal of any turbine failing to operate for 6 months. Powys agreed a change of wording from *"In the event of a wind turbine failing to produce electricity to the grid for a continuous period of 6 months or more, other than required by Conditions 38, 39, 40 and 51, a scheme for the repair or removal of that turbine shall be submitted to the Local Planning Authority for its written approval within 2 months of the end of that 6 month period and implemented within 6 months of approval unless a longer period is agreed in writing by the Local Planning Authority."* To – identical wording followed by: *"This condition only applies after the earlier of 31 August 2021 or the permanent connection of the wind farm to the grid."*
- 5.8. The consenting Officer's Report stated "the consented turbines at Hendy Wind farm, at worst would remain non generating until the 31st August 2021. After the expiry of the said date, should the turbines remain unconnected, the requirements of the condition would be enforceable by Officers.
- 5.9. Enforceable perhaps, but there has been **no enforcement** in spite of numerous public complaints. Hendy has become a national scandal. On 29/2/2024 CPRW asked the Welsh Ministers to call in the application and enforce under their TCPA 1990 s182 powers. Nearly two years later (26/1/2026), this request on the [planning directorate website list](#) of applications under consideration for call-in, remains listed as *"under consideration by a senior planning officer"*. CPRW correspondence with the Planning Directorate about how the list works has not clarified what that means in practice.
- 5.10. Very many other Hendy conditions have not achieved their purpose. Amongst other irregularities, there are deviations from the ES site layout and site clearance, quarrying and major development preceded conditioned pre-commencement ecological surveys. A range of significant problems were reported by the public.

6. RISKS FOR NANT MITHIL

- 6.1. The Council reply to the question of why Hendy conditions have not been enforced, is that it is *"not expedient to do so."* There may be various pressures explaining why a local planning authority take this route on the enforcement of conditions for a major

EIA project but we presume that, for Powys, and Hendy, “*expediency*” refers principally to financial or resourcing reasons.

- 6.2. Councillor Jake Berriman, Powys Cabinet member for planning, said (11.7.25) “*The Hendy case is right and appropriate for us to consider. It is a stark reminder of where we might be in the future with DNS applications.*” and “*What is quite frustrating to us as a planning authority is that the planning fee goes elsewhere, but we have the legal obligation to pursue, at our cost, proper planning enforcement*”
- 6.3. Following the 2024 appointment of two new Enforcement Officers after Audit Wales criticism of poor performance in Powys Planning Department, Cllr Berriman stated that enforcement would be “*more robust than we have been in the past*”. Despite this we have seen no evidence in relation to Hendy Wind Farm or other key cases.
- 6.4. Powys is predicting a £19m shortfall in its budget for 2026-2027, and looking at further reduction in services. We cannot see how the required funding, or planning and other high-level expertise to deal adequately with the deluge of large wind farm applications - can be realistically obtained. The tasks of discharging of conditions, monitoring of construction and achieving enforcement in the case of breach are huge. While a powerful developer can exert pressure for timely discharge of conditions, only the powerless public presses for monitoring and enforcement.
- 6.5. There are currently 19 DNS proposals in Powys County Council area alone, 16 wind farms and 3 Overhead Lines all lodged with PEDW, and at various stages of the planning process; plus 1 NSIP with PINS for a pylon line.
- 6.6. Natural Resources Wales is also stretched, having operated with an interim CEO since March 2025. In the same month the now ex-Chair told the Senedd that NRW had already axed 256 posts, left vacancies unfilled to tackle a multi-million pound funding gap and was facing a tough year. CPRW provided evidence that NRW was struggling to respond to wind farm consultations in the response to Bute’s PAC (see appendix).
- 6.7. The failure to enforce at Hendy leaves a bitter legacy. A Developer such as Bute, originally involved in Hendy, is bound to believe that the combination of aggressive legal intervention and an impoverished LPA and NRW working under a hands-off Welsh Government, allows them to proceed willy-nilly and ride rough-shod over planning regulation. The Turley draft Planning Conditions appear designed to ease the way.

7. TURLEY CONDITIONS WITH DNS GUIDANCE MODEL CONDITIONS

- 7.1. *Note:* we are not professional planners or lawyers, but experience with wind-farm developments in Wales, especially at Hendy, has taught us the critical importance of precise wording of Conditions and the need for Conditions to explicitly cover all significant environmental risks. These include the fundamental risks of construction

being started, but not completed as described in the application ES, or of a constructed wind farm failing to operate.

