

SCHEDULES

SCHEDULE 2

Articles 3 and 40

REQUIREMENTS

Interpretation

1. In this Schedule—

“the approved development plans” means the plans certified in accordance with article 37(1) (certification of plans, etc.);

“heavy goods vehicle” means a heavy goods vehicle of more than 7.5 tonnes gross vehicle weight;

“the landscaping plans” means plans setting out landscape proposals included within the environmental statement figures 10.3 to 10.7 inclusive or such replacement plans as are approved in accordance with paragraph 4(3); and

“the link road” means the authorised development.

Time limits

2. The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.

Commencement

3. Notice of commencement of the authorised development must be given by the undertaker to the relevant planning authorities not later than 7 days after the date that the authorised development is commenced.

Detailed design and implementation

4.—(1) No part of the authorised development is to commence until detailed design documents have been approved by the relevant planning authority.

(2) Except as provided for by sub-paragraph (3), the authorised development must be carried out in accordance with the approved development plans and the landscaping plans.

(3) Replacement landscaping plans may be approved in writing by the relevant planning authority and substituted for the landscaping plans, provided that such approval is not given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement, and falls within the Order limits.

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Landscape and ecology

5.—(1) No part of the authorised development is to commence until a written landscape and ecology management plan has been submitted to and approved in writing by the relevant planning authority, in consultation with Natural England.

(2) The landscape and ecology management plan must include details of—

- (a) landscape and ecological mitigation, enhancement, compensation and nature conservation measures reflecting the proposals of the environmental statement;
- (b) the management and monitoring of landscape and ecological mitigation, compensation and nature conservation measures;
- (c) the management and monitoring of water quality in Houghton Brook, including the build up of sediment;
- (d) the restoration of the borrow pit referred to in Work No. 11;
- (e) proposed species for planting;
- (f) repeat surveys to be undertaken to confirm the presence of any European protected species including the location of any active bat roosts;
- (g) the protection of any European protected species from activities associated with the authorised development, including any European protected species identified in the surveys required by sub-paragraph (f);
- (h) surveys to be undertaken to confirm the presence of invertebrate species;
- (i) details of any mitigation and enhancement measures necessary in relation to species identified in the surveys required by sub-paragraph (h);
- (j) the protection of any nationally protected species from activities associated with the authorised development; and
- (k) a programme for implementation of the proposed measures required by sub-paragraphs (f), (g), (h), (i), and (j).

(3) The approved landscape and ecology management plan or any amended plan approved in writing by the relevant planning authority, after consultation with Natural England, must be implemented in its entirety.

(4) “European protected species” has the same meaning as in regulations 40 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2010⁽¹⁾.

(5) “Nationally protected species” means any species protected under the Wildlife and Countryside Act 1981⁽²⁾.

(6) Any tree or shrub planted as part of the approved landscaping and ecology management plan that, within a period of 5 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 as that originally planted, unless the relevant planning authority gives consent to any variation.

(7) All hedges and trees forming part of the boundary of the Order limits or situated within them (unless shown to be removed in the approved landscaping and ecology management plan) must be protected from any damage and maintained throughout the construction of the authorised development.

(1) [S.I. 2010/490](#), to which there are amendments not relevant to this Order.

(2) [1981 c. 69](#).

(8) If any hedge or tree protected under sub-paragraph (7) is removed, uprooted, destroyed or dies it must be replaced in the first available planting season and afterwards maintained for a period of 5 years.

(9) All areas of the site left undisturbed, and all soil, soil making material and overburden mounds must be kept free from injurious weeds and invasive plants throughout the construction of the authorised development.

Contaminated land

6.—(1) Construction of the link road must not take place in any area identified by the environmental statement as requiring land contamination investigation until such an investigation has been carried out in accordance with the methodology set out in the environmental statement.

(2) In the event that contaminated materials are identified by an investigation or found at any time when carrying out the authorised development, it must be reported immediately in writing to the relevant planning authority and the undertaker must complete a risk assessment of the contamination.

(3) Where the relevant planning authority determine that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose, must be submitted to and approved in writing by the relevant planning authority.

(4) The approved scheme must include details of data to be collected in order to demonstrate that the remediation measures have been implemented successfully and details of requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

(5) Remediation must be carried out in accordance with the approved scheme or any amended scheme approved in writing by the relevant planning authority.

(6) If remediation is required at any time during construction of the authorised development, no part of the authorised development is to be opened for public use until a verification report demonstrating completion of remediation in accordance with the approved scheme has been submitted to and approved in writing by the relevant planning authority.

(7) The verification report must include results of sampling and monitoring carried out in accordance with the approved scheme.

