

SCHEDULE 1

AUTHORISED DEVELOPMENT AND REQUIREMENTS

Article 4

PART 2 REQUIREMENTS

Interpretation

1. In this Part of this Schedule—

“the CR-E” means Network Rail’s Contract Requirements – Environment, Issue 6, September 2011;

“culvert 11” means the culvert referred to as culvert 11 on the engineering plans including existing services and new services, drainage and surface water management;

“culvert 13” means the culvert referred to as culvert 13 on the engineering plans including existing services and new services, drainage and surface water management;

“the Historic Environment Planning Officer” means the Historic Environment Planning Officer for the County of Worcestershire; and

“operational railway land” means land required permanently for the construction of Work No. 1 and any existing railway corridor including associated works, structures, embankments, cuttings, bridges and culverts.

Time limits

2. The authorised development must be commenced within 5 years of the date of this Order.

Development in accordance with approved details

3.—(1) The authorised development must be carried out in accordance with the design drawings.

(2) Work No.2 and Work No.3 must be carried out in accordance with the Alvechurch station general arrangement drawings, except for any minor amendments to the appearance, layout, scale or landscaping of those works approved by the relevant planning authority prior to commencement of those works.

Construction Environmental Management Plan

4.—(1) The authorised development must not be commenced until a written construction environmental management plan (CEMP) has been submitted to and approved by the relevant planning authority in consultation with the Health Protection Agency.

(2) The CEMP must be in accordance with the environmental reports.

(3) The CEMP must reflect the CR-E, and must include an implementation timetable.

(4) The CEMP must in particular include the following:

(a) an external communications plan;

(b) a pollution incident prevention and control plan;

(c) a site waste management plan;

(d) a traffic management plan including a construction traffic code of practice;

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- (e) a nuisance management plan regarding noise and vibration, dust, air pollution and lighting; and
 - (f) an ecological management plan.
- (5) The construction traffic code of practice under (4)(d) must in particular address:
- (a) construction traffic routes and operational hours;
 - (b) measures to minimise dust and mud;
 - (c) abnormal loads; and
 - (d) compliance of drivers with national driving standards and project-specific restrictions.
- (6) The CEMP must in particular require:
- (a) adherence to the relevant Pollution Prevention Guidelines PPG1, PPG5, PPG6 and PPG21;
 - (b) except on operational railway land (to which no restriction on working hours applies under this Order), adherence to—
 - (i) normal daytime working hours (7am to 6pm Monday to Friday and 8am to 2pm on Saturday), and
 - (ii) no working on Sundays, Bank or Public Holidaysexcept for such working outside those times which has been notified to the relevant planning authority and affected residents by an agreed notification procedure in compliance with Section 61 of the Control of Pollution Act 1974 and in full accordance with the nuisance management plan; and
 - (c) adherence to the scheme of temporary footpaths as approved by the highway authority under requirement 18(1)(d).
- (7) The authorised development must be carried out in accordance with the approved CEMP and the CR-E.

Landscaping

5.—(1) The authorised development must not be commenced until a written landscaping scheme reflecting the visual impacts report and landscape plan/strategy has been submitted to and approved by the relevant planning authority.

(2) The landscaping scheme must reflect the mitigation measures described in the visual impacts report and landscape plan/strategy and must include details of—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) implementation timetables for all landscaping; and
- (d) proposals to take account of the presence of trees with trunks of a diameter of 100 mm or more and to minimise the loss of such trees.

Implementation and maintenance of landscaping

6.—(1) All landscaping work must be carried out in accordance with the scheme and implementation timetable approved under requirement 5.

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives written consent to any variation.

Re-use of excavated materials

7. The authorised development must not be commenced until Network Rail has agreed with the relevant planning authority a scheme for the recovery and re-use of excavated material in accordance with principles set out in section 4 of the waste management plan. The scheme must in particular have regard to the principles set out in paragraph 4.1 of the waste management plan.

Highway accesses

8. No part of the works numbered in Part 1 of Schedule 1 may commence until—
- (a) for that part details of the siting, design and layout of any new or altered, permanent or temporary, access, and any temporary haul roads, have, after consultation with the relevant planning authority and highway authority, been submitted to and approved by the relevant planning authority; and
 - (b) the approved highway alterations and improvements, including any altered or new accesses and any temporary haul roads, for that part have been implemented.

Car parking at Alvechurch station

9. No part of the authorised development relating to Alvechurch station may be commenced until a schedule of works required at Alvechurch station car park to provide a facility for the parking of 50 cars (minimum) has been submitted to and approved by the relevant planning authority. The works must be carried out as approved.

Archaeology

10.—(1) The authorised development must not be commenced until a written scheme for the investigation of any areas of archaeological interest identified by the archaeological and historic impact assessment report has, after consultation with the Historic Environment Planning Officer, been submitted to and approved by the relevant planning authority.

(2) The scheme must be in accordance with the measures described in paragraph 4.2.1 of the archaeological and historic impact assessment report and must identify areas where field work or a watching brief is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) The scheme must include a programme for post-investigation assessment and make provision for the publication and dissemination and for the archive deposition of the analysis and records of the site investigation.

(4) Any archaeological works or watching brief carried out under the scheme must be by a suitably qualified person or body approved by the relevant planning authority and in accordance with the measures described in paragraph 4.2.1 of the archaeological and historic impact assessment report.

(5) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

(6) The site investigation and post-investigation assessment must be completed in accordance with the programme set out in the approved written scheme of investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Ecological Management

11.—(1) No part of the authorised development may be commenced until a written ecological management plan (which is to form part of the CEMP), reflecting the survey results and ecological mitigation measures specified in the ecological impact assessment report and including the

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appointment of an ecological clerk of works, has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The ecological management plan must include an implementation timetable and must be carried out as approved.