- 7.2. PEDW's December 2022 Circular on Planning Conditions says, *"If you re-draft a condition, consider whether doing so will make it more onerous or otherwise change its meaning or effect, such that the parties would expect to have an opportunity to comment"*. This advice should also apply to the Applicant's redrafting of DNS standard conditions.
- 7.3. This study may be considered premature before we know the range of issues which will emerge during the examination but we think it is important. It demonstrates that Bute is not content to amend model conditions but prefers to substitute an incoherent, incomplete range of conditions which, almost without exception, reduce the obligation on the developer.
- 7.4. DNS Guidance says that the model conditions are *"intended to act as a reference point for parties drafting suggested conditions for Developments of National Significance planning applications which include renewable energy generation. The list is not exhaustive, and some conditions may not be appropriate for every scheme. The conditions are a starting point; consideration will need to be given on a case-by-case basis whether they are appropriate or require amendment based on the circumstances of a case."*
- 7.5. Where the changed wording does not reduce obligation the question remains of why it was changed at all when DNS Guidance provides a standard model. Changed wording often frustrates the intention of the model condition. For instance, Turley C4 does not state a maximum tip height in keeping with the ES, only that height details must be submitted. Turley C5 requires approval of a micro-siting protocol but omits that it should be implemented as approved. No rational third party would accept these changes.
- 7.6. The Guidance indicates that the principle reason for amendment of the model conditions is to ensure that conditions are site-specific but few, if any, of the Turley changes are site-specific. Therefore we may assume that the principle motive is to seek less restrictive conditions which would offer less protection but would improve project value by saving time and money for the final developer of the project. Since the Guidance refers to "amendment" and not wholesale change, there is no justification for much of the gratuitous re-writing.
- 7.7. The DNS guidance conditions are structured under headings whereas the Turley conditions are in no sensible order, as can be seen by comparison of the respective condition numbers. This will cause confusion for the LPA and greatly reduce the chance that adequate protection of the environment, amenity and safety will be provided.

- 7.8. Condition 22, incidentally the same number in the Guidance and Turley versions, suggests that Turley is well aware of the guidance because only a few words are changed. There are many instances where wording has been changed for no apparent reason other than it is less precise. Looser wording would make apparent breaches easier to defend.
- 7.9. Many conditions would be better merged under one headline condition, for instance “CEMP” (Water-crossings, Borrow Pits, Path Management during construction), or “Species Protection Plan” (Bats, Otter, GCN). The separation out of subheadings into individual conditions plays into the hands of a Developer repeating the deficiencies already only too evident in the ES. It facilitates piecemeal discharge with inconsistent reports from different un-coordinated sources, creates confusion for the LPA, increases the chance that inconsistencies will be missed, and prevents synchronised overall assessment of development control before development commences.
- 7.10. The mention of pre-commencement site investigations, site clearance and soil stripping is in some conditions but not in others leaves doubt as to whether pre-development activity, particularly vegetation clearance and soil stripping, will forge ahead in any case where they are not specifically mentioned. The ecological impacts of these would be large and they should not be allowed to take place until there is certainty over the feasibility of the project. We do not yet have that certainty.
- 7.11. We have made clear that we consider the correct trigger point for details about the turbine delivery route and site access, with full environmental impact, was the submission of an ES in the application to PEDW. We hope the Inspector’s conditions will minimise uncertainty by including feasibility of turbine development, option of site access and methods of construction for delivery of turbines to their final locations in pre-commencement conditions including site investigations, site clearance, and soil stripping. Also that an assessment of the environmental impact of the choices of delivery route and site entrance will be required in the same way. Also that attention will be given to the feasibility of transporting turbines to their final locations without substantial environmental harm, given the site topography.
- 7.12. Learning from the Hendy example, we also hope the Inspector’s will include a pre-commencement condition for removal of inoperative turbines and a negative condition prohibiting commencement of development unless the GGCT-U export line is approved. The applicant states “*“pre-construction site investigations’ are defined as pre-commencement surveys including for ground conditions, ecology, water quality sampling and archaeological investigation”*. The scope “site clearance” is not explained. We hope the inspector’s conditions will make clear that any species or habitat surveys must take place before site clearance, vegetation clearance, soil stripping, stone blasting or intrusive investigations with many people and vehicles which would disturb wild-life.

7.13. One advantage sought by the developer is postponement of the trigger point for discharge of conditions. Deliberate changes from the model trigger points include:

- water crossings: deferment to: *“approval before installation”*, instead of *“approval before commencement of development”*;
- ALL conditions (Turley C11,12 &13): *“before the first ALL delivery”* although the ALL route is not even specified in the ES. Since delivery of turbines is essential to the project, basic feasibility and environmental impacts must be established before site and commencement of development, including any intrusive site investigations and clearance. This requires a specific stand-alone Condition;
- Turley C10 Access Option, essential to delivery of turbines, must be tied to the same first-possible trigger point;
- Aviation Lighting control *“prior to operation”* instead of *“prior to installation”*

7.14. Many critical issues are completely absent in Turley Conditions. These include:

- adherence to plans for any elements of development other than location and site-layout plans;
- failure to produce electricity;
- management or construction timetable;
- further details of construction;
- curtailment protocol;
- protection for any birds;
- mechanism for controlling shadow flicker;
- land contamination report and plan;
- site stability investigation;
- drainage scheme other than for foul water;
- removal of turbine bases at decommissioning.

7.15. Below is an annotated comparison of DNS model conditions and the conditions proposed by Turley consultants on behalf of the applicant. As far as possible we have positioned the Turley conditions as they match up to the model conditions.