(8) The verification report must include any plan for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action as may be required by the approved scheme, and the plan, or any amended plan approved in writing by the relevant planning authority, must be implemented as approved.

Construction environmental management plan

7.—(1) No part of the authorised development is to commence until a written construction environmental management plan has been submitted to and approved in writing by the relevant planning authority.

(2) The construction environmental management plan must include measures to address—

- (a) generation of dust and mud arising during construction;
- (b) the monitoring of PM10 particulates, including the taking of appropriate mitigation measures if National Air Quality Strategy objectives are exceeded or are predicted to be exceeded;
- (c) the routing of construction vehicles during construction;
- (d) noise and vibration;
- (e) safeguarding watercourses;

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- (f) flooding;
 - (g) waste management; and
 - (h) the mitigation of environmental impacts of construction reflecting the proposals of the environmental statement.
- (3) In relation to safeguarding watercourses, the construction environmental management plan must require—
- (a) the collection, treatment and disposal of all water entering or arising within the Order limits during construction, including the removal of suspended solids from surface water run-off, to ensure that there is no discharge of contaminated or polluted drainage to ground or surface waters;
 - (b) all foul drainage arising out of the authorised development to be discharged to a public sewer or else to a sealed tank, the contents of which must be removed from within the Order limits in its entirety;
 - (c) any chemical, oil or fuel storage container within the Order limits for the purposes of the authorised development to be sited on an impervious surface with bund walls, and the volume of the bunded area to be the equivalent of 110% of the volume of the container and to contain within its curtilage all fill and draw pipes, vents, gauges and sight glasses; and
 - (d) the drainage system of the bund to be sealed with no discharge to any watercourse, land or underground strata.
- (4) In relation to flooding the construction environmental management plan must comply with the requirements detailed in the Luton Borough Council and South Bedfordshire District Council Strategic Flood Risk Assessment.
- (5) In relation to the generation of mud and dust during construction, the construction environmental management plan must require—
- (a) wheel cleaning facilities to be installed and remain in position and be maintained in full working order, to be used by all heavy goods vehicles throughout the construction of the authorised development to minimise the risk that dust, mud or other deleterious matter is transferred to the public highway by vehicles leaving the authorised development;
 - (b) measures to be taken during construction to minimise the risk that dust or windblown material is carried on to adjacent property, including the watering of all haul and access roads and the spraying of storage heaps or operational construction areas as necessary during dry weather conditions; and
 - (c) all heavy goods vehicles carrying materials in to or out of the authorised development during the construction of the development to be securely sheeted unless the load is otherwise enclosed.
- (6) The construction of the authorised development must be carried out in accordance with the approved construction environmental management plan.

Noise and vibration

8.—(1) No part of the authorised development is to commence until a plan showing the locations of the acoustic barriers and details of the length, height, design and materials of the acoustic barriers has been submitted to and approved in writing by, the relevant planning authority.

(2) The acoustic barriers must be erected in accordance with the approved details prior to the opening of the link road and must be retained in place throughout the life of the road.

(3) All construction work must be undertaken in accordance with guidance detailed in the BS5228:2009 code of practice for noise and vibration control on construction and open sites, parts 1 and 2.

(4) All plant, equipment and other machinery used in connection with the construction of the link road must be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and must be maintained in accordance with that specification at all times throughout the development.

Access by construction traffic

9.—(1) No part of the authorised development is to commence until the locations and details of the access points for construction traffic from the public highway into the authorised development have been submitted to and approved in writing by the relevant planning authority.

(2) All construction traffic must at all times access the authorised development using an access point approved under sub-paragraph (1).

Building and construction materials – highways

10.—(1) No part of the authorised development is to commence until written details of the materials to be used for the surfacing of the new road comprised in Work No. 1 and the adjacent cycle track and footway have been submitted to and approved in writing by the relevant planning authority.

(2) The details submitted under sub-paragraph (1) must include provision for the use of low noise road surfacing materials on the road comprised in Work No. 1.

(3) The authorised development must be carried out using the materials approved under sub-paragraph (1).

Building and construction materials – structures

11.—(1) No part of the authorised development is to commence until written details of the building materials to be used for the external facings of all structures, including bridges, retaining walls and culvert sides and headwalls, have been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out using the materials approved under sub-paragraph (1).

Street lighting

12.—(1) No part of the authorised development is to commence until a scheme of the lighting to be erected along the link road has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme submitted under sub-paragraph (1) must include details of—

- (a) the areas of the link road to be lit;
- (b) the position of the lighting columns and their heights and designs, including their luminaires and any shielding that is to be incorporated into the lighting columns;
- (c) the extent of the light spread from each column; and
- (d) mitigation measures relating to lighting reflecting the proposals in the environmental statement.