(3) Areas of work exclusion zones must be agreed with the relevant planning authority prior to the commencement of the authorised development. No part of the authorised development in the vicinity of any tree, hedgerow, grassland, watercourse, ditch or woodland habitat identified as requiring a work exclusion zone may be carried out until measures to protect the relevant work exclusion zone have been implemented to the reasonable satisfaction of the relevant planning authority. The work exclusion zone must be maintained for the duration of the construction of the authorised development in the vicinity of the relevant work exclusion zone.

(4) The ecological management plan must in particular include:

- (a) a description of alterations required to culvert 11 and culvert 13 to facilitate the passage of fish and other aquatic fauna through these culverts; and
- (b) a description of the required realignment of fencing around culverts to make them more accessible to otters and other mammals

and these enhancements must be implemented in accordance with the details specified in the ecological management plan.

Mitigation of effects on protected species

12.—(1) No part of authorised development may be commenced within the 500m buffer zone for ponds known to support great crested newts, and shown on Figure 5.9.6 (Appendix 2A) of the ecological impact assessment report, until the relevant planning authority, in consultation with Natural England, has certified that the mitigation works described in paragraphs 5.5.8-5.5.18 of the ecological impact assessment report have been carried out to their reasonable satisfaction.

(2) The ecological management plan required under requirement 11 must include provision for a further site investigation in respect of white clawed crayfish prior to the commencement of any works in the vicinity of Scarfield Stream (culvert 11) and Shortwood Dingle Stream (culvert 13). If white clawed crayfish are found, then a scheme for mitigating impacts on them must be included in the ecological management plan.

Trees

13.—(1) The authorised development may not be commenced until Network Rail has provided to the relevant planning authority and the relevant planning authority has approved a plan indicating trees within the Order limits that have to be removed for the construction of the authorised development. No trees except for those identified on the approved plan may be removed for the construction of the authorised development without the consent of the relevant planning authority.

(2) The plan submitted must also identify areas of tree protective fencing to be erected prior to commencement of the authorised development. The fencing shown on the approved plan is to be maintained during the construction period to the reasonable satisfaction of the relevant planning authority. At the end of the construction period, the fencing must be removed in total to the satisfaction of the relevant planning authority.

Trees – removal of crowns and other alterations

14. No trees may be lopped, chopped or altered for the construction of the authorised development until the relevant planning authority has approved a scheme for the lopping, chopping

or alteration of that tree. The works to the tree must be carried out to the reasonable satisfaction of the relevant planning authority.

Temporary fencing

15. Prior to the commencement of the authorised development Network Rail must apply to the relevant planning authority for its approval of a plan indicating the extent of temporary fencing that must be erected for the authorised development. No part of the authorised development within an area where temporary fencing is so indicated may be commenced without that temporary fencing having first been erected. The temporary fencing must be retained and maintained to the reasonable satisfaction of the relevant planning authority until the cessation of works in that area. After cessation of works in that area the relevant fencing must be removed to the satisfaction of the relevant planning authority.

Drainage

16.—(1) The authorised development must not be commenced until a detailed drainage plan showing all new surface water drainage has been approved by the relevant planning authority in consultation with the lead local flood authority. The details must be in accordance with the details of paragraph 5.4.6 of the flood risk assessment and demonstrate that:

- (a) all discharges to watercourses from railway drainage systems should be attenuated to a rate not exceeding the existing rate of runoff, that is 5 litres per second per hectare; and
- (b) all discharges made from railway drainage systems should be discharged downstream of existing watercourse culverts wherever possible to reduce any impact on the capacity of each of the respective culverts.

(2) The authorised development must be constructed in accordance with the approved details.

Contaminated land and groundwater

17.—(1) The additional investigation of Order land potentially affected by the Alvechurch dredging landfill that is recommended in the land quality report at paragraph 7.2 must be carried out before commencement of development. The results of the additional investigation and the implementation measures and monitoring requirements identified in the land quality report must be incorporated in the CEMP, and in particular the site waste management plan.

(2) If during construction of the authorised development contaminated material is encountered in excavations of Order land that does not fall within paragraph (1), then work in the vicinity of that contamination must be suspended and additional soil samples must be taken for assessment. Any additional remediation required as a result of the additional contamination must be approved by the relevant planning authority in consultation with the Environment Agency and carried out to the reasonable satisfaction of the relevant planning authority.

Footpath diversions – implementation plan

18.—(1) Prior to the commencement of the authorised development Network Rail must provide to the highway authority for their approval the implementation plan which must include:

- (a) the specification for the new footpath forming part of footpath 579(C) and comprising part of the authorised development;
- (b) the specification for the temporary footpath in substitution for part of footpaths 520 (C) and 580 (C);

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- (c) a programme for the opening of the diverted section of footpath 579(C) and re-opening of footpaths 520(C), 580 (C) and 523(C) upon the cessation of that part of the authorised development requiring the suspension or diversion of those footpaths, and
 - (d) a scheme of temporary paths to allow use of footpath 579(C) during daylight hours following the closure of the existing right of way and prior to the opening of the diverted footpath save when it is previously agreed by the highway authority that such use is not reasonably practicable due to the works to implement the authorised development meaning that such use would compromise the safety of the public using the temporary path in substitution for the footpath.
- (2) The authorised development must be carried out in accordance with the approved implementation plan.

Requirement for written approval

19. Where under any of the above requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.