DNS GUIDANCE MODEL CONDITIONS		TURLEY FOR APPLICANT
TIMINGS & PLANS 1. Time limit for commencement Not later than date (5 years) from date 5 years of decision	1	<u>Timing</u> No reason to amend wording
2. Approved plans Subject to the conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents: [].	2	<u>Plans</u> Subject to the conditions attached to this permission, the development shall be carried out in accordance with the site location plan (Figure 1.2) and the site layout plan (Figure 4.1a) of the Environmental Statement. <ul style="list-style-type: none"> no other plans mentioned, e.g. site entrances, electricity export poles and cables, substation, temporary construction compounds or any other elements
3. Time limit for operation The permission hereby granted shall endure for a period of [] years from the date when electricity is first exported from [renewable energy facility] on a commercial basis excluding testing (the “First Export Date”). Written confirmation of the First Export Date shall be sent to local planning authority within one month of the First Export Date.	3	<u>Timeline</u> The development hereby approved shall endure for a period of 40 years from the date on which electricity is first exported on a commercial basis from the wind turbines (First Export Date). The developer shall notify the relevant local planning authority in writing within 28 days of the First Export Date. <ul style="list-style-type: none"> less precise

<p>4. Decommissioning scheme</p> <p>No later than 12 months before the expiry date of the planning permission hereby granted [as defined in condition 3] a de-commissioning and site restoration scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include: 1. Details of the removal of all the [solar arrays / wind turbines] and the surface elements of the development [plus one metre of the turbine bases below ground level]; and</p> <p>2. A Decommissioning Environmental Management Plan (DEMP) informed by appropriate survey work.</p> <p>Decommissioning of the site shall be carried out in accordance with the approved decommissioning scheme.</p>	<p>32 <u>Site decommissioning</u></p> <p>Not less than 12 months before the expiry of this permission from the First Export Date, a Site Decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and be completed within 12 months from the expiry of this permission.</p> <ul style="list-style-type: none"> • less precise no removal of 1m of turbine bases • no mention of "(DEMP) informed by appropriate survey work" in addition to a "scheme" • word "Environmental" omitted
<p>5.Failure to produce electricity</p> <p>If any part of the [solar / wind farm] hereby permitted fails to produce electricity for supply to the grid for a continuous period of [6] months [other than as required in accordance with the other conditions attached to this permission], a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or the removal of the [solar / wind farm]. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal of the [solar / wind farm] is required, the scheme shall include the same details required under the decommissioning condition [condition 4] of this permission. The repair or removal scheme shall thereafter be implemented in full accordance with the approved details and timetable.</p>	<p>BLANK</p> <p>Key environmental protection missing (NB Hendy situation)</p>

<p>DESIGN AND MICROSITING</p> <p>6. Turbine details</p> <p>The wind turbines shall be of a [three bladed configuration] and shall not exceed an overall \$ of [] m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The turbines shall not be illuminated (other than for aviation safety purposes). All turbine blades shall rotate in the same direction. The turbines shall be erected and thereafter retained for the lifetime of the development in accordance with colour and finish details that shall first be approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> Does not specify rotor diameter which is important for ecological buffers and overs-sail 	4	<p><u>Turbine appearance</u></p> <p>Prior to the installation of turbines or associated structures, details of the appearance of the turbines (including final height and rotor diameter) and associated structures shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <ul style="list-style-type: none"> does not require limits to dimensions to match ES a limit to either hub height or blade-length should be included to protect ecological buffers and avoid overs-sail. weaker: “details of appearance” no obligation to retain the same turbines for lifetime of development we support the inclusion of hub-height to ensure adequate habitat buffers
<p>7. Micrositing</p> <p>No development (excluding pre-construction site investigations) shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The micro-siting protocol will allow for the variation of the turbines and associated infrastructure of up to [50 m] in any direction subject to the minimisation of impacts on environmental constraints. The protocol shall be implemented as approved.</p>	5	<p><u>Micro-siting</u></p> <p>Prior to the commencement of development, a micro-siting protocol shall be submitted to and approved in writing by the local planning authority. The micro-siting protocol will allow for the variation of the turbines and associated infrastructure of up to 50m in any direction subject to the minimisation of impacts on environmental constraints.</p> <ul style="list-style-type: none"> no obligation to implement the protocol no acceptable comprehensive protocol included in ES so DNS C8 does not apply
<p>8. Alternative Micro-siting (where protocol considered acceptable at application stage)</p> <p>The wind turbines and other infrastructure hereby permitted may be micro-sited within [50 m] of the positions shown on the [Site Layout Plan] and a plan showing the final position of the turbines and other infrastructure forming part of the development shall be submitted to the relevant Local Planning Authority within one month of the First Export Date.</p>		

<p>9. Submission of further details</p> <p>Prior to their installation, details of [CCTV equipment, lighting, fencing, external finishes of buildings] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.</p>	<p>BLANK essential information and environmental protection missing</p>
<p>MANAGEMENT PLANS</p> <p>Suggested:</p> <p><u>Suggested</u> Construction Environmental Management Plan Landscape and Ecological Management Plan Construction Traffic Management Plan Soil Management Plan Water <u>Quality</u> Management Plan Abnormal Load Transport Management Plan Energy Storage Management Plan <u>Species Protection Plan</u> It is expected that mitigation measures are detailed in the relevant management plans. For example, the Landscape and Ecological Management Plan should include a full landscaping scheme with a timetable for implementation, management and subsequent monitoring. The Construction Environmental Management Plan should include tree and hedgerow protection measures. Bespoke conditions may be more appropriate based on the circumstances of the case.</p>	<p><u>Itemised Conditions labelled as Plan, Assessment or Design</u> (in Turley order)</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Construction Traffic Management Plan • Abnormal Load Transport Management Plan • Path Management Plan • Habitat Management Plan • Fish Watercourse Crossing Design • GCN Mitigation and Enhancement Plan • Water Monitoring Plan • Planting Plan • Borrow-pit Design • Soil Management Plan • Abnormal Load Transport Management Plan • Historic Environment Enhancement Plan • Comments: • no integrated <u>Species Protection Plan</u> or protection of birds (bats, GCN, otter treated in isolation) • no <u>Landscape and Ecological Management plan</u> (only Habitat Management Plan and Planting Plan) • essential elements of development scattered instead of included in CEMP (borrow-pits, water-crossings, PMP) • There are also items labelled Scheme, Assessment, Option, Statement or Survey with more Plans, Schemes etc. within the text of other conditions adding to the confusion. • The structure of the conditions document and labelling of individual conditions needs fundamental revision