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(3) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1).

Hours of working

13.—(1) No delivery or removal of materials or construction works is to take place on public holidays, Sundays or outside the hours of—

- (a) 0800 to 1800 hours on Mondays to Fridays; and
- (b) 0800 to 1300 hours on Saturdays.

(2) Sub-paragraph (1) does not prevent—

- (a) the use of pumping equipment or the carrying out of essential on-site repairs to plant and machinery; and
- (b) delivery or removal of materials or construction works carried out with the prior approval of the relevant planning authority,

outside such hours.

(3) Approval given under sub-paragraph (2)(b) may be given for specific activities or classes of activities.

Surface water disposal

14.—(1) No part of the authorised development is to commence until a detailed design of the realignment of Houghton Brook including long and cross sections and a written scheme for the disposal of surface water has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must include mitigation measures that reflect those proposed in the environmental statement and are considered sufficient by the relevant planning authority having regard to the flood risk assessment within the environmental statement.

(3) No infiltration system is to form a part of the scheme of surface water disposal unless the relevant planning authority is satisfied that it does not pose a risk to groundwater quality.

(4) The approved scheme for the disposal of surface water or any amended scheme approved in writing by the relevant planning authority must be implemented in its entirety.

Archaeology

15.—(1) No part of the authorised development is to commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out at all times in accordance with the scheme approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority.

(3) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must not be moved and must be reported to the relevant planning authority in writing within 3 working days.

(4) No construction operations for the authorised development are to take place within 10 metres of such remains for a period of 14 days from the date of such notification unless otherwise agreed in writing by the relevant planning authority.

(5) If the relevant planning authority are of the view that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the investigation and recording of the remains in accordance with details first submitted in writing to, and approved in writing by, the relevant planning authority.

Cultural heritage

16.—(1) The authorised development must not commence until a written cultural heritage scheme and programme has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme and programme must include mitigation measures reflecting those proposed in the environmental statement and include—

- (a) records to be taken to show the current appearance and setting of historic buildings impacted by the works; and
- (b) mitigation measures to protect such heritage assets as the scheme and programme identify as requiring protection.

(3) The authorised development must be carried out in accordance with the approved scheme and programme.

Geology

17.—(1) No part of the authorised development is to commence until a written scheme of geological investigation has been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must set out criteria for the assessment of geological exposures of scientific interest for the purposes of deciding whether a permanent geological conservation site should be created.

(3) The authorised development must be carried out in accordance with the approved scheme.

Monitoring of the effects of the authorised development

18.—(1) No part of the authorised development is to be opened for public use until a written scheme for monitoring the following effects of the authorised development has been submitted to and approved in writing by the relevant planning authority—

- (a) effects on nature conservation interests;
- (b) effects on access to community and private assets;
- (c) effects on the water environment including water quality, hydrology and flood risk;
- (d) landscape and visual effects;
- (e) effects on air quality; and
- (f) noise and vibration effects.

(2) The monitoring scheme must cover the monitoring of the above effects of the authorised development and their mitigation as set out in the environmental statement.

19.—(1) In this requirement, “the Transport Assessment” means the Woodside Link Transport Assessment forming part of the environmental statement.

(2) No part of the authorised development is to be opened for public use until a written scheme (“the Parkside Drive Scheme”) for monitoring and assessing the volume and effects of traffic using

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Parkside Drive, Houghton Regis has been submitted to and approved in writing by the relevant planning authority.

(3) The Parkside Drive Scheme must make provision for the monitoring of the volumes of motorised vehicular traffic using Parkside Drive on the basis of the same traffic monitoring methodology used for the Transport Assessment for a period of 2 weeks commencing on the first anniversary of the link road opening date and afterwards on the fourth, seventh, tenth, thirteenth and sixteenth anniversaries of that date.

(4) Any scheme which is approved by the relevant planning authority under sub-paragraph (2) must be implemented as approved.

(5) Should the monitoring show that motorised vehicle movements on Parkside Drive exceed 8300 movements per day averaged over a 2 week period, Central Bedfordshire Council must consult people living within 500 metres of Parkside Drive regarding whether to implement further traffic mitigation measures in order to secure significant amelioration of any adverse traffic, highway safety or traffic-related environmental conditions identified in the assessment.

Weight Limits

20. Not later than 3 months after Work No.1 has been brought into public use, Central Bedfordshire Council must initiate the process for making an order under the 1984 Act to introduce a 7.5 tonne weight limit on Sundon Road towards Houghton Regis Town Centre, and then implement any weight restriction agreed as a result of that process.