<p>10.Management Plan</p> <p>No development (excluding pre-construction site investigations) shall commence until a [Management Plan], including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The methods of working and other measures contained in the approved [Management Plan] shall be adhered to and carried out in accordance with the approved timetable for implementation.</p>	7	<p><u>Construction Environmental Management Plan</u></p> <p>Prior to the commencement of development (with the exception of pre-construction site investigations) a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The detailed CEMP shall be prepared in broad accordance with the submitted outline CEMP and thereafter be implemented as approved</p> <ul style="list-style-type: none"> • Less precise • requires full itemisation • “broad accordance” too weak • outline CEMP defective and lacks essential information and environmental protection • construction timetable must be included • no mention tree and hedgerow protection measures
	28	<p><u>Soil Management Plan</u></p> <p>Prior to the commencement of development, a detailed Soil Management Plan, including Peat (SMPP) shall be submitted and approved by the local planning authority. This should include a scheme and programme setting out how all soils and their function will be conserved and reinstated. The detailed SMPP shall be in broad accordance with the aims and objectives contained within the submitted Outline SMPP (App. 11.4 of the ES). The approved SMPP shall thereafter be implemented in full.</p> <ul style="list-style-type: none"> • “broad accordance” too weak • requires site- specific itemisation • outline SMPP defective and lacks essential site-specific information and environmental protection
	23	<p><u>Water Monitoring Plan</u></p> <p>Prior to commencement of the development, a Water Monitoring Plan setting out the scope of the groundwater and surface water monitoring, sampling and analysis shall be submitted to and approved by the local planning authority.</p> <ul style="list-style-type: none"> • does not mention water quality • does not specify monitoring, sampling and analysis during construction or pre-construction investigations • does not require adherence to Plan

	<p>19 <u>Fish Watercourse Crossing Design</u> Prior to installation of the first watercourse crossing, detailed plans for each watercourse crossing shall be submitted to and approved by the local planning authority, and implemented as approved.</p> <ul style="list-style-type: none"> • “Fish” is misnomer -watercourse crossings are critical part of engineering design - for ecology, soil management, drainage, safety. etc. • ES defective and lacks essential site-specific information and environmental protection • watercourse crossings “prior to installation” unacceptable – this condition belongs in CEMP “prior to commencement of development”
	<p>27 <u>Borrow Pit Design</u> Prior to the commencement of development (with the exception of pre-construction site investigations), a detailed scheme of the borrow pit design, restoration and aftercare measures shall be submitted to and approved by the local planning authority in consultation with the Welsh Government Soil Policy and Agricultural Land Use unit, or other relevant consultees as appropriate. The scheme shall be in broad accordance with the principles set out within the submitted outline Borrow Pit Restoration Plan (App. 4.1 of the ES). The works shall be carried out in accordance with the approved scheme.</p> <ul style="list-style-type: none"> • ES defective and lacks essential information and environmental protection for Borrow Pits • “broad accordance” too weak • “in accordance” too weak – should be “implemented as approved” • specifics belong in CEMP

	<p>8 <u>Construction Traffic Management Plan</u> Prior to the commencement of development (with the exception of pre-construction site investigations), a detailed Construction Traffic Management Plan (CTMP) shall be submitted and approved in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period and shall provide for and include:</p> <p>site entrance roads to be well maintained monitored during the operational life of the development.</p> <p>Regular maintenance shall be undertaken to keep the Site access track drainage systems to be fully operational and to ensure there are no run-off issues onto the public road network; A site speed limit of 15 mph will be in place at all times to reduce the risk of faunal collisions with construction vehicles; A staff travel plan; and -Traffic management strategy for the site access junctions with the public road network.</p> <ul style="list-style-type: none"> • poor grammar and drafting prevents clarity • “provide for and include” limits scope to the issues listed • requires full itemisation • “faunal collision” risk just one of many, including human safety
	<p>10 <u>Access Option</u> Prior to the commencement of development works, confirmation of the construction vehicular access arrangements will be submitted to and approved by the local planning authority. The submission will confirm which of the access location options (South Option Ref 106510_SK_009B or North Option Ref: 106510_SK_009-1A at App. 10.2) will be used during the construction period. The access arrangements shall thereafter be implemented as approved.</p> <ul style="list-style-type: none"> • unacceptable at post-consent stage • ES defective and lacks essential details and environmental impacts of either South or North option • if consent given, option confirmation must precede any site clearance, pre-commencement investigations or other preparatory activity on site.

	<p>11 <u>Highways Structural Assessment</u> <u>Prior to the first Abnormal Indivisible Load (AIL)</u> delivery to site, the following detail shall be submitted to and approved by the local planning authority, in consultation with the Welsh Government as Welsh trunk road highway authority and other relevant highway authorities (as appropriate):</p> <ul style="list-style-type: none"> a. an assessment of the capacity and impact on identified structures along the highway network that are to be utilised during construction of the development has been carried out. Identification of the structures to be assessed will be informed by the Electronic Service Deliver for Abnormal Loads (ESDAL) report; and b. details of any improvement works required to such structures as a result of construction of the development. c. The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site. b. feasibility of delivery route not established in ES c. feasibility must precede investigations and site clearance and commencement of development d. drafting: “has been carried out” and “will be informed” is nonsensical e. does not include environmental impacts – nowhere addressed. f. does not require approval of improvement works before delivery g. should be integrated with C13?
	<p>12 <u>Abnormal Load Transport Management Plan</u> <u>Prior to the first AIL delivery to site,</u> a Transport Management Plan (TMP) for AIL deliveries shall be submitted to and approved by the local planning authority. The AIL TMP shall be prepared in <u>broad accordance</u> with the submitted outline TMP. Thereafter, delivery of AILs shall be carried out in accordance with that approved TMP.</p> <ul style="list-style-type: none"> • feasibility of AIL transport has not been established in ES • “broad accordance “ unsatisfactory • environmental impacts of AIL transport have not been established in ES • if consent given in spite of above, AIL route confirmation and impact assessment must precede any site clearance, pre-commencement investigations or other preparatory activity on site.

	<p>13 <u>Highway Works</u></p> <p>Prior to the first AIL delivery to site, full details of any highway works associated with the construction of any layover areas, passing places and highway improvements shall be submitted to and approved by the local planning authority, in consultation with the Welsh Government as Welsh trunk road highway authority and other relevant highway authorities (as appropriate). Detail shall include:</p> <ul style="list-style-type: none"> a) the detailed design of any works b) geometric layout c) construction methods d) drainage, and e) street lighting <p>The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.</p> <ul style="list-style-type: none"> • route of AIL transport has not been established in ES • feasibility of AIL transport has not been established in ES • environmental impacts of AIL transport has not been established in ES • if consent given in spite of above, AIL route confirmation and impact assessment must precede any site clearance, pre-commencement investigations or other preparatory activity on site. • no approval of highway works before delivery • should be integrated with C11?
--	---

	14	<p><u>Path Management Plan</u></p> <p>Prior to the commencement of development, a Path Management Plan (PaMP) providing a scheme for the protection of PRow during construction, including safety signage and repair of damage caused during construction, shall be submitted to and approved by the local planning authority. The PaMP will be prepared in broad accordance with the principles identified within Chapter 10 of the Environmental Statement.</p> <ul style="list-style-type: none"> the ES contains no information about temporary or permanent diversion of PRow, set back of infrastructure, fencing arrangements or safety of PRow during construction or operation. “a scheme for the protection of PRow during construction” is wholly insufficient “In broad accordance with the principles identified within Chapter 10” is too weak
ECOLOGY	15	<p><u>Habitat Management Plan</u></p> <p>Prior to the commencement of development (with the exception of pre-construction site investigations), a detailed Habitat Management Plan (HMP) shall be submitted to and approved by the local planning authority. The HMP will include protection, mitigation and monitoring plans for aquatic species, bats, badger, Great Crested Newt (GCN), red kite and Schedule 1 raptor species, and otter (if applicable). The HMP shall be implemented and adhered to at all times, as approved. Any amendments to the Habitat Management Plan during the operation of the development as a result of ongoing surveys and monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to implementation.</p> <ul style="list-style-type: none"> the outline HMP in the ES contains very little of this information and does not correspond to this “detailed” HMP this condition is not linked to any protection of protected species plan no mention of baseline surveys before site-clearance and intrusive investigations scope for the developer to change the HMP during operation is unacceptable unless this is for extra protection site investigations could disturb/displace species

	26	<p><u>Planting Plan (PP before commencement, planting within 2-4 years of felling)</u></p> <p>Prior to the commencement of development, a Planting Plan detailing provision of appropriate compensatory planting shall be submitted to and approved in writing by the Local Planning Authority. Planting shall take place <u>within two to four years</u> of felling.</p> <p>“appropriate compensatory planting” has not been defined or established in the ES which contains no plans no reason to delay planting except on existing forestry sites the PP is an integral part of the HMP</p>
<p>11.Collision Monitoring and Mitigation Strategy</p> <p>Prior to operation of any turbine, an updated <u>Collision</u> Monitoring and Mitigation Strategy for [bats <u>and / or birds</u>] shall be submitted to and approved in writing by the Local Planning Authority. <u>The Collision Monitoring and Mitigation Strategy shall include a protocol to identify thresholds, triggers and targets against which the results of the monitoring surveys can be judged and detail how contingencies and / or remedial action will be identified, agreed with relevant stakeholders, and then implemented. The approved Collision Monitoring and Mitigation Strategy shall be implemented and adhered to at all times.</u></p>	16	<p><u>Bat</u> Mitigation and Monitoring Strategy</p> <p>Prior to any wind turbine <u>being brought into operation</u>, a Bat Mitigation and Monitoring Strategy (BMMS) shall be submitted to and approved in writing by the relevant Local Planning Authority, in consultation with NRW. The BMMS shall be implemented in <u>accordance with the approved details</u> upon commencement of operation of one or more of the turbines.</p> <ul style="list-style-type: none"> • Less precise and omits “Collision” • “Collision M&MS” requirements omitted. • “in accordance with the approved details” should be “implemented and adhered to at all times”. • no measures to protect birds
<p>12. Turbine curtailment</p> <p>Prior to operation of any turbine, details of a turbine curtailment protocol shall be submitted to and approved in writing by the Local Planning Authority. Upon recommencement of operation of the turbine, the turbine operation shall comply with the adjusted curtailment programme as approved.</p> <ul style="list-style-type: none"> • missing sentence about stopping operation in Guidance? 	17	<p><u>Bats</u></p> <p>The turbine blades on all thirty turbines shall be feathered to reduce rotation speeds to below 2 rpm while idling.</p> <ul style="list-style-type: none"> • no curtailment protocol required • no obligation to implement an agreed curtailment plan

	<p>20 <u>GCN Mitigation and Enhancement Plan</u> Prior to the commencement of development (except for pre-construction site investigations) a Great Crested Newt (GCN) Mitigation and Enhancement Plan shall be submitted to and approved in writing by the LPA. The Mitigation and Enhancement Plan shall be in broad accordance with the principles outlined in the GCN Report. The Mitigation and Enhancement Plan shall include monitoring to be carried out in accordance with the approved details. This will be incorporated into the ongoing ecological monitoring and reporting regime within the HMP.</p> <ul style="list-style-type: none"> • “broad accordance” unacceptable • site investigations, and especially clearance, could impact on GCN • belongs in a Protected Species condition
	<p>21 <u>Otter Surveys (Prior to site clearance)</u> Prior to the commencement of development, including site clearance where it has the potential to impact on otter, a pre-construction otter survey shall be carried out for the development or phase of development. If the survey confirms the presence of otter resting and breeding places the results of the survey together with proposed mitigation measures shall be submitted to and approved by the local planning authority. The measures shall be carried out in accordance with the approved details.</p> <p>“commencement of development, including site clearance” – leaves doubt about whether site clearance is generally included in “development” or not any site clearance may disturb/displace species</p>

<p>13. Lighting scheme</p> <p>Prior to their installation on site, details of any lighting to be used during the construction or operation of the development hereby approved, shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out in accordance with the approved details.</p> <p>14. Aviation lighting scheme</p> <p>Prior to the erection of any wind turbine, or the deployment of any construction equipment or temporary structure(s) 15.2 metres or more in height (above ground level) an aviation lighting scheme must be submitted to and approved in writing by the Local Planning Authority defining how the structure will be lit throughout its life to maintain civil and military aviation safety. The scheme shall be implemented in accordance with the approved details.</p>	<p>24 <u>Lighting and Aviation(prior to operation)</u></p> <p>The development shall include an Aviation Lighting Scheme (identified at 12.1 of the ES) as approved by the Civil Aviation Authority and shared with the Ministry of Defence. Any changes to the aviation lighting scheme must be submitted to and approved by the local planning authority, in consultation with the MOD and CAA before turbine operation commences. Any such revised scheme must detail any mitigation and operating protocols necessary to reduce visual impacts from the lighting, including but not necessarily limited to intensity reduction in good visibility, directional angle reduction, and reduction in required lighting where the design and layout of the wind farm allows for this. The lighting scheme shall be maintained and retained for the lifetime of the turbines.</p> <ul style="list-style-type: none"> • “prior to operation” should be “prior to installation” • no clear inclusion of any non-aviation lighting prior to deployment • “reduction in required”: if it is required it can’t be reduced and “whereallows” reduces enforceability.
<p>15. Archaeological scheme</p> <p>No development, to include demolition, site clearance, topsoil strip or other groundworks shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the approved scheme.</p>	<p>30 <u>Written Scheme of Investigation (prior to pre-constructions site investigations)</u></p> <p>Prior to pre-construction site investigations, a Written Scheme of Investigation (WSI), securing the implementation of a programme of archaeological work, shall be submitted to and approved by the local planning authority. This shall include a programme of archaeological monitoring and reporting, identify areas of targeted archaeological excavation and set out the approach to demarcate assets prior to construction works. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the WSI.</p> <ul style="list-style-type: none"> • Less precise • Archaeology not in name of scheme • “pre-construction site investigations” less protective than “demolition, site clearance, topsoil strip or other groundworks • Written Scheme description includes “monitoring and reporting”, “identify areas...” and “approach to demarcate assets” but no archaeological excavation

	<p>31 <u>Historic Environment Enhancement Plan</u> <u>Within six months of the first export date,</u> a Historic Environment Plan providing interpretation measures within the site shall be submitted to the relevant Local Planning Authority for approval in writing. The Historic Environment Plan shall include measures to proposals to <u>improve access to the historic assets</u> within the site including details of interpretation/information panels and a programme of works.</p> <ul style="list-style-type: none"> • grammar: “measures to proposals to improve” • “improve access” likely to detract yet further from appreciation of original historical context – this has not been considered in ES
--	--

<p>LAND & DRAINAGE</p> <p>16. Land contamination</p> <p>No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has first been submitted to and approved in writing by the Local Planning Authority. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved details.</p>	<p>29 Remediation Method Statement (during construction)</p> <p>Should any contaminated material be observed during construction which has not been previously identified, then construction works shall cease, and the local planning authority immediately informed. If deemed necessary by the relevant LPA, construction works at the site or part(s) of the site, shall not recommence until a Remediation Method Statement detailing how the contamination is to be dealt with, has been submitted to and approved by the local planning authority.</p> <p>The Remediation Method Statement, if required, shall include a desk study, site investigation and risk assessment to determine the nature and extent of the contamination which shall be undertaken in accordance with methodologies which have been first submitted to and approved by the local planning authority. The results of the desk study, site investigation and risk assessment, shall be reported in the Remediation Method Statement and shall specify the measures to be taken to remediate the site, which may include measures to protect surface and ground water interests, to render it suitable for the development.</p> <p>The approved Remediation Method Statement shall be implemented in full prior to development recommencing.</p> <ul style="list-style-type: none"> • a plan for an ad hoc Remediation Method Statement“ during construction” is substituted for “an approved methodology” and pre-commencement “site investigation” • poor repetitive drafting, including “how the contamination is to be dealt with” • poor drafting: “shall not commence until“ (a RMS submitted) ” inconsistent with (RMS) “implemented in full prior to development recommencing”
--	--

<p>17. Unstable Land</p> <p>No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the operation of the development in accordance with the approved details and retained in perpetuity. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved details.</p>	<p>BLANK</p> <ul style="list-style-type: none"> • essential information and environmental protection missing • no requirement for site stability investigation in accordance with approved methodology before any development begins <p>no plan for approved Remedial measures in case of findings during construction</p>
<p>18. Drainage scheme</p> <p>No development shall commence until full site drainage arrangements including management and maintenance arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage arrangement shall be implemented in accordance with the approved details. The drainage system shall be managed and maintained thereafter in accordance with the agreed drainage scheme.</p>	<p>18 Protected Sites - Foul Drainage Strategy</p> <p>Prior to the commencement of development, a scheme providing details of the disposal of foul waste arising during the construction, operation and decommissioning phases of development shall be submitted and approved by the Local Planning Authority. The scheme will demonstrate nutrient neutrality and shall be implemented as approved.</p> <ul style="list-style-type: none"> • Less precise • limited to disposal of foul waste in place of “full site drainage arrangements” and “management” • wholly inadequate – no protection of habits or soils across whole site or downstream flooding prevention

<p>19. Highway condition survey</p> <p>Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development, as identified in the Construction Traffic Management Plan, shall be undertaken prior to commencement of development, and on completion of the construction phase of the development. The surveys should also provide a scheme and timetable for remediation for any incidental damage to the highway network directly attributable to the development. The survey reports shall be submitted to the Local Planning Authority for approval within 28 days of each corresponding survey being undertaken and any remediation measures required shall be implemented as approved.</p>	<p>9</p> <p>Highways Remediation Scheme</p> <p>Prior to the commencement of development works, 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.</p> <ul style="list-style-type: none"> • Less precise including “all highway features” • no mention of condition surveys • no survey or other action completion of construction phase • no mention of timetable
<p>20. Radar mitigation scheme</p> <p>No turbine blades shall be erected on site until a scheme for the mitigation of impact of the wind turbines on the operation of [] primary surveillance radar (the “radar mitigation scheme”) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development for the life of the development.</p>	<p>BLANK</p> <p>no scheme, approval, or governance of operation for the life of the development</p>
<p>AMENITY</p> <p>21. Shadow flicker scheme</p> <p>Prior to the erection of any turbine on site, details of a mechanism and/or control module to reduce shadow flicker shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be operated in accordance with the approved details.</p>	<p>BLANK</p> <p>no approved mechanism for reducing shadow flicker or restriction on operation</p>

22. Shadow flicker complaints

Within [one month] of a written request from the relevant Local Planning Authority following a **verified** complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, **at its expense**, commission and submit a report to the Local Planning Authority assessing the reported shadow flicker event(s). Where the Local Planning Authority confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the Local Planning Authority. The scheme shall be designed to mitigate the event of shadow flicker and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be operated in accordance with the approved details.

22 Shadow Flicker

Within 28 days of a written request from the local planning authority, following a complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall commission and submit a report to the local planning authority assessing the reported shadow flicker event(s). Where the local planning authority, **after having reviewed the report submitted to it**, confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the local planning authority. The scheme shall be designed to mitigate the event of shadow flicker **at that property** and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be implemented as approved.

- **Made less precise by omitting words and inserting amendments**

<p>23. Noise</p> <p>The level of noise emissions from the turbine(s) hereby permitted when measured in free field conditions at the boundary of any dwelling which lawfully exists or has planning permission for construction at the date of this planning permission shall not exceed [x dB or y dB above prevailing background noise levels] up to wind speeds of [x metres] derived at a height of [x metres] above ground level at a location near to the turbines.</p>	<p>33 <u>Noise and Vibration</u></p> <p>The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission, and:</p> <p>A) Within 21 days from receipt of a written request of the Local 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, as well as the applicable noise limit. The written request from the Local 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 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 Local Planning Authority.</p> <p>B) The wind farm operator shall provide to the Local 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. be submitted to the Local Planning Authority with the report.</p> <p>C) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to 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 Local Planning Authority.</p>
---	---

	<p>34 <u>Noise and Vibration</u></p> <p>Within 21 days of a written request from the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation (AM) is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme to be approved in writing by the relevant Local Planning Authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.</p> <p>Excess AM is defined as AM with a rating level of 3 dB or greater as assessed in accordance with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Amplitude Modulation Working Group Final Report A Method for Rating Amplitude Modulation in Wind Turbine Noise 9 Aug 2016 Version 1, or any relevant guidance superseding it.</p> <ul style="list-style-type: none"> • This should be compared with best practice for fullest protection of noise amenity. We are not experts. • we have concerns that this condition with Informative may not safeguard amenity in practice
<p>24. Construction hours</p> <p>Construction work shall only take place between the hours of [08.00 to 18.00] on Monday to Friday inclusive and [08.00 to 13.00] on Saturdays, with no construction work taking place on a Sunday or Public Holiday. Outside of these hours, development shall be limited to turbine testing, commissioning works, emergency work and dust suppression.increased</p>	<p>6 <u>Construction hours</u></p> <p>Construction which is audible at the boundary of any residential receptor shall not take place outside the hours of 7:00am to 19:00pm Monday to Friday, 7:00am to 13:00pm on Saturday. No construction work shall be conducted on Sundays or Bank Holidays. This is with the exception of the works described below.</p> <p>Outside of these hours, development shall be limited to emergency works and works which must be completed before ceasing, such as concrete pouring, erection of turbines, turbine testing, commissioning works, cabling and electrical testing, emergency work and dust suppression and the developer shall notify the relevant local planning authorities in advance of these works taking place.</p> <ul style="list-style-type: none"> • less precise • increased list of allowed out-of-hours activities • extended hours severely impact on amenity for 2+ years

<p>25. Television reception</p> <p>Within [one month] of a written request from the relevant Local Planning Authority following a verified complaint alleging interference to television reception caused by the operation of the turbines from an occupant of a dwelling or visitor accommodation which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, at its expense, commission and submit a report to the Local Planning Authority assessing the reported interference to television reception caused by the operation of the turbines. Where the Local Planning Authority confirms in writing that the incident of interference to television reception is unacceptable, the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the Local Planning Authority. The scheme shall be designed to mitigate the interference to television reception and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be operated in accordance with the approved details.</p>	<p>6</p> <p>Telecommunications (prior to erection of turbines)</p> <p>Prior to the erection of wind turbines, a telecommunications mitigation strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall identify reasonable technical mitigation for the affected point-to-point telecommunications links operated by Airwave, BT, MBNL and Vodafone. The strategy will ensure each telecommunications link is restored to maintain baseline conditions and mitigation shall be implemented prior to the installation of blades on the wind turbines which are predicted to cause an impact.</p> <ul style="list-style-type: none"> • “Telecommunications” with no mention of “television” • why is this Turley version required if not to seek to limit liability which is otherwise in place? • are these matters to be resolved or addressed directly with telecommunications operators prior to consent? • the terms of the approved mitigation strategy limit the mitigation to “reasonable” • no provision for any impacts or complaints after installation of blades
---	---

7.16. Following our critical review of Turley conditions, we want to participate in the Examination session on Planning Conditions for Nant Mithil Energy Park and would be grateful to the Inspector for ensuring this is possible.

8. SECTION 106 DISCUSSION

- 8.1. It is evident that at the 10.10.24 meeting with PCC the Applicant resisted a 106 Obligation to contribute to off-site compensation for on-site PRoW destruction and diversion and continues to question if this is necessary.
- 8.2. The Applicant states the matter of a 106 Obligation “*is to be considered in the context of the submitted SRF (which considers opportunities for recreational enhancements onsite)*”. There is no evidence that the aspirational notion of an on-site leisure park has any practical bearing on the Examination of the ES or that local people want this. It is not part of the ES: there is no guarantee it will be taken any further: there has been no public consultation and the responses to the PEDW application suggest that the public value wildness and remoteness more than condescending signs and “improved” tracks shared with motor vehicles.

9. CONCLUSIONS

- 9.1. Conditions will only protect the environment and amenity and ensure adherence to the ES if they have their basis in an ES providing the necessary information and secure protection. This is not the case for Nant Mithil.
- 9.2. We do not think the Local Planning Authority will have the resources or the will to properly discharge, monitor or enforce conditions in the public interest and to protect biodiversity. This is reinforced by the distressing history of Hendy Wind Farm.
- 9.3. We have provided an itemised annotated comparison of the Applicant's proposed conditions with DNS Guidance model conditions to highlight the deficiencies.
- 9.4. Instead of following guidance, Turley has drafted poor and muddled conditions: much less onerous, less precise and with glaring omissions. These do not provide a reasonable basis for "*further development*" as stated. At the same time, it is clear that the 106 Obligation to finance off-site PRow compensation will be strongly resisted.
- 9.5. **We request participation in the discussion of Planning Conditions during the PEDW Examination**

For CPRW-RE-think
February 2026